

TOWN OF FREEPORT, MAINE

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www.freeportmaine.com

TO: FREEPORT PROJECT REVIEW BOARD

FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER

RE: STAFF REPORT

DATE: WEDNESDAY, OCTOBER 16, 2019

Granite Park Subdivision – Conceptual Review		
Property Location:	Tax Assessor Map 20. Lots 4 & 4-1	
Zoning Information:	Medium Density B (MD-B)	
Review Type(s):	Residential, Open Space Subdivision	
Waivers Requested:	None	

<u>Background</u>: The applicant is presenting conceptual plans for a five lot, residential, Open Space Subdivision. Two of the lots/units are existing single-family dwellings and are located on Wood Thrush Lane. Three addition lots are proposed and would have access from a new road off of US Route One.

The parcel is in the Medium Density B (MD-B) District. This is an open space subdivision, and 289,360 sf of open space are proposed. This appears to be in excess of what is required by the Ordinance and the numbers provided on sheet C0.1 of the plan set should be corrected as there appears to be a mathematical error in the calculation. There are areas of wetlands, steep slopes and flood plain reflected on the plan. For the most part, the proposed developed areas appear to be out of these identified areas with the exception of some potential wetland impact on lots one and three. A sitewalk has been scheduled for prior to the October 23, 2019 Project Review Board meeting.

<u>Procedure</u>: This is considered a Subdivision-Minor (per Article III of the Freeport Subdivision Ordinance) and would involve two levels of review – conceptual 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 (Article 5 of the Freeport Subdivision Ordinance). The Board shall also act on any requests for waivers at this time; none have been requested. 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. Staff would recommend that the Board consider a sitewalk prior to action on the conceptual plan. A sitewalk has been scheduled for 5:15 pm on 10/23/19. The applicant would return to the Board with updated plans sometime after the sidewalk and once any necessary changes to the plans have been made.

<u>Access</u>: Wood Thrush Lane is considered a "driveway" per Article 3.2 of the Freeport Subdivision Ordinance and no road improvements are proposed. A new road off US Route One is proposed for the three additional units and will need to comply with the road design standards of the Subdivision Ordinance. An entrance permit from the Freeport Department of Public Works was previously issued for a single-family driveway. Now that the use is going to change to a subdivision, the applicant should confirm whether or not a new entrance permit would be required.

<u>Utilities:</u> Each lot will have private utilities. Test pit locations are shown on the plan and disposal field locations should be updated to align with the identified passing test pit locations. Due to the size of the lots, and the private wells, does the Board feel the need to require a hydrogeologic assessment? This is something that the Board could require per Appendix E of the Subdivision Ordinance. Utilities will be required to be underground. The applicant should talk to the Fire Chief about what will be required for adequate fire protection for the development.

<u>Stormwater</u>: This parcel is located in the Frost Gully Brook Watershed which is a watershed of an Urban Impaired Stream. Since the Town of Freeport has delegated capacity for stormwater permitting from the DEP, the Town Engineer would do the review and stormwater permitting (DEP Chapter 500 Stormwater Permit) for the project.

Cofrin / Logan Residence - Dock and Shoreline Stabilization		
Property Location:	Tax Assessor Map 20, Lot 89A	
Zoning Information:	Island District (ID) and Shoreland Area (SA).	
Review Type(s):	Site Plan Review	
Waivers Requested:	None	

Background: The applicant is seeking approval of a Site Plan Amendment for a dock replacement and shoreline stabilization at 53 Bartol Island Road. Since this parcel is in the Island District Section 426 of the Freeport Zoning Ordinance requires Site Plan Review (Section 602) for Piers, Docks and Wharves and the use is also subject to the requirements of Art. XIII of the Coastal Waters Commission Ordinance, and Sec. 507 G of the Freeport Zoning Ordinance.

The project consists of the removal of an existing dock and the construction of a new dock which will include a pier, ramp and float in a new location and provide access on an all-tide basis. The pier will be 6 feet wide and 20 feet in length and supported by 4 timber pilings. The pier will have a 3-foot-wide by 50 foot long ramp (seasonal) and a 10 foot wide by 20 foot long seasonal float. The project description initially states, that the float will be hauled off-site and stored in an upland location for the off-season however, the plan provides details for an on-site haul-out within the Shoreland Zone setback; this is not something that would be permitted by Shoreland Zoning, as the dock and ramp would need to be stored outside of the Shoreland Zone setback when not in use.

Approximately 175 linear feet of shoreline stabilization will also occur with the project. This will result in the top of the bank being cut back about 10 feet, for a 1:1 slope. At the top of the new stabilized area will be buffer planting for a depth of 10 feet. The plantings will consist of native vegetation including shrubs, 3-4 feet on center and trees a minimum of every 15 feet. This will result in about 150 native plants and 30 trees being installed. The Codes Officer has reviewed the revegetation plan and has some concerns as to whether or not the revegetation plan proposed is adequate (in accordance with the revegetation requirements of Shoreland Zoning). A proposed condition of the approval is that the applicant obtain approval from the Freeport Codes Enforcement Officer for the final plan for the revegetation of the buffer, to allow the applicant to supplement the proposed buffer plan, if required.

