



TOWN OF FREEPORT, MAINE
Planning Department
30 Main Street
Freeport, ME 04032
Phone: 207-865-4743
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, NOVEMBER 17, 2021

St. Jude Catholic Church – Exterior Alterations	
Property Location:	Tax Assessor Map 13, Lot 21
Zoning Information:	Village Commercial I (VC-I), Design Review District I – Class C property & Color Overlay District.
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for exterior alterations at the Catholic Church at 134 Main Street. The proposal includes replacing an existing accessible ramp on the front of the building. The existing wood ramp will be removed and a new ADA and code compliance accessible ramp will be reconstructed in the same location. The new ramp will be a few feet longer and a different configuration in order to meet code requirements. The ramp will connect to an existing building entrance and connect to the existing brick walkway. The ramp will have a wood frame, Trex surface boards, a white PVC railing system with post caps and balusters (as shown), and a continuous vinyl handrail. No other changes are proposed.

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 proposal includes replacing an existing accessible ramp on the front of the building. The existing wood ramp will be removed and a new ADA and code compliance accessible ramp will be reconstructed in the same general location. No additional site clearing or vegetation removal is proposed. Based upon this information, the Board finds that this standard has been met.

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

The height of the over-all structure will not be altered. 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 proportion of the building's front façade along Main Street will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The rhythm of solids to voids will not be altered. 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.

Proportions of openings within the facility will not be altered. Based upon this information, the Board finds that this standard has been met.

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

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

7. **Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

The ramp will connect to an existing building entrance and connect to the existing brick walkways. The ramp will have a wood frame, Trex surface boards, a white PVC railing system with post caps and balusters, and a continuous viny handrail. 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 existing ramp will be removed and a new ramp will be reconstructed in the same location, but with a different configuration to meet code. Based upon this information, the Board finds that this standard has been met.

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

The existing wood ramp will be removed and a new ADA and code compliance accessible ramp will be reconstructed in the same location. The new ramp will be a few feet longer and a different configuration in order to meet code requirements. The ramp will connect to an existing building entrance and connect to the existing brick walkway. Based upon this information, the Board finds that this standard has been met.

10. In addition to the requirements of the Freeport Sign Ordinance, **signs** in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

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

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for the Roman Catholic Diocese of Portland (Tax Assessor Map 13, Lot 21), for the replacement of an accessible ramp at the Catholic Church at 134 Main Street, to be substantially as proposed, application dated 10/19/2021, finding that it meets the standards of the Freeport Design Review Ordinance, with the following Conditions of Approval:

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

Desert of Maine –Site Plan Amendment	
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: This will be an initial presentation by the applicant for a Site Plan Amendment at the Desert of Maine. Proposed changes include adding guest cabins, restoring and repurposing the Tuttle barn to be used as a performance venue, adding a farmhouse which will be used as a museum, changes to the previously approved stormwater management plans, after the fact approval for a maintenance shed and garage, and other associated site improvements. The site is currently used as a campground and nature-based commercial enterprise.

The property is located in the Nature Based and Art Overlay District for which the standards are contained in Section 428 of the Freeport Zoning Ordinance. The definition of a nature-base commercial enterprise (per Section 104 of the Freeport Zoning Ordinance) is as follows:

“ Nature-Based Commercial Enterprise: Any commercial activity carried out on land with significant natural, cultural, or historical values whose principal purpose is to provide members of the general public with opportunities to observe and appreciate the values prevailing on the land, typically for a fee. A “Nature-Based Commercial Enterprise” constructs, maintains, and operates facilities and offers services and activities in a manner that provides for the long-term conservation of existing natural, cultural or historical values. A “Nature-Based Commercial Enterprise” may include, but is not limited to: family activities and games, mini-golf, and a vehicle or train tour, all incorporating educational components highlighting the natural, cultural, or historical prevailing on the land; a gift shop; arts gallery; arts museum; and a café for sale of food items primarily prepared offsite and beverages with limited indoor and patio seating. A “Nature-Based Commercial Enterprise” shall not include a restaurant or amusement park rides.”

Within the past year, the applicant has been before the Board with a few different applications including parking lot renovations, the addition of cabins and for approval to add mini-golf to the site.

The application before the Board includes the following:

- 1) Tuttle Barn – the applicant is proposing to restore the structure and repurpose it to a four-season performing arts center. The renovated barn will include a basement, offices, warming kitchen, mechanical rooms, restrooms, a green room for artists, and on the main level: a bar area, ticket area, stage and rows of folding chairs for a capacity of 249. There will also be a mezzanine.
- 2) Farmhouse Museum – this will be a house that will serve as a living museum and located on the southwest corner of the property. It will also be used for educational programming.
- 3) Cabins – the applicant previously got approval for four cabins. They are now changing the cabin design and plans; 18 cabins of various sizes are now proposed. The result will be 27 campsites on the property.
- 4) Other – the applicant is also seeking after-the-fact approval for a maintenance shed and garage and a change to their stormwater management system.

