



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 21, 2022**

Freeport Station Apartments – Multiple-Family Dwelling	
Property Location:	Tax Assessor Map 11, Lots 127 & 128 (0 Depot Street & 8 Mill 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 seeking final approval for an 18,600 sf (footprint) three-story building with 67 dwelling units on a parcel of land currently used as a parking lot and located at the corner of Mill Street and Depot Street. The unit types will consist of 21 studio units, 40 one-bedroom units, & 6 two-bedroom units. Vehicular access to the site would be from an existing access way off of Depot Street. The submission does include a net residential acreage calculation; there are 0.64 acres of net residential acreage on the site. No environmentally sensitive areas have been identified on the site and there is no land per dwelling unit requirement in this zoning district.

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 Board deemed the review of the Site Inventory Map, Site Analysis and Conceptual Plan complete at the June 15, 2022 Project Review Board meeting. A public hearing was held and preliminary subdivision approval was granted on August 17, 2022.

**Utilities:** 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 were previously included in the submission; a letter from MaineWater (dated 06/22/22) and a letter from the Freeport Sewer District (dated 07/12/2022). Per the Freeport Subdivision Ordinance, utilities serving subdivisions shall be installed underground; a note indicating such has been added to the recording plan.

**Lighting:** Lighting cut-sheets and a photometrics plan were included in the submission.

**Access & Circulation:** Vehicular access to the site will be off an existing access-way on Depot Street. The applicant is still working on having these documents updated (easement and maintenance agreement). Submitting a final copy of the legal documents, to be reviewed and approved by the Town Attorney has been added as a proposed condition of the approval.

Any other existing vehicular accessways on the site will be removed. Pedestrian connections to sidewalks on Mill Street and Depot Streets will be provided. Some proposed work is shown in the public right of way; review and approval by the Council may be required for these proposed improvements as this is beyond the purview of the Project Review Board; this has been added as a proposed condition of approval. Permitting from the Freeport Department of Public Works will be required.

**Parking:** The applicant is proposing 24 on-site parking spaces with four being ADA accessible spaces. The spaces have been designed to comply with the dimensional standards of Section 514 of the Freeport Zoning Ordinance. Final determination of the parking requirement and providing documentation of required parking has been added as a proposed condition of the approval (*Note: There are currently proposed amendments to Section 514 for consideration before the Town Council and if amended, could impact the number of parking spaces required for the project.*)

**Stormwater Management:** The project is located in an Urban Impaired Watershed. Stormwater Management and Erosion Control Plans were included in the submission. Review comments from the Town Engineer are included in a memo dated 09/14/22 and he feels the standards of the applicable ordinances have been met. No permits from the Maine Department of Environmental Protection are required. Overall, there will be a slight decrease in the amount of impervious area on the site.

**Design Review:** Overall, the general building design remains similar to that presented at the preliminary review meeting. Based upon comments at the meeting, railings were added to the entrances along Depot Street in addition to a flare being added to the proposed steps. Proposed entrance, trim and brick above first floor windows and the entrance retaining wall have all been updated. The exterior façades of the building have been modified based upon comments at the last meeting and has been designed to consider the overall height and scale. The design incorporates the use of projections and recesses on each façade. Building materials have also been updated including window style, adding some bay windows trim and other architectural details seen on nearby Class A & B structures. The color of the main portion of the building will be Monterey Taupe; this is a factory applied finish applied to the Hardie Board siding. Since the color is not from a historic color palette, approval for the use of the color by the Board is required. The smaller roof canopies over the entrances will be peaked and will have architectural asphalt shingles.

**Other:** A letter from the Maine Historic Preservation Commission (05/18/22) was included in the last submission. In the letter, the Maine Historic Preservation Commission references the abutting property which contains the First Parish Congregational Church (n/f MeetingHouse Arts) which is part of the Main Street Historic District. In the letter, the abutting building and district were noted, but no comments regarding the compatibility of the new structure were included. The letter further notes that the “project area is not considered sensitive for archaeological resources.”

**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 applicant is proposing a three-story building that complies with the space and bulk requirements of the underlying zoning district. The structure incorporates design features such as bays, entrances, trim and variations in the façade setback to help minimize the scale of the structure. Based upon this information, the Board finds that this standard has been met.*

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

*The height of the building complies with the space and bulk requirements of the underlying zoning district. The new building will be below 35 feet in height and will be lower in height than some abutting properties. 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 applicant is proposing a three-story building that has frontage on two streets. The design incorporates features such as bays, entrances, trim in variations in the façade setback to help minimize the scale of the structure. Based upon this information, the Board finds that this standard has been met.*

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

*The rhythm of solids to voids in the front facades had been designed to incorporate the patterns seen on nearby Class A and B 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.**

*All windows and doors will be rectangular in shape and have been designed to be an appropriate scale based upon the size and use of the building. Most windows will be standard shape and style; however the design does incorporate some bay windows. 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 overall roof of the building will be flat, as seen on other structures in the Village. 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.**

*Railings were added to the entrances along Depot Street in addition to a flare being added to the proposed steps. Proposed entrance, trim and brick above first floor windows and the entrance retaining wall have all been updated. The building will be sided in clapboard style Hardie Boards and brick, PVC windows, pvc and aluminum framed doors, and window mullions between the glass. The color of the main portion of the building will be Monterey Taupe; this is a factory applied finish applied to the Hardie Board siding. Since it is not from a historic color palette, approval for the use of the color by the Board is required. The smaller roof canopies over the entrances will not be flat and will have architectural 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 site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance and is similar in layout to other nearby commercial properties. 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 site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance and is similar in layout to other nearby commercial properties. Landscaping has been incorporated into the setbacks and parking is located in the rear. 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".**