The applicant has also applied to the Maine Department of Environmental Protection for an NRPA Permit and to the US Army Corps of Engineers for a permit, both for the 2 sf of wetland impact from the pilings needed to support the pier. The NRPA permit is also required for the proposed shoreline stabilization. Those approvals have not yet been obtained. The applicant did obtain approval from the Maine Historic Preservation Commission, dated 06/27/19, stating that "...there will be no historic properties affected by the proposed undertaking..."

<u>Process</u>: In addition to the Standards of Section 602, the Board will need to review the proposal for compliance with the standards of Article XIII of the Coastal Waters Ordinance and for compliance with Chapter 1000.15.B State Shoreland Zoning (*Please note that these standards are currently not included in the Zoning Ordinance, but the Town is required to follow the State standards*). The applicant did make application to the Coastal Waters Commission and was granted approval by the Commission for this project on 08/14/19 (see attached minutes).

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

a. <u>Preservation of Landscape</u>: 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 project consists of the removal of an existing dock and the construction of a new dock which will include a pier, ramp and float in a new location and provide access on an all-tide basis. Approximately 175 linear feet of shoreline stabilization will also occur with the project. This will result in the top of the bank being cut back about 10 feet, for a 1:1 slope. At the top of the new stabilized area will be buffer planting for a depth of 10 feet. The plantings will consist of native vegetation including shrubs, 3-4 feet on center and trees a minimum of every 15 feet. This will result in about 150 native plants and 30 trees being installed. The Codes Officer has reviewed the revegetation plan and has some concerns as to whether or not the revegetation plan proposed is adequate (in accordance with the revegetation requirements of Shoreland Zoning). A proposed condition of the approval is that the applicant obtain approval from the Freeport Codes Enforcement Officer for the final plan for the revegetation of the buffer, to allow the applicant to supplement the proposed buffer plan, if required. 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 Freeport Design Review Districts. No new buildings are proposed. Based upon this information, the Board finds that this standard has been met.

c. <u>Vehicular Access</u>: The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrial 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 pedestrial-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

No changes to vehicular access to the site are proposed. Based upon this information, the Board finds that this standard has been met.

d. <u>Parking and Circulation</u>: The layout and design of all means of vehicular and pedestrial 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 and circulation are proposed. Based upon this information, the Board finds that this

standard has been met.

e. <u>Surface Water Drainage</u>: 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.

No changes to surface water drainage is proposed. Based upon this information, the Board finds that this standard has been met.

f. <u>Utilities</u>: 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 change to utilities are proposed. Based upon this information, the Board finds that this standard has been met.

g. <u>Advertising Features</u>: 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 signs are proposed. Based upon this information, the Board finds that this standard has been met.

h. <u>Special Features</u>: 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.

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

j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe

emergency vehicle access to all buildings and structures at all times.

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

k. <u>Landscaping</u>: 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.

Approximately 175 linear feet of shoreline stabilization will also occur with the project. This will result in the top of the bank being cut back about 10 feet, for a 1:1 slope. At the top of the new stabilized area will be buffer planting for a depth of 10 feet. The plantings will consist of native vegetation including shrubs, 3-4 feet on center and trees a minimum of every 15 feet. This will result in about 150 native plants and 30 trees being installed. The Codes Officer has reviewed the revegetation plan and has some concerns as to whether or not the revegetation plan proposed is adequate (in accordance with the revegetation requirements of Shoreland Zoning). A proposed condition of the approval is that the applicant obtain approval from the Freeport Codes Enforcement Officer for the final plan for the revegetation of the buffer, to allow the applicant to supplement the proposed buffer plan, if required. Based upon this information, the Board finds that this standard has been met.

- I. <u>Environmental Considerations</u>: A site plan shall not be approved unless it meets the following criteria:
 - (1) The project will not result in water pollution, erosion or sedimentation to surface waters;
 - (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 - (3) The project will conserve shoreland vegetation;
 - (4) The project will conserve points of public access to waters;
 - (5) The project will adequately provide for the disposal of all wastewater;
 - (6) The project will protect archaeological and historic resources;
 - (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

The parcel is within the Shoreland Zone but not within the Marine Waterfront District. Approximately 175 linear feet of shoreline stabilization will also occur with the project and will stabilize the bank which is eroding. A revegetation plan for the top of the bank was included with the proposal with a proposed condition of approval that the Codes Enforcement Officer sign-off on the final planting plan. The applicant did make application to the Coastal Waters Commission and was granted approval by the Commission for this project on 08/14/19. The applicant has also applied to the Maine Department of Environmental Protection for an NRPA Permit and to the US Army Corps of Engineers for a permit, both for the 2 sf of wetland impact from the pilings needed to support the pier. The NRPA permit is also required for the shoreline stabilization. Those approvals have not yet been obtained. The applicant did obtain approval from the Maine Historic Preservation Commission, dated 06/27/19, stating that "...there will be no historic properties affected by the proposed undertaking..." 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: Chapter 31 Town of Freeport Coastal Waters Ordinance, ARTICLE XIII FLOAT, WHARF & DOCK PERMITS