Traffic and Parking: The uses on the site will include the Nature Based Commercial Enterprise, (including the Desert of Maine attraction and welcome center; mini-golf; performing arts center; & the museum) and the campground. The applicant has included general information about traffic in their narrative noting the timing of the various uses. The narrative includes details on how the applicant intends to control the amount of traffic on the site.

There is also a breakdown of parking spaces noting there are 127 spaces on the site. The breakdown does not appear to include the parking are the campsites; this should be included so the Board can get a clear understanding of the total parking available on the site for all users.

The narrative did note that the applicant may partner with Maine Coast Waldorf School for additional parking and shuttle service. Section 514.B.7 of the Freeport Zoning Ordinance has the following standard for parking: “7. On-site and off-site – Notwithstanding Section 514.B.8.b (Village Commercial 1) below, the Project Review Board may approve off-site parking if the entrance to the offsite parking is within 300 linear feet of the entrance to the on-site parking. The owner, as defined by this Ordinance, of the off-site parking must be the same as the owner of the on-site parking. Evidence of legal use of the off-site parking spaces for the duration of the use must be submitted and that the use of the off-site parking spaces of the spaces will not create a shortage of parking spaces for any uses on the property which the off-site parking spaces are located.”

A traffic assessment letter (dated 10/25/2021) from Randy Dutton at Gorrill Palmer was included in the submission. The Town Engineer did include some preliminary comments regarding traffic in the email dated 11/10/2021 (attached).

For the NBOAD, the parking requirement is as follows: “Where construction of new buildings or additions to existing buildings or a change of use or new use is proposed, the Project Review Board shall establish the parking requirement for such structures or uses. The established parking requirement shall be based upon a parking analysis submitted by the applicant. In making a decision, the Project Review Board may require a peer review of the parking analysis.”

Does the Board feel that the information provided by the applicant is sufficient to understand the traffic and parking for all of the existing and proposed uses together on the site; or do they feel additional information, or a peer review would be required?

Utilities: The Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be through a private system. Additional information on water and wastewater should be included in the final submission. There is no mention of solid waste disposal from the new use of the Tuttle barn; will additional dumpsters be required and if so, the location and any screening should be shown on the plan.

Stormwater: The applicant will need to comply with state and municipal regulations for stormwater permitting. The applicant should continue to work with the Town Engineer regarding changes to previously approved stormwater management and erosion control plans. Some initial comments from the Town Engineer have been included in an email dated 11/10/2021.

Lighting & Signage: No new lighting is shown on the plan. Egress lighting fixtures will likely be required for the cabins. Full cut-off fixtures will be required. The only signage proposed is that for directional purposes.

Buffering: The NBOAD has the following requirements for buffering: "For all uses subject to Site Plan Review, in the front setback, in a strip extending along the property's road frontage, for a depth of 15 feet, except for driveways, landscaping is required. A buffer is required in all side setbacks for a depth of 15 feet extending from the front property line along the entire side and rear setbacks to the furthest back edge of the developed area (meaning buildings, parking lots, other impervious surface), except for any curb-cuts, trails or road ways existing as of the Effective Date of the NBOAD. Such buffer shall consist of natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops, but where the Project Review Board determines that these natural features do not exist or are insufficient to provide an adequate buffer, the applicant shall provide additional landscaping, or where the Project Review Board determines landscaping is not feasible or adequate, the applicant shall provide fencing or screening."

The nearest abutting residence is at 93 Desert Road. The changes to the stormwater management system will result in saving existing vegetation on the portion of the property closest to the abutter. *(Note: the hatched areas on the landscaping plan sheet show areas where the existing vegetation will now be preserved due to changes in stormwater treatment).*

Subsequent plans should note the determination of the property line types (ie: front, side, rear, etc) and required setbacks so the Board can determine if the buffering requirements have been met and if any supplemental buffering will be required.

It does appear that an access road to the maintenance shed and garage are within a setback; this may be something that warrants additional review.

Other: Details on the square footages of all proposed structures and the quantity and types of all remaining/resulting campsites should be included in the final submission.

The barn capacity of 249 should be clarified to show if that is total capacity including employees, or just the seating capacity.

The applicant should also clarify what type of educational programming will be offered in the house. One question is what the expected attendance could be to such events and are such events already being conducted at the Desert of Maine or will new building actually increase the capacity for educational programming on the site?