*A sign will be added over each of the two main entrances. The sign will be about 1'x17' and will consist of dimensional letters. 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 Findings of Fact: Section 602.F.1 of the Town of Freeport Zoning Ordinance**

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

*The applicant is seeking final approval for an 18,600 sf (footprint) three-story building with 67 dwelling units on a parcel of land currently used as a parking lot and located at the corner of Mill Street and Depot Street. There is limited vegetation existing on the site. The site design complies with the space and bulk requirements for the Village Commercial I Zoning District. New landscaping is proposed. The building has been designed to comply with the standards of the Freeport Design Review District. 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 applicant is seeking final approval for an 18,600 sf (footprint) three-story building with 67 dwelling units on a parcel of land currently used as a parking lot. There is limited vegetation existing on the site. The building has been designed to comply with the standards of the Freeport Design Review District while providing pedestrian and vehicular connections to the nearby streets. 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 be off an existing access-way on Depot Street. The applicant will need to submit legal documents pertaining to rights to the accessway and maintenance of this access; this has been included as a proposed condition of approval. Due to the expected number of trips generated, this project will not require a Traffic Movement Permit from the Maine Department of Transportation. 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.

*The applicant is proposing 24 on-site parking spaces with four being ADA accessible spaces. The spaces have been designed to comply with the dimensional standards of Section 514 of the Freeport Zoning Ordinance. Final determination of the parking requirement and providing documentation of required parking has been added as a proposed condition of the approval. 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 project is located in an Urban Impaired Watershed. Stormwater Management and Erosion Control Plans were included in the submission. Review comments from the Town Engineer are included in a memo dated 09/14/22 and he feels the standards of the applicable ordinances have been met. No permits from the Maine Department of Environmental Protection are required. Overall, there will be a slight decrease in the amount of impervious area on the site. 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.

*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 were previously included in the submission; a letter from MaineWater (dated 06/22/22) and a letter from the Freeport Sewer District (dated 07/12/2022). Per the Freeport Subdivision Ordinance, utilities serving subdivisions shall be installed underground; a note indicating such has been added to the recording 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.

*A sign will be added over each of the two main entrances. The sign will be about 1'x17' and will consist of dimensional letters. 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.

*In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, the owner will be required to contract with a private waste hauler for the disposal of solid waste. Based upon this information, the Board finds that this standard has been met. Based upon this information, the Board finds that this standard has been met.*

- i. **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.

*A photometrics plan has been included in the submission and lighting has been proposed and updated to comply with Section 521.A Exterior Lighting of the Freeport Zoning Ordinance. All lighting fixtures will be full cut-off. Based upon this information, the Board finds that this standard has been met.*

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

*All public safety departments heads have reviewed the plans. The applicant did submit a plan sheet to demonstrate that fire apparatus should be able to maneuver the site. 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.

*A landscaping plan has been included in the submission and prepared by Land Design Solutions. A variety of species have been included in the design and will help soften the appearance of the 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) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

*This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building will be connected to public utilities. There are not areas of flood plain identified on the site. A stormwater management and erosion control plan has been submitted and reviewed and approved by the Town Engineer. No known historic or archaeological resources will be negatively impacted by this project. Based upon this information, the Board finds that this standard has been met.*

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

**Proposed Findings of Fact – Freeport Subdivision Ordinance:**

**11.1 Pollution**

**A. State Standard**

**Pollution.** The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

*The parcel is located within the watershed of an Urban Impaired Stream. No wetlands, streams, or vernal pools have been developed on the site. Due to the size and nature of the project, review and approval from the Maine Department of Environmental Protection (DEP) will not be required. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regards to stormwater. His comments are included in a memo dated 09/14/22 (attached). The applicant has obtained capacity letters from MaineWater (dated 06/22/22) and a letter from the Freeport Sewer District (dated 07/12/2022). Based upon this information, the Board finds that this standard has been met.*

**11.2 Sufficient Water**

**A. State Standard**

**Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

*The development will be connected to the public water system. MaineWater did issue a capacity to serve letter dated 06/22/22. Based upon this information, the Board finds that this standard has been met.*

**11.3 Impact on Existing Water Supplies**

**A. State Standard**

**Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

*The development will be connected to the public water system. MaineWater did issue a capacity to serve letter dated 06/22/22. Based upon this information, the Board finds that this standard has been met.*

**11.4 Soil Erosion.**

**A. State Standard**

**Erosion.** The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

*Erosion control plans have been included in the submission. Due to the size and nature of the project, a Site Location of Development (SLODA) Permit from the Maine Department of Environmental Protection (DEP) was not required. The Town Engineer has reviewed the submission for compliance*

*with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regards to stormwater management and erosion control. His comments are included in a memo dated 09/14/22 (attached). A Maintenance Agreement for a Stormwater Management System is a suggested condition of approval. Based upon this information, the Board finds that this standard has been met.*

### **11.5 Traffic Conditions**

#### **A. State Standards**

**Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

*Vehicular access to the site will be off an existing access-way on Depot Street. The applicant will need to submit legal documents pertaining to rights to the accessway and maintenance of this access; this has been included as a proposed condition of approval. The Town Engineer did review the information included in the submission regarding traffic and circulation. Due to the expected number of trips generated, this project will not require a Traffic Movement Permit from the Maine Department of Transportation. Based upon this information, the Board finds that this standard has been met.*

