



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, DECEMBER 20, 2023

48 Bow Street – Design Review Certificate & Demolition Permit Request	
Property Location:	Tax Assessor Map 13, Lot 88 (48 Bow Street).
Zoning Information:	Village I (V-I); Freeport Village Overlay District, Design Review District 2 - Class B.
Review Type(s):	Design Review Certificate & Demolition Permit Request
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate to demolish an existing structure. This is a portion of an original application for exterior building alterations at 48 Bow Street. Changes included but were not limited replacing a 20’x20’ structure with a 20’x24’ structure. The current structure is used for a barn/shed and is proposed to be demolished. The new structure will be used as a studio for a single-family dwelling.

The applicant was before the Board in July 2023, to begin the four-month notice period for demolition as required for Class B buildings in the Design Review Districts. The Board issued a Design Review Certificate for the proposed new structure in August 2023, with the understanding that the applicant returns to the Board for final approval of the demolition request once the requirements of the four-month notice period had been met. The Board also held a required public hearing on the proposed demolition request at the August meeting. The applicant was required to run two additional legal ads since the last meeting; documentation of those two additional legal ads has been included in the submission. A letter from the Freeport Historical Society providing public comment has also been included in the Board’s packet.

There are no outstanding items with this application.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve a demolition request for Bruce Macomber Jr. and Shelbee Macomber to demolish an existing 20’x20’ Class B structure at 48 Bow Street, application dated 06/22/23, as the Board finds that the requirements of the four-month notice period have been met.

LLBean (95 Main Street)– Design Review Certificate & Site Plan Amendment	
Property Location:	Tax Assessor Map 11, Lots 36-ETC, 40-ETC and 64-ETC (12 Nathan Nye Street, 57 Main Street & 95 Main Street).
Zoning Information:	Village Commercial I (VC-I), Design Review District One – Class B & C buildings and Color Overlay District.
Review Type(s):	Design Review Certificate & Site Plan Amendment
Waivers Requested:	None

Background: The applicant is presenting returning to the Board with updated conceptual plans for proposed site and building alterations at the L.L. Bean Flagship Store Campus on Main Street & Justin’s Way. Plans include demolition, building alterations and an addition; alterations to existing parking lots and internal pedestrian and vehicular circulation patterns; and alterations to the outdoor spaces on the campus.

The applicant originally presented conceptual plans at the October 2023 Project Review Board meeting. Soon after, building renderings were provided and a sitewalk was held in November 2023. This meeting will give the Board an opportunity to provide feedback on the conceptual building design. There is also an updated conceptual site rendering in the packet and a proposed conceptual phasing plan (as requested by the Board) that the Board can also provide feedback on.

This project will require a Site Plan Amendment and a Design Review Certificate. As a reminder, a Design Review Certificate is only required for portions of the building visible from the public right-of-way. The applicant also has a separate application on file for the requested demolition of a Class B building and they are currently working on meeting the Ordinance requirements for the four-month notice period.

Proposed Motion: Be it ordered that the Freeport Project Review Board table the review of the application for the LLBean Flagship Store and Campus until such time that the applicant is ready to return to the Board with additional information.

Harraseeket Ridge - Subdivision Application	
Property Location:	Tax Assessor Map 11, Lots 36-ETC, 40-ETC and 64-ETC (12 Nathan Nye Street, 57 Main Street & 95 Main Street).
Zoning Information:	Medium Density A (MD-A).
Review Type(s):	Subdivision Review
Waivers Requested:	None

Background: The applicant is returning to the Board to request an extension of the timing between the Preliminary Subdivision Approval and returning for final approval. This is just an extension request, and no changes to the Plan will be discussed at this meeting. *Note: The proposed subdivision is for an 80-unit residential open space subdivision on a vacant parcel (approximately 90 acres) on US Route One North. Forty duplex structures and two new road entrances off US Route One are proposed. Approximately 43 acres of open space will be required. The Board granted preliminary subdivision approval, with conditions, in August 2022.*

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

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

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

As reported to the Board at the March and July Project Review Board meetings, there were some delays in getting the peer review underway, which were then further delayed by some input needed from State agencies. The initial memo was issued, and the applicant has submitted a response which is currently being reviewed. Peer review of the legal documents is also underway. In addition, the applicant is still waiting for their Site Location of Development Permit from the Maine Department of Environmental Protection. The applicant still needs to work with the Town Engineer on outstanding items for the municipal stormwater review.