A planting plan was included in the submission but does not reflect plantings near the new barn. If plantings are proposed in the area of the barn, this should be reflected on the plan.

The Board had conducted a site visit in the past to look at past applications. Does the Board want to schedule a site walk to review the components of the current application in relation to the conditions on site?

Route One Freeport Solar – Ground Mounted Solar Facility – Site Plan Approval	
Property Location:	Tax Assessor Map23, Lots 45, 49, & 64 (0 Stagecoach Road, 0 Stagecoach Road & 0 US Route One)
Zoning Information:	Rural Residential I (RR-I) and Commercial I (C-I)
Review Type(s):	Site Plan Approval
Waivers Requested:	None

Background: The Town of Freeport recently adopted definitions and standards pertaining to solar energy generation systems, including the specific uses of solar farm – large and solar farm-small and a definition for solar array development area. The definitions are as follows (per Section 104 of the Freeport Zoning Ordinance):

“Solar Array Development Area: The aggregate area of land occupied by the complete assembly of a ground-mounted Solar Energy Generation System, including but not limited to: (i) the solar photovoltaic (PV) technology (including, but not limited to, solar panels) and associated mounting hardware and equipment, (ii) all inter-panel space, and (iii) all impervious surfaces. The Solar Array Development Area does not include areas adjacent to the ground-mounted Solar Energy Generation System that must, by virtue of an easement, lease condition, or other legal instrument, be kept free of structures or vegetation (other than grass) in order to capture the unobstructed flow of solar insolation (sunlight) for the Solar Energy Generation System, and, does not include driveway(s) required to access the solar array development area. *{Amended, Effective 03/16/21}*

Solar Energy Generation System: A complete assembly consisting of one or more solar collectors and associated mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure, which uses photovoltaic (PV) technology (including, but not limited to, solar panels) to collect, convert solar energy to electricity, store and deliver the electricity for on-site or remote consumption. A Solar Energy Generation System may be roof-mounted or ground-mounted. *{Amended, Effective 03/16/21}*

Solar Farm, Small or Small Solar Farm: A Solar Energy Generation System that (i) may be roof or ground-mounted; (ii) primarily generates and delivers electricity to the energy grid for off-site consumption; and (iii) if it is ground-mounted, has a Solar Array Development Area that is less than 87,120 square feet (2 acres). They are not permitted in the Shoreland Zone. *{Amended, Effective 03/16/21}*

Solar Farm, Large or Large Solar Farm: A Solar Energy Generation System that (i) may be roof or ground-mounted; (ii) primarily generates and delivers electricity to the energy grid for off-site consumption; and (iii) if it is ground-mounted, has a Solar Array Development Area that is 87,120 square feet (2 acres) or greater but less than 10 (ten) acres, except for in the Commercial I (C-I) District, where the Solar Array Development Area may be 87,120 square feet (2 acres) or greater but less than 15 (fifteen) acres. They are not permitted in the Shoreland Zone. *{Amended, Effective 03/16/21 & 10/05/21, Corrected 10/06/21}*”

Section 534 of the Freeport Zoning Ordinance, Solar Energy Generation Systems, is attached to the end of the staff report and contains standards for solar uses.

Project Description: The applicant is presenting conceptual plans for Site Plan Approval for a ground mounted solar facility. The facility will be a 4.990 MWac system with about 1.99 acres of solar array development area in the portion of the property in the Rural Residential I (RR-I) District and 10.68 acres of solar array development area in the Commercial I (C-I) portion of the property. A solar farm – small is allowed in the Rural Residential I District and both a solar farm- small and a solar farm – large are allowed in the Commercial One District.

The applicant has interest in multiple parcels and as part of the project, parcels will be merged to eliminate internal property lines. The portion of the properties near Route One was previously cleared, but most of the site is currently undeveloped and wooded. The area of the panels has been designed to minimize grade changes and retain existing vegetation to the extent possible.

The applicant has conducted a review of the site, and no wetlands or vernal pools were identified. No known threatened or endangered species are known to be on the site. A copy of a natural resource analysis has been included in the submission.

Access to the site will be from US Route One, with existing access to the water tank off of Stagecoach Road to remain. The access from US Route One will be in the similar area as the existing curb-cut. Per the Town of Freeport Street Regulation Ordinance – Chapter 15, the project would require an Entrance Permit from the Freeport Public Works Department due to the change in use of the property. A gravel access road will provide access to the site and development area. The applicant may be required to provide a paved apron along Route One.

There will be no public water or public sewer connections.