### **11.6 Sewage Disposal**

#### **A. State Standards**

**Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

*The project will utilize the public sewer system. The Freeport Sewer District did issue a capacity to serve letter dated 07/12/22. Based upon this information, the Board finds that this standard has been met.*

### **11.7 Solid Waste**

#### **A. State Standard**

**Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

*In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, the owner will be required to contract with a private waste hauler for the disposal of solid waste. The location of dumpsters has been shown on the plan. Based upon this information, the Board finds that this standard has been met.*

### **11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline**

#### **A. State Standard**

**Aesthetic, cultural, and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

*A letter from the Maine Historic Preservation Commission (05/18/22) was included in the last*

*submission. In the letter, the Maine Historic Preservation Commission references the abutting property which contains the First Parish Congregational Church (n/f MeetingHouse Arts) which is part of the Main Street Historic District. In the letter, the abutting building and district were noted, but no comments regarding the compatibility of the new structure were included. The letter further notes that the “project area is not considered sensitive for archaeological resources.”*

*In a letter dated 06/01/22, Becca Settele from the Maine Department of Inland Fisheries and Wildlife states that “...Our information indicates no locations of State-listed Endangered, Threatened, or Special Concern species within the project area that would be affected by the project.”*

*In a letter dated 05/09/22, Lisa St. Hilaire, Maine Natural Areas Program, states “...that there are no rare botanical features documented specifically within the project area...”*

*No wetlands were identified on the site. Based upon this information, the Board finds that this standard has been met.*

#### **11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.**

##### *A. State Standard*

**Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

*The project requires a Design Review Certificate, Site Plan Review and Subdivision Review. The parcel is in the Village Commercial I (VC-1) Zoning District. The proposal includes an 18,600 sf (footprint) three-story building with 67 dwelling units. The unit types will consist of 21 studio units, 40 one-bedroom units, & 6 two-bedroom units. The submission does include a net residential acreage calculation; there are 0.64 acres of net residential acreage on the site. There is no land per dwelling unit requirement in this zoning district.*

*This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance). The Board deemed the review of the Site Inventory Map, Site Analysis and Conceptual Plan complete at the June 15, 2022 Project Review Board meeting. A public hearing was held and preliminary subdivision approval was granted on August 17, 2022.*

*Based upon this information, the Board finds that this standard has been met.*

#### **11.10 Financial and Technical Capacity**

##### *A. State Standard*

**Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section.

*The subdivision plan was prepared by Sevee and Maher Engineers, Inc. A landscaping plan was prepared by Peter Biegel, ASLA, LAAD AP – Maine Licensed Landscape Architect from Land Design Solutions. Building renderings were developed by David Sherborn, Maine Licensed Architect, Opechee Construction Corporation.*

*A letter was submitted from Goedecke & Co., LLC, dated 04/25/2022, demonstrating their experience working with JHR Development and the ability to secure funding. JHR Development will be the entity constructing the project. Based upon this information, the Board finds that this standard has been met.*

#### **11.11 Impact on Water Quality or Shoreline**

A. *State Standard*

**Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B<sup>1</sup>, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

*This parcel is not located within the watershed of a great pond or lake nor is it within the Shoreland Zone. Based upon this information, the Board finds that this standard has been met.*

#### **11.12 Impact on Ground Water Quality or Quantity**

A. *State Standard*

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

*The development will be connected to the public water system. Based upon this information, the Board finds that this standard has been met.*

#### **11.13 Floodplain Management**

A. *State Standard*

**Flood areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps, Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

*The parcels are in Zone C, areas of minimal flooding, on the FEMA Flood Insurance Rate Maps (FIRM). Based upon this information, the Board finds that this standard has been met.*

#### **11.14 Identification of Freshwater Wetlands**

A. *State Standard*

**Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

*No significant vernal pools or wetlands were identified on the site. Based upon this information, the Board finds that this standard has been met.*

#### **11.15 Rivers, Streams, and Brooks**

A. *State Standard*

**River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

*No rivers, streams or brooks have been identified on the site. Based upon this information, the Board finds that this standard has been met.*

### **11.16 Storm Water Management**

A. *State Standard*

**Storm water.** The proposed subdivision will provide for adequate storm water management.

*Due to the size and nature of the project, a Site Location of Development (SLODA) Permit from the Maine Department of Environmental Protection (DEP) was not required. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regards to stormwater management and erosion control. His comments are included in a memo dated 09/14/2022. A Maintenance Agreement for a Stormwater Management System is a suggested condition of approval. Based upon this information, the Board finds that this standard has been met.*

### **11.17 Spaghetti Lots**

A. *State Standard*

**Spaghetti lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

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

### **11.18 Phosphorus Impacts on Great Ponds**

A. *State Standard*

**Lake phosphorus concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

*The development is not within the watershed of a great pond. Based upon this information, the Board finds that this standard has been met.*

### **11.19 Impacts on Adjoining Municipalities**

A. *State Standard*

**Impact on adjoining municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

*The parcels do not abut or cross the municipal boundary. Based upon this information, the Board finds that this standard has been met.*

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Design Review Certificate, Site Plan and final subdivision plan 10 Depot Street, LLC., for the proposed Freeport Station Apartments (Tax Assessor Map 11, Lots 127 & 128) for a 67-unit multi-family residential subdivision, subdivision recording plan dated **TBD** and revised through **TBD**, to be built substantially as proposed, finding that it meets the standards of the Freeport Design Review Ordinance, Freeport Zoning Ordinance and the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
  - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
  - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, in accordance with Article 12.9 of the Freeport Subdivision Ordinance, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
  - C. Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site 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 submit a final copy of the updated legal documents (easement and maintenance agreement) pertaining to vehicular access for the accessway from Depot Street to the property, to be reviewed and approved by the Town Attorney.
- 3) Pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at suchtime.
- 4) The final signed copy of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
- 5) The applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- 6) The applicant shall provide the Town with digital file, in a format compatible with the Assessor's records, containing the information shown on the recording plan.
- 7) The Board approves the use of the color called "Monterey Taupe" which will be a factory applied finish applied to the Hardie Board siding.