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

A. “Within six (6) months after the approval of the preliminary plan, the applicant shall submit a submission for approval of the final plan to the Planning Department. If the submission for the final plan is not submitted within six (6) months after preliminary plan approval, the Board may require re-submission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan and shall incorporate any changes required by the Board.

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

The applicant obtained approval of an extension from the Project Review Board in July 2023, as follows:

“MOVED AND SECONDED: that the Freeport Project Review Board grant an extension until 12-31-2023 to Beta Zeta Properties, LLC., for the proposed Harraseeket Ridge Subdivision (Tax Assessor Map 18, Lot 16) for

an 80-unit residential open-space subdivision, to allow for additional time for the applicant to file for final subdivision plan review, in that the applicant continues to work toward satisfying the conditions of the preliminary approval and the submission requirements of the Freeport Subdivision Ordinance and no municipal Ordinances that may impact this proposed development have been amended. (Madeira & Yankee) **ROLL CALL VOTE:** (7 Yes) (0 No)”

Since the final comments from the peer reviewer, legal review and Site Location Permits are still outstanding, the applicant is back to request another extension from the Board. Is the Board willing to consider an additional extension and if so, for how long? If not, are they willing to consider issuing conditional approval with pending items such as the Site Location of Development permit from DEP?

Proposed Motion: Be it ordered that the Freeport Project Review Board grant an extension to Beta Zeta Properties, LLC., until _____ for the proposed Harraseeket Ridge Subdivision (Tax Assessor Map 18, Lot 16) for an 80-unit residential open-space subdivision, to allow for additional time for the applicant to file for final subdivision plan review, in that the applicant continues to work toward satisfying the conditions of the preliminary approval and the submission requirements of the Freeport Subdivision Ordinance.

Cigri Independence Drive Subdivision Amendment – Cigri Drive	
Property Location:	Tax Assessor Map 9, Lots 2-1 & 2-2 (0 Cigri Drive & 4 Cigri Drive)
Zoning Information:	Village Commercial III (VC-III), Freeport Village Overlay District, Design Review District I – Class B Property, Color Overlay District
Review Type(s):	Shoreland Zoning Permit (Shoreland Stabilization)
Waivers Requested:	None

Background: The applicant was last before the Project Review Board at the November 15, 2023 Planning Board meeting. They are now returning to the Board to present updated conceptual plans for a one-lot amendment to the previously approved Cigri Independence Drive Subdivision. The layout remains unchanged; however, the Board did request some clarification on the plans and some additional information.

As summarized in the last staff report, three lots are existing, and one additional lot will be created. This lot is in the Village Commercial III Zoning District and the Freeport Village Overlay District. Per Section 504B. Village Open Space Residential Developments of the Freeport Subdivision Ordinance, this project does not trigger the requirements of that section as there is only one new lot being created and the standard of Section 504B.2.1.b has the following applicability threshold: “ b. any application to amend a subdivision within the Freeport Village Overlay District approved before June 22, 2005, that creates two or more lots or units....”

The wetlands delineation for the site has been updated and the net residential acreage calculations have been updated for each of the lots. The wetland report has been included in the packet. Lot One will remain unchanged with four multiple-family units. The previous lot two will be split to create one additional lot; each lot is shown with a single-family, however the applicant will need to work with the Codes Enforcement Officer as it appears there is a second, unpermitted unit in the basement of the existing house. This will need to be resolved before the applicant returns to the Board and the plan will need to be updated accordingly if they are going to create a second unit on Lot two; this could result in additional changes to the space and bulk requirements for the project. The layout of Lot 3 will be altered to accommodate a change in the right-of-way. The calculation shows that this lot could be further divided, however that is not part of the proposal at this time. It should be clarified at this time how many units are being proposed for Lot 3 at this time.

The past subdivision was approved as three lots, with Cigri Drive designed as a driveway as it was serving only two lots. Now that it will be serving three lots, it would be considered a road per the Freeport Subdivision Ordinance and required to comply with the standards for a subdivision road. This is something the applicant is aware of. As drawn, the road/right of way will need to be revised so that the road and turnaround fit entirely in the right-of-way. This may also require the net residential acreage calculations to be updated.

Most of the land is within the Design Review District I and the Freeport Village Overlay District. Any new residential structures will need to comply with those standards, as applicable.

Proposed Motion: Be it ordered that the Freeport Project Review Board determines that based upon the information submitted by the applicant, submission dated _____ that the review of the Site Inventory Map, Site Analysis and Conceptual Plan for Kemal Cigri for a proposed residential subdivision (Tax Map 9, Lots 2-1 & 2-2) is considered complete as the Board finds that the appropriate areas have been determined for development and no open space is required.