Based upon conceptual plans and information presented, it appears that a Site Location Permit from the Maine Department of Environmental Protection (DEP) will not be required, and it appears that a Permit by Rule will be necessary. The DEP does not consider solar panels impervious area. The Town of Freeport does consider solar panels structures, which counts toward lot coverage, and therefore stormwater treatment will be required at the municipal level.

Other: A majority of this land is in the Commercial I District and the standards of Section 527. Performance Standards for Commercial Districts of the Freeport Zoning Ordinance will be applicable. There is one standard for connectivity with abutting properties. Although this is something that we typically see along Route One, there have been some public inquiries about a possible easement for future trail connection; just something for the Board to keep in mind as the review process for the application begins. In addition to Section 527, Section 534.C.3.b.v has additional performance standards.

Does the Board want to schedule a sitewalk?

Harraseeket Inn – Exterior Alterations	
Property Location:	Tax Assessor Map 13, Lot 121
Zoning Information:	Village Commercial II (VC-II), Design Review District I – Class B property & Color Overlay District.
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for exterior alterations at the Harraseeket Inn at 162 Main Street. A new accessible access ramp is proposed. The ramp will lead to an existing set of entrance doors on the front façade. An existing set of stone steps will be removed.

The ramp will lead from the existing brick walkway, then turn and be parallel to the front façade to connect with a new landing at the existing double doors. Stairs leading toward Main Street will be added on the front side of the landing. The doors will be replaced to be an auto open door of the same style and material. The ramp will be wood framed, with wood trim, surface material of gray Azec decking and railings. The material of the railings will need to be clarified at the meeting; the submission reflects either composite or PVC material. The railing system will have a flat surface on the top with a continuous metal handrail installed on the inside. The bottom of the ramp will be enclosed with PVC lattice. The applicant has tried to minimize vegetation removal, but two existing shrubs will need to be removed to provide area for the ramp. The roofline will be extended over the new entrance landing. The roof will be covered in shingles to match the material used on the existing structure.

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 new accessible ramp will be added on the front façade of the building. The design minimizes the removal of existing vegetation to two shrubs. 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 over-all structure will not be altered. 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 proportion of the building's front façade along Main Street will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The rhythm of solids to voids will not be altered. 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.

Proportions of openings within the facility will not be altered. 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 roofline will be extended over the new entrance landing. The roof will be covered in shingles to match the material used on the existing structure. Based upon this information, the Board finds that this standard has been met.

- 7. Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

The doors will be replaced to be an auto open door of the same style and material. The ramp will be wood framed, with wood trim, surface material of gray Azec decking and railings. The material of the railings will need to be clarified at the meeting; the submission reflects either composite or PVC material. The railing system will have a flat surface on the top with a continuous metal handrail installed on the inside. The bottom of the ramp will be enclosed with PVC lattice. 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 new accessible ramp will be added on the front façade of the building. The design minimizes the removal of existing vegetation to two shrubs. The ramp will comply with applicable setbacks from property lines. 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 new accessible ramp will be added on the front façade of the building. The design minimizes the removal of existing vegetation to two shrubs. The ramp will comply with applicable setbacks from property lines. Based upon this information, the Board finds that this standard has been met.

10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

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

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for the Harraseeket Inn (Tax Assessor Map 13, Lot 121), for the construction of an accessible ramp at the Harraseeket Inn at 162 Main Street, to be substantially as proposed, application dated 11/06/2021, finding that it meets the standards of the Freeport Design Review Ordinance, with the following Conditions of Approval:

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

From: [Adam Bliss](#)
To: [Caroline Pelletier](#)
Cc: [Adam Bliss](#)
Subject: Desert of Maine, Tuttle Barn Renovation: Conceptual Site Plan Review
Date: Wednesday, November 10, 2021 12:31:18 PM

Hi Caroline,

Below are my initial comments relative to the Desert of Maine's Tuttle Barn Site Plan Application.

Stormwater

The application materials received are deemed complete. The underground sand filters are acceptable treatment methods for the previously approved Bioretention Ponds. I will complete my review over the next week and provide the applicant with my review comments shortly after the Project Review Board meeting on November 17.

Traffic and Parking

I generally agree with the data and analysis presented in the Traffic and Parking Assessment for the Tuttle Barn Renovation submittal. However, what is not well understood is how the mini-golf course, RV, and cabins impact the overall traffic and parking scenario. Could the applicant provide a comprehensive Traffic Report that assesses all of the existing and proposed uses? Some data necessary for the assessment is subjective because the Institute of Traffic Engineers does not report trip generation rates for all documented uses. I am happy to perform the Traffic and Parking Assessment review; however, the Project Review Board might consider peer-reviewing the report given the sensitivity of the surrounding residential neighborhood and because of the potentially wide range of trips generated from all uses.