- 8) Prior to a building permit being issued, the applicant demonstrate that the applicable off-street parking requirement (per Section 514 of the Freeport Zoning Ordinance) for the project can be met, based upon the standards in place at such time.
- 9) Prior to construction, the applicant obtain any applicable permits from the Freeport Department of Public Works
- 10) Any proposed improvements in the public right of way are beyond the purview of the Project Review Board, and review and approval from the Town Council may be required.
- 11) Any site improvements, such as landscaping, shown beyond the boundaries of the subject property will need to be agreed to by the abutting property owner and may require an amendment to the site plan for the abutting property. If such changes are not agreed to by the abutting property owner, the applicant may need to return to the Board to modify the landscaping plan for this project.

<b>Freeport Village 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 was last before the Board in July when they presented the original conceptual plans for a multiple-family dwelling at the site (vacant parcel of land located at the corner of Main Street and West Street). Previously, a 12,135 s.f. footprint, three story building with 25 dwelling units and associated site improvements was proposed. Based upon feedback given at the meeting, the applicant has revised the building and site design and is now proposing two new, three-story, multiple-family dwellings (9,300 sf footprint each) with a total of 30 residential dwelling units and associated site improvements. Overall, the new design has a reduction of approximately 5,800 sf of gross floor area. The proposed unit types have also changed; with fourteen (14) one-bedroom units and sixteen (16) 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 0.35 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.

With regards to Site Plan Review, the space and bulk standards for the Zoning District (ie: building height, lot coverage, setbacks...) are contained in Section 413. Village Commercial “VC-I” of the Freeport Zoning Ordinance.

**Site Features:** 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 09/14/22 (attached).

Vehicular access to the site will be off West Street and the existing vehicular access from Main Street 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; it is beyond the purview of this Board. Based upon the use and the number of units, the project will not meet the threshold for a Maine Department of Transportation Traffic Movement Permit.

Pedestrian connections to the building will be provided through walkways leading to entrances on multiple facades of the buildings. These walkways will tie-into the 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 33 on-site parking spaces. 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 recently made a recommendation to the Freeport Town Council to consider reducing 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.

**Building Design:** Updated conceptual building renderings have been included in the submission. Two smaller buildings are now proposed, reducing the overall size of the building and footprint and the length of façade along the road. Overall, the building façades have been designed to incorporate the style and details of more traditional New England architecture.

The amount of proposed green space on the site has increased and includes a pocket park on the corner of West and Main Streets, space between the buildings and more green space on the sides of the buildings. The entrance on the West Street façade has been designed with features to make it stand out from the remainder of the building façade. A new entrance with wall has been added on the rear façade (facing Depot Street).

The façade has been broken up with building projections, openings, entrances and trim details all which help to minimize the expanse of the building façades. Details on building materials will be forthcoming. The parcel is in the Color Overlay District so the applicant can use any paint colors from any paint manufacturer's historic color palette without needing approval from the Board. The submission does include information on 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 TBD, 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><u>Ingwersen 2007 Living Trust – Cunningham Road – Shoreland Stabilization</u></b>	
Property Location:	Tax Assessor Map 5A, Lot 31 (40 Cunningham Road)
Zoning Information:	Medium Density Residential I (MDR-1) and Shoreland Area (SA)
Review Type(s):	Shoreland Zone Permit
Waivers Requested:	None

**Background:** The applicant is seeking after-the-fact approval for a Shoreland Zoning Permit (for Shoreland Stabilization). Approximately 45 feet of shoreline was stabilized with rip rap. Review of the project is required by the Project Review Board, per Section 305, Table 1 (line 16) of the Town of Freeport Shoreland Zoning Ordinance.

Section 306 of the Town of Freeport Shoreland Zoning Ordinance ([050322 chapter 65 shoreland zoning ordinance adopted.pdf \(freeportmaine.com\)](#)) has standards for the various allowable Shoreland Area land uses. These are the standards under which the Board must review the application.

In addition to municipal review, permitting from both the Maine Department of Environmental Protection and the Army Corps of Engineers are required. The applicant is aware of this and those applications have been submitted to the applicable 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 project is for after-the fact shoreline stabilization at a residential property on Cunningham Road. This work was completed in 2020 to stop continued erosion and protect the structures existing on the site. About 45 feet of shoreline was stabilized, with the area extending from about one foot below the highest annual tide (HAT) line to three feet above the highest annual tide line. The project was completed to minimize impacts to the coastal wetland, however resulted in about 45 square feet of impact. This work ties into stabilization work also completed on the abutting property to the north. No vegetation was required to be removed for this project. Existing vegetation on the top of the bank was retained. No new plantings are proposed.

**Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 306.**

## **Land Use Standards**

Notwithstanding the standards of the underlying zoning district(s), all land use activities within the Shoreland Zone, shall also conform with the following provisions if applicable:

### **A. Space Standards:**

*Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.*

### **B. Principal and Accessory Structures**

*Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.*

### **C. 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**

*Not applicable as no 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 are proposed. Based upon this information, the Board finds that this standard has been met.*

### **D. Campgrounds.**

*Not applicable as no campgrounds are proposed. Based upon this information, the Board finds that this standard has been met.*

### **E. Individual Private Campsites.**

*Not applicable as no individual private campsites are proposed. Based upon this information, the Board finds that this standard has been met.*

### **F. Parking Areas:**

*Not applicable as no parking areas are proposed. Based upon this information, the Board finds that this standard has been met.*

### **G. Roads and driveways**

*Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.*

### **H. Signs:**

*Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.*

### **I. Storm Water Runoff**

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

*No changes resulting in an increase of stormwater run-off are proposed. The applicant installed rip rap to stabilize the eroding shoreline. Based upon this information, the Board finds that this standard has been met.*

**J. Septic Waste Disposal**

*Not applicable as no septic waste disposal systems are proposed. Based upon this information, the Board finds that this standard has been met.*

**K. Essential Services**

*Not applicable as no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.*

**L. Mineral Exploration**

*Not applicable as no mineral exploration is proposed. Based upon this information, the Board finds that this standard has been met.*

**M. Agriculture**

*Not applicable as no agriculture is proposed. Based upon this information, the Board finds that this standard has been met.*

**N. Clearing of Vegetation for Activities Other than Timber Harvesting**

*No clearing of vegetation resulted from this project. Based upon this information, the Board finds that this standard has been met.*

**O. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

*No Hazard Trees, Storm-Damaged Trees, and Dead Trees were removed with this project. Based upon this information, the Board finds that this standard has been met.*

**P. Exemptions to Clearing and Vegetation Removal Requirements**

*No clearing of vegetation resulted from this project. Based upon this information, the Board finds that this standard has been met.*

**Q. Revegetation Requirements**

*No clearing of vegetation resulted from this project and therefore revegetation is not required. Based upon this information, the Board finds that this standard has been met.*

**R. Erosion and Sedimentation Control**

*The applicant installed rip rap to stabilize the eroding shoreline. No other erosion control was installed for this project. Based upon this information, the Board finds that this standard has been met.*

**S. Water Quality**

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

*The applicant installed rip rap to stabilize the eroding shoreline which should improve the water quality by reducing sediments runoff from the land. Based upon this information, the Board finds that this standard has been met.*

**T. Shoreline Stabilization**

Vegetation may be removed in excess of the standards in Section 306.N of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board. Construction equipment must access the shoreline by barge when feasible as determined by the Project Review Board.

- (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
  
- (b) Revegetation must occur in accordance with Section 306.Q

*The applicant installed rip rap to stabilize the eroding shoreline. No clearing of vegetation resulted from this project and therefore revegetation is not required. Based upon this information, the Board finds that this standard has been met.*

**U. Soils**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. In addition, if an on-site investigation for a septic system is needed, a Maine Licensed Site Evaluator shall submit a required report. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed design to counteract soil limitations where they exist.

*This is a shoreline stabilization project and no new land uses are proposed. Based upon this information, the Board finds that this standard has been met.*

**V. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Codes Enforcement Officer, during the required review process, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the Codes Enforcement Officer who shall consider comments received from the Commission prior to rendering a decision on the application.

*There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. 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 Town of Freeport Shoreland Zoning Ordinance.**

**Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 404. 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;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;
8. Will avoid problems associated with floodplain development and use; and
9. Is in conformance with the provisions of Section 306, Land Use Standards.

*The project is for after-the fact shoreline stabilization at a residential property on Cunningham Road. This work was completed in 2020 to stop continued erosion and protect the structures existing on the site. About 45 feet of shoreline was stabilized, with the area extending from about one foot below the highest annual tide (HAT) line to three feet above the highest annual tide line. The project was completed to minimize impacts to the coastal wetland, however resulted in about 45 square feet of impact. No vegetation was required to be removed for this project. Existing vegetation on the top of the bank was retained. No new plantings are proposed. There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. The property is not within the Marine Waterfront District and there is no public access to the water. 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 Town of Freeport Shoreland Zoning Ordinance.**

**Proposed Motion:** Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Helen S. Ingwersen 2007 Living Trust, Helen Shaw Ingwersen, Trustee, for an after-the-fact Shoreline Stabilization Project (approximately 45 feet in length) at a residential property at Tax Assessor Map 5A, Lot 31 (40 Cunningham Road), to be built substantially as proposed in an application dated

08/10/2022, finding that it meets the standards of Section 306 & 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.

<b>Ellen Zdyb– Cunningham Road - Shoreland Stabilization</b>	
Property Location:	Tax Assessor Map 5A, Lot 32B (34 Cunningham Road)
Zoning Information:	Medium Density Residential I (MDR-1) and Shoreland Area (SA)
Review Type(s):	Shoreland Zone Permit
Waivers Requested:	None

**Background:** The applicant is seeking after-the-fact approval for a Shoreland Zoning Permit (for Shoreland Stabilization). Approximately 65 feet of shoreline was stabilized with rip rap. Review of the project is required by the Project Review Board, per Section 305, Table 1 (line 16) of the Town of Freeport Shoreland Zoning Ordinance.