Thank you,

Adam

Adam S. Bliss, P.E.
Freeport Town Engineer / Public Works Director
abliss@freeportmaine.com
207.865.4743 x106

Freeport Town Hall
30 Main Street
Freeport, Maine 04032

Section 534. Solar Energy Generation Systems *{Amended, effective 03/16/21}*

The purpose of this Section 534 is to allow for the construction and operation of Solar Energy Generation Systems by establishing appropriate standards to ensure safe, effective, and efficient use of Solar Energy Generation Systems that are compatible with existing surrounding uses.

A. General Standards.

1. Accessory Solar Energy Generation Systems, Small Solar Farms, and Large Solar Farms must obtain all applicable permits from the Freeport Codes Enforcement Officer, including but not limited to building and electrical permits.
2. Accessory Solar Energy Generation Systems, Small Solar Farms, and Large Solar Farms shall be subject to the standards of the Freeport Design Review Ordinance and/or the Freeport Village Overlay District, as applicable.

B. Additional Standards for Accessory Solar Energy Generation Systems.

1. An Accessory Solar Energy Generation System shall be permitted wherever accessory structures or uses are permitted and shall conform to the standards for such accessory structures or uses of the applicable zoning district(s).
2. A roof-mounted Accessory Solar Energy Generation System shall be excluded when calculating the maximum building height set forth in the applicable zoning district(s). The maximum height of a ground-mounted Accessory Solar Energy Generation System shall be 25 feet or the height of the principal structure, whichever is less.
3. Roof-mounted Accessory Solar Energy Generation Systems are not subject to Site Plan Review.
4. Ground-mounted Accessory Solar Energy Generation Systems accessory to uses other than single and two family dwellings are subject to Site Plan Review by the Freeport Staff Review Board, per Section 602 of this Ordinance.

C. Standards for Small Solar Farms and Large Solar Farms.

1. Site Plan Review. Small Solar Farms and Large Solar Farms are subject to Site Plan Review by the Freeport Project Review Board, per Section 602 of this Ordinance.
2. Application Requirements. In addition to all of the applicable site plan review submission requirements set forth in Section 602.D.4 of this Ordinance, the following additional submissions are required unless waived by the Project Review Board.
 - a. Name(s) and contact information for the owner, operator and installer of the proposed system and the name(s) of the owner of the subject property on which the Small Solar Farm or Large Solar Farm is to be located.

- b. Cover letter describing the project, including details regarding the subject property on which the Small Solar Farm or Large Solar Farm will be located; the construction schedule and anticipated commercial operation date; dimensions of all major components of the Small Solar Farm or Large Solar Farm, including the solar panel specifications, manufacturer(s), and manufacturer-identified period of time for which the solar photovoltaic (PV) technology will be economically feasible for its intended use (referred to in this Section 534 as “useful life”); and a detailed description of how the project complies with each applicable standard of this Ordinance.
- c. A deed, lease, lease option agreement, or similar legal instrument describing the applicant’s right, title, and interest to the subject property and right of access to the subject property from the nearest public roadway.
- d. Site photos showing existing site vegetation, existing and adjacent structures, and views of and from the subject property.
- e. Plans, prepared by a professional engineer, professional surveyor, or licensed landscape architect containing, at minimum, the following information:
 - i. The proposed location of the Small Solar Farm or Large Solar Farm in relation to existing lot lines and natural features (including but not limited to vegetation, streams, and wetlands), as well as existing and proposed deed and lease lot lines, structures, fencing, roads and rights-of-way, driveways, parking areas, curb cuts on the subject property, easements, and underground and overhead utility lines.
 - ii. The proposed location of all Solar Energy Generation System components (including solar collectors (including the location of all inter-panel space), mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure), all existing and proposed structures, all existing and proposed impervious surfaces, all areas proposed to be cleared of vegetation, and their physical dimensions, including the dimensions and square footage of the Solar Array Development Area.
 - iii. A landscaping plan reflecting the location of any existing and proposed screening and demonstrating compliance with all applicable buffer requirements of this Ordinance.
 - iv. Scaled elevation drawings of all Solar Energy Generation System components (including solar collectors (including the location of all inter-panel space), mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure) and all existing and proposed structures, foundations, supports, fencing, security barriers, vegetation, and landscaping.
 - v. For ground-mounted Small Solar Farms or Large Solar Farms, a statement prepared and stamped by a professional engineer certifying that the proposed Solar Energy

Generation System design is safe in terms of its strength, stability, security, and grounding.

- f. Documentation that the Small Solar Farm or Large Solar Farm complies with applicable state and federal laws and rules. Include copies of applications submitted to and permits granted by state regulatory agencies, including any applications and permits related to the interconnection of the Small Solar Farm or Large Solar Farm to the energy grid.
- g. A decommissioning plan for the removal of the Small Solar Farm or Large Solar Farm and stabilization of the site, consistent with the requirements of Section 534.C.3.f.i. A decommissioning plan shall include a proposed decommissioning time schedule and details of how the owner or operator of record of the Small Solar Farm or Large Solar Farm will ensure completion of the following tasks:
 - i. Physical removal of all Solar Energy Generation System components (including solar collectors, mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure), structures, foundations, supports, fencing, and security barriers from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and return the site to substantially its pre-construction state. Native, pollinator-friendly seed mixtures shall be used to re-vegetate areas the greatest extent practicable.
- h. Proof of financial capacity to build, maintain, and remove the Small Solar Farm or Large Solar Farm, including evidence which satisfies the requirements of Section 534.C.3.e.i. This proof should include documentation of the cost of constructing the Small Solar Farm or Large Solar Farm, as well as a statement or other documentation from a bank or lending institution that the owner of the Small Solar Farm or Large Solar Farm has secured adequate financing to cover the cost of construction.
- i. The following additional submission requirements apply to applications for Large Solar Farms:
 - i. Written documentation from the Maine Historic Preservation Commission (MHPC) regarding any known or likely historic, prehistoric, or archeological resources located in or on the subject property. If such resources are identified, the applicant shall submit a plan demonstrating compliance with the requirements of Section 534.C.3.d.i.
 - ii. Written documentation from the Maine Natural Areas Program (MNAP) regarding the presence of rare or exemplary natural communities located on the subject property, including any critically imperiled (S1) or imperiled (S2) natural communities or plant

species. If such resources are identified, the applicant shall submit a plan demonstrating compliance with the requirements of Section 534.C.3.d.ii.

- iii. Written documentation from the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding known locations of rare, endangered, threatened, and special concern species; essential and significant wildlife habitats (including waterfowl and wading bird habitats, deer wintering areas, and significant vernal pools); and significant fisheries habitats (including Atlantic salmon spawning, limited spawning, and rearing habitats) on the subject property. If such resources are identified, the applicant shall submit a plan demonstrating compliance with the requirements of Section 534.C.3.d.iii.
- iv. For Large Solar Farms that trigger review by the Maine Department of Environmental Protection (MDEP) pursuant to the Site Location of Development Act (Site Law), 38 M.R.S.A. §§ 481-490, a copy of the Site Law application submitted to MDEP and any permits granted by the MDEP at the time of submission of the application to the Town.

3. Performance Standards for Small Solar Farms and Large Solar Farms.

a. Dimensional Standards.

- i. The maximum height of any ground-mounted Small Solar Farm or Large Solar Farm shall be twenty-five (25) feet. Height shall be measured from the lowest point of the Solar Energy Generation System components above grade to the highest point of the solar photovoltaic (PV) technology when oriented at maximum tilt or any other structures. This maximum height limitation does not apply to the transmission and distribution lines.
- ii. The minimum setback of any part of the Solar Array Development Area and any other proposed structures shall conform to requirements of the applicable zoning district or twenty (20) feet from any lot lines, whichever is greater. This minimum setback does not apply to fencing or transmission and distribution lines.
- iii. For Small Solar Farms or Large Solar Farms permitted in the following districts (RR-IA, C-I, C-III, C-IV, MD-A, MD-B, LB, I-I, I-II) which abut the following districts (RR-I, RR-IA, RR-II, RP-I, RP-II, MDR-I, MDR-II, V-I, V-II, VMU-1 and VMU-2), the Solar Array Development Area and any other proposed structures shall meet the minimum setback requirements of the applicable zoning district or following minimum whichever are greater:
 - (a) Front: 50 feet
 - (b) Side: 50 feet
 - (c) Rear: 75 feet

- iv. In addition to the performance standards in Section 534.C.3.a.iii above, Large Solar Farms in the Commercial I (C-I) District must also meet a minimum setback of 150 feet from the US Route One right-of-way and may not locate within one mile of the solar array development area of another large solar farm within the Commercial I District. *{Amended, effective 10/05/21}*

- b. Design & Aesthetics.
 - i. Buffer Zones. The Small Solar Farm or Large Solar Farm shall, at minimum, conform to the requirements of the applicable zoning district and, where applicable, to the requirements of Section 506 of this Ordinance. For purposes of applying Section 506 to a Small Solar Farm or Large Solar Farm, (i) the Solar Array Development Area and any proposed structures shall be considered the “building or structure” to be buffered, and (ii) stands of trees shall be used to meet the buffer requirement only if the trees do not interfere with the capture of unobstructed flow of solar insolation (sunlight) by the solar photovoltaic (PV) technology.