Section 306 of the Town of Freeport Shoreland Zoning Ordinance ([050322 chapter 65 shoreland zoning ordinance adopted.pdf \(freeportmaine.com\)](#)) has standards for the various allowable Shoreland Area land uses. These are the standards under which the Board must review the application.

In addition to municipal review, permitting from both the Maine Department of Environmental Protection and the Army Corps of Engineers are required. The applicant is aware of this and those applications have been submitted to the applicable 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 project is for after-the fact shoreline stabilization at a residential property on Cunningham Road. This work was completed in 2020 to stop continued erosion and protect the structures existing on the site. About 65 feet of shoreline was stabilized, with the area extending from about one and a half feet below the highest annual tide (HAT) line to three feet above the highest annual tide line. The project was completed to minimize impacts to the coastal wetland, however resulted in about 97.5 square feet of impact. This work ties into stabilization work also completed on the abutting property.

No large vegetation was required to be removed for this project. Some smaller vegetation was removed to be able to access the site and that area will be restored with vegetation. Much of the other existing vegetation on the top of the bank was retained.

There is an existing area of rip rap higher up on the slope. This area of rip rap will be removed and the area will be revegetated with shrubs.

A set of stairs was also constructed; that component does not come under the purview of the Project Review Board.

**Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 306. Land Use Standards**

Notwithstanding the standards of the underlying zoning district(s), all land use activities within the Shoreland Zone, shall also conform with the following provisions if applicable:

**A. Space Standards:**

*Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.*

**B. Principal and Accessory Structures**

*Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.*

**C. 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**

*Not applicable as no 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 are proposed. Based upon this information, the Board finds that this standard has been met.*

**D. Campgrounds.**

*Not applicable as no campgrounds are proposed. Based upon this information, the Board finds that this standard has been met.*

**E. Individual Private Campsites.**

*Not applicable as no individual private campsites are proposed. Based upon this information, the Board finds that this standard has been met.*

**F. Parking Areas:**

*Not applicable as no parking areas are proposed. Based upon this information, the Board finds that this standard has been met.*

**G. Roads and driveways**

*Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.*

**H. Signs:**

*Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.*

**J. Storm Water Runoff**

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

*No changes resulting in an increase of stormwater run-off are proposed. The applicant installed rip rap to stabilize the eroding shoreline. Based upon this information, the Board finds that this standard has been met.*

**J. Septic Waste Disposal**

*Not applicable as no septic waste disposal systems are proposed. Based upon this information, the Board finds that this standard has been met.*

**K. Essential Services**

*Not applicable as no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.*

**L. Mineral Exploration**

*Not applicable as no mineral exploration is proposed. Based upon this information, the Board finds that this standard has been met.*

**M. Agriculture**

*Not applicable as no agriculture is proposed. Based upon this information, the Board finds that this standard has been met.*

**N. Clearing of Vegetation for Activities Other than Timber Harvesting**

*No large vegetation was required to be removed for this project. Some smaller vegetation was removed to be able to access the site and that area will be restored with vegetation. Much of the other existing vegetation on the top of the bank was retained. There is an existing area of rip rap higher up on the slope. This area of rip rap will be removed and the area will be revegetated with shrubs. Based upon this information, the Board finds that this standard has been met.*

**O. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

*No Hazard Trees, Storm-Damaged Trees, and Dead Trees were removed with this project. Based upon this information, the Board finds that this standard has been met.*

**P. Exemptions to Clearing and Vegetation Removal Requirements**

*No large vegetation was required to be removed for this project. Some smaller vegetation was removed to be able to access the site and that area will be restored with vegetation. Much of the other existing vegetation on the top of the bank was retained. There is an existing area of rip rap higher up on the slope. This area of rip rap will be removed and the area will be revegetated with shrubs. Based upon this information, the Board finds that this standard has been met.*

**Q. Revegetation Requirements**

*No large vegetation was required to be removed for this project. Some smaller vegetation was removed to be able to access the site and that area will be restored with vegetation. Much of the other existing vegetation on the top of the bank was retained. There is an existing area of rip rap higher up on the slope. This area of rip rap will be removed and the area will be revegetated with shrubs. Based upon this information, the Board finds that this standard has been met.*

#### **R. Erosion and Sedimentation Control**

*The applicant installed rip rap to stabilize the eroding shoreline. No other erosion control was installed for this project. Based upon this information, the Board finds that this standard has been met.*

#### **S. Water Quality**

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

*The applicant installed rip rap to stabilize the eroding shoreline which should improve the water quality by reducing sediments runoff from the land. Based upon this information, the Board finds that this standard has been met.*

#### **T. Shoreline Stabilization**

Vegetation may be removed in excess of the standards in Section 306.N of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board. Construction equipment must access the shoreline by barge when feasible as determined by the Project Review Board.

- (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
  
- (b) Revegetation must occur in accordance with Section 306.Q

*The applicant installed rip rap to stabilize the eroding shoreline. No large vegetation was required to be removed for this project. Some smaller vegetation was removed to be able to access the site and that area will be restored with vegetation. Much of the other existing vegetation on the top of the bank was retained. There is an existing area of rip rap higher up on the slope. This area of rip rap will be removed and the area will be revegetated with shrubs. Based upon this information, the Board finds that this standard has been met.*

#### **U. Soils**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. In addition, if an on-site investigation for a septic system is needed, a Maine Licensed Site Evaluator shall submit a required report. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the

evaluator deems appropriate. The soils report shall include recommendations for a proposed design to counteract soil limitations where they exist.