 - ii. Stormwater Management. The Small Solar Farm or Large Solar Farm shall conform to the requirements of Section 529 of this Ordinance.

 - iii. Lighting. The Small Solar Farm or Large Solar Farm shall conform to the requirements of Section 521.A of this Ordinance.

 - iv. Land Clearing, Soil Erosion, and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the Small Solar Farm or Large Solar Farm, including the need to maximize the capture of unobstructed flow of solar insolation (sunlight). Native, pollinator-friendly seed mixtures shall be used to re-vegetate cleared areas to the greatest extent practicable. Herbicide and pesticide use shall be avoided or minimized. No prime agricultural soil or significant volume of topsoil or prime agricultural soil shall be removed from the site for installation or repair of the Small Solar Farm or Large Solar Farm.

 - v. Additional Performance Standards for Commercial Districts (C-I, C-III, C-IV). If the Small Solar Farm or Large Solar Farm is proposed to be located in a Commercial District (C-I, C-III, or C-IV), the requirements of Section 527 of this Ordinance shall apply; provided, however, that the requirements of Section 527.B (Building Design) shall only apply to proposed structures, if any, and not to the Solar Array Development Area. For purposes of applying Section 527.E (Front landscaped setback) to a Small Solar Farm or Large Solar Farm, (i) the Solar Array Development Area and any proposed structures shall be considered the “structure” whose appearance is to be softened, and (ii) landscaping using trees and preservation of existing mature trees shall be required only if such trees do not interfere with the capture of unobstructed flow of solar insolation (sunlight) by the solar photovoltaic (PV) technology.

- c. Safety.
 - i. Small Solar Farm or Large Solar Farm shall comply with all applicable codes and ordinances, including but not limited to, the Town of Freeport Building Code Ordinance, the Town of Freeport Electrical Code Ordinance, the Town of Freeport Fire Protection Code, the Town of Freeport Floodplain Ordinance, and Shoreland Zoning.
 - ii. A sign shall be installed on the property to identify the owner or operator of the Small Solar Farm or Large Solar Farm and provide a 24-hour emergency contact phone number. Additional signage may be required, per the Town of Freeport Electrical Code Ordinance and the Town of Freeport Fire Protection Code. All signage shall also conform to the Town of Freeport Sign Ordinance.
 - iii. All electrical and control equipment for a ground-mounted Small Solar Farm or Large Solar Farm shall be labeled and secured to prevent unauthorized access.
 - iv. For any ground-mounted Small Solar Farm or Large Solar Farm, fencing shall be installed around the perimeter of the Solar Array Development Area. Where fencing is used, fences should be elevated by a minimum of 5 inches to allow for passage of small terrestrial animals.
- d. Protection of Natural and Cultural Resources.
 - i. If any portion of the Small Solar Farm or Large Solar Farm includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places or is considered by the Maine Historic Preservation Commission (MHPC) as likely to contain a significant archaeological site or structure, the applicant shall conduct archaeological surveys or submit information on the structure, as requested by the MHPC. If a significant archaeological site or structure is located in or on the subject area, the applicant shall demonstrate that the proposal will cause no or minimal impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation.
 - ii. If any portion of the Small Solar Farm or Large Solar Farm lies within an area identified by the Maine Natural Areas Program (MNAP) as containing rare or exemplary natural communities, including any critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant shall demonstrate that the proposal will cause no or minimal impact to any such identified resources. The plan shall provide for protection of the identified resources in a manner acceptable to MNAP or in accordance with the recommendations of a biologist with demonstrated experience with the identified resources. In the latter situation, the report prepared by the biologist shall assess the potential impact of the Small Solar Farm or Large Solar Farm on the identified resources and any adjacent areas that are important to the maintenance of the identified resources and shall describe appropriate mitigation

measures to ensure that the Small Solar Farm or Large Solar Farm will have minimal impacts on the identified resources.