*This is a shoreline stabilization project and no new land uses are proposed. Based upon this information, the Board finds that this standard has been met.*

#### **V. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Codes Enforcement Officer, during the required review process, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the Codes Enforcement Officer who shall consider comments received from the Commission prior to rendering a decision on the application.

*There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. 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 Town of Freeport Shoreland Zoning Ordinance.**

#### **Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 404. 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;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;
8. Will avoid problems associated with floodplain development and use; and
9. Is in conformance with the provisions of Section 306, Land Use Standards.

*The project is for after-the fact shoreline stabilization at a residential property on Cunningham Road. This work was completed in 2020 to stop continued erosion and protect the structures existing on the site. About 65 feet of shoreline was stabilized, with the area extending from about one foot below the highest annual tide (HAT) line to three feet above the highest annual tide line. The project was completed to minimize impacts to the coastal wetland, however resulted in about 97.5 square feet of impact. No vegetation was required to be removed for this*

*project. Existing vegetation on the top of the bank was retained. No new plantings are proposed. There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. The property is not within the Marine Waterfront District and there is no public access to the water. 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 Town of Freeport Shoreland Zoning Ordinance.**

**Proposed Motion:** Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Ellen M. Zdyb for an after-the-fact Shoreline Stabilization Project (approximately 75 feet in length) at a residential property at Tax Assessor Map 5A, Lot 32B (34 Cunningham Road), to be built substantially as proposed in an application dated 08/10/2022, finding that it meets the standards of Section 306 & 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.

<b>Desert of Maine –Site Plan Amendment</b>	
Property Location:	Tax Assessor Map 22, Lot 8
Zoning Information:	Rural Residential I (RRI), Nature Based and Art Overlay District (NBAOD)
Review Type(s):	Site Plan Amendment
Waivers Requested:	None

**Background:** The applicant is seeking approval for a Site Plan Amendment at the Desert of Maine. Proposed changes include alterations to the previously approved guest cabins and the addition of a 20’x40’ seasonal tent to supplement programming.

The applicant previously had approval for the following; 8 small cabins, 7 medium cabins, 3 large cabins, 8 RV/tent sites, and one tent-only site. Overall, there will be a decrease of one cabin site (shown as site five) and that site will remain as a tent/rv site as it currently existis. All other sites will remain to be used as previously approved, just with building alterations if they were cabin approved sites.

Although a six cabins have already been built, the new cabins would change style with perpendicular walls, versus the previously approved A-frame styles. Details on the appearance have been included in the submission and the cabins will include covered entrances and operable windows. Although the size of the large cabins will be reduced, those three cabins are still designed to be ADA accessible with a ramp, accessible bathroom and accessible parking stall.

As a result of the changes, the applicant calculates that there will be an overall decrease of 888 s.f. of impervious area versus what was previously approved for the cabins.

New lighting is proposed for the cabins and all lighting will be required to be full cut-off fixtures compliant with Section 521.A of the Freeport Zoning Ordinance.

The applicant is also seeking approval for a tent. The tent was used temporarily this season as a covered space for existing programming including parties, educational programming and outdoor concerts. The tent would provide a covered space for programming while the Tuttle Barn is under renovation, but they would like to seek approval to permanently have it on site for an additional covered space to supplement existing programming. No new programming will be created from having the tent and traffic to the site is not expected to increase. The tent will be installed directly on the ground, with no pad proposed and would be taken down seasonally. The tent would be located at the end of the main boardwalk to the dunes.

**Other:** No changes to utilities, stormwater management, traffic, parking, circulation, landscaping and/or signage are proposed.

**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 parcel is in the Rural Residential I Zoning District and the new Nature-Based and Art Overlay District (Section 428 of the Freeport Zoning Ordinance). Proposed changes include alterations to the previously approved guest cabins and the additional of a 20'x40' seasonal tent to supplement programming. Overall there will be a decreased in the number of cabins by one. No new camping sites will result and no new clearing is proposed. 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.**

*The parcel is not within the Design Review District. All new or replacement structures will*

*comply with the setback requirements of the applicable zoning districts. The site is currently used as a campground and nature-based commercial enterprise. All cabins will be located in previously approved sites, with an overall decrease of one cabin. The tent will be located in the ground and in an area that is already cleared. 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 traffic to the site will not be altered and is existing from the end of Desert Road. Based upon this information, the Board finds that this standard has been met.*

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

*No changes to parking are proposed. 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.

*There will be an overall decrease in impervious area. Stormwater management and erosion control plans were prepared and included in the original submission and no changes are proposed. Based upon this information, the Board finds that this standard has been met.*

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site

plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

*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.**

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

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

*New lighting is proposed for the cabins and all lighting will be required to be full cut-off fixtures compliant with Section 521.A of the Freeport Zoning Ordinance. 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 the previously approved landscaping plan are proposed. 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 surfacewaters;
  - (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 Marine Waterfront District or the Shoreland Zone. The Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be through private systems. 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 a Site Plan Amendment for Heestand Family Holding, LLC for a Site Plan Amendment with changes to include changes to the design of previously approved guest cabins and the addition of a tent, to be used seasonally, at the Desert of Maine (Tax Assessor Map 22, Lot 8), to be built substantially as proposed, application dated 08/31/2022, 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 construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Department.
- 3) The conditions of approval from the past approvals as still applicable.

**From:** [Paul Conley](#)  
**To:** [Caroline Pelletier](#)  
**Subject:** Freeport Station Apartments FD review  
**Date:** Tuesday, September 13, 2022 2:14:11 PM

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Caroline

This email identify areas of concern from a Fire and EMS response to the proposed Freeport Station apartments.

This assessment was obtained from the scaled down site map proposed.

Turning radius from Depot St onto the entrance appears to be tight turn as well as the entrance to the parking area. The vehicle track lines shown display some curb and car impingement at the first parking space for a clear travel path.

Does the site plan drawings identify the location of the hydrants for water supply by the FD

Markings in the entrance area for “No Parking Fire Lane” signage

Side walk must be able to allow for a ambulance stretcher to make a full turn fully flat

I will be glad to discuss my concerns

Paul Conley  
Fire Rescue Chief  
Freeport Fire/ Rescue  
4 Main St  
Freeport Maine 04032  
207-865-3421 Office



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## MEMORANDUM

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**TO:** Caroline Pelletier, Town Planner  
**CC:** Cecilia Smith, Assistant Planner  
**FROM:** Earl Gibson, Public Works Superintendent  
**DATE:** September 14, 2022  
**SUBJECT:** Freeport Station Apartments

Caroline

Can you see that the following items are included in the final plans? Feel free to contact me with any questions you may have.

Summit to Freeport Public Works Department for highway opening permits when connecting to utility.

The Contractor performing the utility work or Contractor working in the Town's ROW will need Summit to Freeport Public Works Department for a Contractor License.

Provide an ADA Accessible Ramp and ADA detectable warning panels (Cast Iron) at the crosswalk leading into the parking garage.

Provide an ADA Accessible Ramp and ADA detectable warning panels (Cast Iron) at the crosswalk crossing Depot St.

Provide ADA detectable warning panels (Cast Iron) at the new proposed crosswalk off of Depot St.

Earl



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## MEMORANDUM

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**TO:** Caroline Pelletier, Town Planner  
**FROM:** Adam S. Bliss, P.E., Town Engineer  
**DATE:** September 14, 2022  
**SUBJECT:** Freeport Station Apartments  
10 Depot Street  
Map 11, Lots 127 and 128

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I received the following information for review from the Applicant and their consultant, Sevee & Maher Engineers.

- Response letter dated September 14, 2022
- Revised Site Plans (drawings), dated September 14, 2022
- Stormwater Management Report, dated July 27, 2022

I have reviewed the technical engineering components of the project for compliance with Town Ordinances and generally accepted engineering standards.

### **Technical Engineering Review**

1. The Applicant's response to engineering comments meets the standards contained in the Zoning and Subdivision Ordinances.
2. The Erosion Control Plan complies with the Town's Ordinances.
3. The stormwater design for the project complies with the Town's Ordinances. As required, the post development peak flows for the 2-, 10-, and 25-year storm events are below pre-development levels at the analysis point. The proposed Subsurface Sand Filter will effectively provide stormwater quality and quantity treatment.
4. This approval relates to the application and plans submitted through the Town's Project Review Board (PRB) application process. The Applicant is responsible for communicating all changes to plans and applications beyond PRB approval.

### **Performance Guarantee**

The Applicant should submit a revised cost estimate containing material quantities if they intend to request releases from their performance guarantee at periodic intervals during construction.

### **Stormwater Maintenance Agreement**

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

### **Pre-construction Meeting**

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



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## MEMORANDUM

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**TO:** Caroline Pelletier, Town Planner  
**FROM:** Adam S. Bliss, P.E., Town Engineer  
**DATE:** September 14, 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 application dated August 30, 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 September 21, 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.



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## MEMORANDUM

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**TO:** Caroline Pelletier, Town Planner

**CC:** Cecilia Smith, Assistant Planner

**FROM:** Earl Gibson, Public Works Superintendent

**DATE:** September 14, 2022

**SUBJECT:** Ingwersen 2007 Living Trust Cunningham Road Shoreland Stabilization

Caroline.

After reviewing this project, currently I didn't have any concerns regarding public works.

Earl



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## MEMORANDUM

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**TO:** Caroline Pelletier, Town Planner

**CC:** Cecilia Smith, Assistant Planner

**FROM:** Earl Gibson, Public Works Superintendent

**DATE:** September 14, 2022

**SUBJECT:** Ellen Zdyb Cunningham Road Shoreland Stabilization

Caroline.

After reviewing this project, currently I didn't have any concerns regarding public works.

Earl

**From:** [Adam Bliss](#)  
**To:** [Caroline Pelletier](#)  
**Cc:** [Adam Bliss](#)  
**Subject:** Desert of Maine Review  
**Date:** Wednesday, September 14, 2022 12:47:11 PM

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Hi Caroline,

I have reviewed the latest Desert of Maine proposal to change the cabin design and sizing. There isn't any impact on the stormwater quality or quantity since the net result is a reduction in impervious surfaces relative to the most recently approved Site Plan. I approve the application as submitted.

Thank you,

Adam

Adam S. Bliss, P.E.  
Freeport Town Engineer / Public Works Director  
[abliss@freeportmaine.com](mailto:abliss@freeportmaine.com)  
207.865.4743 x106

Freeport Town Hall  
30 Main Street  
Freeport, Maine 04032



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## MEMORANDUM

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**TO:** Caroline Pelletier, Town Planner

**CC:** Cecilia Smith, Assistant Planner

**FROM:** Earl Gibson, Public Works Superintendent

**DATE:** September 14, 2022

**SUBJECT:** Desert of Maine Site Plan Amendment

Caroline.

After reviewing the plans for this project, currently I didn't have any concerns regarding public works.

Earl