- iii. If any portion of the Small Solar Farm or Large Solar Farm lies within an area identified and mapped by the Maine Department of Inland Fisheries and Wildlife (MDIFW) as containing rare, endangered, threatened, and special concerned species; designated essential and significant wildlife habitat; or fisheries habitat concern, the applicant shall demonstrate that the proposal will cause no or minimal impact to any such identified resources. The plan shall provide for protection of the identified resources in a manner acceptable to MDIFW or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the identified resources. In the latter situation, the report prepared by the wildlife biologist shall assess the potential impact of the Small Solar Farm or Large Solar Farm on the identified resources and any adjacent areas that are important to the maintenance of the identified resources and shall describe appropriate mitigation measures to ensure that the Small Solar Farm or Large Solar Farm will have minimal impacts on the identified resources.
- e. Financing and Insurance.
 - i. The owner or operator of record of the Small Solar Farm or Large Solar Farm shall secure financing to fully construct the Solar Energy Generation System before any construction or pre-construction site preparation activity (including, but not limited to, any clearing of vegetation) begins.
 - ii. Prior to commencing operations, the owner or operator of record of the Small Solar Farm or Large Solar Farm shall obtain and maintain for the full length of the useful life of the Small Solar Farm or Large Solar Farm, liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
 - f. Decommissioning and Removal; Performance Guarantee; Abandonment.
 - i. The owner or operator of record of a Small Solar Farm or Large Solar Farm shall, at its expense, be responsible for the decommissioning and removal of the Small Solar Farm or Large Solar Farm, in compliance with a decommissioning plan approved by the Project Review Board, within 12 months of the end of the useful life of the solar photovoltaic (PV) technology, or within 90 days of the receipt of a notice to the owner or operator of record of a determination by the Codes Enforcement Officer that the Solar Energy Generation System has been abandoned. A Solar Energy Generation System shall be considered abandoned if it ceases to generate electricity for a consecutive period of 12 months. The Project Review Board may extend the 12-month decommissioning deadline if the applicant demonstrates that the solar photovoltaic (PV) technology is likely to remain economically feasible for its intended use for longer than 12 months after the end of its manufacturer-identified useful life.

ii. For any ground-mounted Large Solar Farm, or any ground-mounted Small Solar Farm with a Solar Array Development Area that is 43,560 square feet (1 acre) or greater in size: A performance guarantee in the form of an escrow account, irrevocable letter of credit, or other form satisfactory to the Town Manager covering the cost of the decommissioning plan shall be delivered to the Town Manager at the time of Project Review Board approval. The amount of the performance guarantee shall be determined by the Project Review Board according to the time schedule for the decommissioning, shall be in an amount equal to 125% of the projected total cost of decommissioning and removing the Small Solar Farm or Large Solar Farm and restoring the site to its pre-construction condition, plus any adjustments for reasonable inflation estimates. The amount shall include a breakdown of costs of the various stages of decommissioning, if any. The performance guarantee shall remain in force until the Codes Enforcement Officer certifies that the site has been rehabilitated according to the approved decommissioning plan. Failure to complete the decommissioning plan approved by the Project Review Board shall constitute a violation of this Ordinance, subject to enforcement and legal action as provided in Section 601. In addition, if there is a default of any obligation to decommission a project under this Section 534 or if the Solar Energy Generation System is not removed within 90 days after a determination of abandonment made pursuant to Section 534.C.3.f.i, the Town may call upon the performance guarantee and cause the decommissioning plan to be implemented pursuant to the terms of that guarantee.

g. Additional Performance Guarantee.

The Project Review Board as a condition of approval may require the applicant to post a performance guarantee to ensure completion of site improvements associated with a Small Solar Farm or Large Solar Farm, as provided in Section 602.C.1.j.

1. **Historic Property Name(s):** Hezekiah B. Means House
2. **Street Address:** 162 Main Street
3. **Tax Parcel:** 13-11
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Italianate (Broad Arrow Tavern)
6. **Stories:** 2
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** Side ell, bay windows
8. **Windows:** 4/4 and 6/6 double hung wood sash (historic)
9. **Roof Configuration and Materials:** Cross gable, asphalt shingles
10. **Chimneys:** Brick, interior
11. **Exterior Wall Materials:** Wood clapboards
12. **Foundation:** Granite
13. **Outbuildings and Barns:** None
14. **Alterations:** Fenestration on 1st floor (all French doors currently), converted from residence to restaurant, connected to large hotel (c.1985) through the back
15. **Site Features:** Part of the Harraseeket Inn complex, paved circular drive to the north, stone patio to the south, paved paths from sidewalk to front and side entrances, large shade trees along sidewalk, low shrubs along foundation
16. **Significant Architectural Elements of Style:** Deep eaves supported by paired brackets, wide band of trim under cornice, wide corner boards, squared bay window, wide entablature above windows

Historical Data

17. **Construction Date:** c.1860
18. **Architect/Builder (If Known):**
19. **Significant Person:**
20. **Historic Context:** Despite conversion to restaurant and addition of hotel behind it, the house retains enough integrity to contribute to the Design Review District.

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Photos



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