Float ("Project") Standards:

The design, location and scale of all float projects are subject to approval by the Freeport Coastal Waters Commission under the following guidelines. **NOTE: Approval from the Freeport Waters Commission does not relieve the applicant from the responsibility of obtaining approval from other town, state and federal agencies with jurisdiction over the proposed float.**

1. The project shall be no larger in dimension than is consistent with the conditions, use and character of its surroundings; it will not adversely affect water use by adjacent properties; and will remain in general harmony with that of existing activities in adjacent areas within the Freeport Coastal Water Commission's jurisdiction. The property for which the project will be constructed shall have a minimum of 60 feet of water frontage. The length from the highest annual tide water mark shall not exceed 125' and must be completed within two years of final approval.

The Coastal Waters Commission granted approval for the project on 08/14/19 and the proposal has been reviewed by the Harbormaster. The property on which the project is located on has in excess of 60 feet of water frontage. Based upon this information, the Board finds that this standard has been met.

2. The project must not unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, and navigation) in, on, or over the submerged lands; unreasonably interfere with fishing or other existing marine uses of the area; unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and unreasonably interfere with ingress and egress or riparian owners. Project may require accommodations such as steps or pier elevations allowing passage over or beneath the structure.

The Coastal Waters Commission granted approval for the project on 08/14/19 and the proposal has been reviewed by the Harbormaster. The Board is not aware of any issues regarding accessways, marine uses, commercial marine activities or ingress and egress of riparian owners. Based upon this information, the Board finds that this standard has been met.

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

The Coastal Waters Commission granted approval for the project on 08/14/19 and the proposal has been reviewed by the Harbormaster. The Board is not aware of any issues regarding hazards to navigation and warning lights were not required as part of that approval. An application has been submitted to the Army Corps of Engineers. Based upon this information, the Board finds that this standard has been met.

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

The Coastal Waters Commission granted approval for the project on 08/14/19 and the proposal has been reviewed by the Harbormaster. The Board is not aware of any issues regarding navigation channels, existing moorings or brething areas or public access. Based upon this information, the Board finds that this standard has been met.

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

Approximately 175 linear feet of shoreline stabilization will also occur with the project and will stabilize the eroding bank. A revegetation plan for the top of the bank was included with the proposal with a proposed condition of approval that the Codes Enforcement Officer sign-off on the final planting plan. The applicant shall follow the DEP Best Management Practices for Erosion Control during construction and an erosion control plan has been included in the submission and hall use a contract that is certified in erosion control by the DEP. Based upon this information, the Board finds that this standard has been met.

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

Approximately 175 linear feet of shoreline stabilization will also occur with the project and will stabilize the eroding bank. A revegetation plan for the top of the bank was included with the proposal. The new dock will provide all tide access so the structures will no longer be sitting on the mud during lower tides. Based on this information, the Board finds that this standard has been met.

7. The project shall not significantly impact fisheries or shellfish harvesting. Prior to approval applications may be reviewed by the Shellfish Commission.

The Coastal Waters Commission granted approval for the project on 08/14/19 and the proposal has been reviewed by the Harbormaster/Marine Resource Conservation Officer. The Board is not aware of any issues regarding the impact on fisheries or shellfish harvesting. Based upon this information, the Board finds that this standard has been met.

8. Registration and Identification will be required on all ramps and floats.

The applicant is aware that the float will need to have proposed identification as required by the Harbormaster. 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 Article XIII of the Coastal Waters Ordinance.

Proposed Findings of Fact: Chapter 1000.15.B: GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES - 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, and Shoreline Stabilization

(1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

The project consists of the removal of an existing dock and the construction of a new dock which will include a pier, ramp and float in a new location and provide access on an all-tide basis. There will only be one dock on the property. Based upon this information, the Board finds that this standard has been met.

(2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

Portions of the existing shoreline were previously stabilized with riprap and an additional 175 linear feet of shoreline stabilization will also occur with the project and will stabilize the bank which is eroding. The pier will be supported with pilings that will be set in the upland and pinned to the riprap. The float will be stored outside of the Shoreland Zone setback. Based upon this information, the Board finds that this standard has been met.

(3) The location shall not interfere with existing developed or natural beach areas.

No existing developed or natural beaches have been identified in the submission. Based upon this information, the Board finds that this standard has been met.

(4) The facility shall be located so as to minimize adverse effects on fisheries.

The submission noted that "the project has been reviewed by the Maine Department of Inland Fisheries and Wildlife, the Department of Marine Resources, US Fish and Wildlife, and the National Oceanic and Atmospheric Administration and there were no concerns identified regarding the project." Based upon this information, the Board finds that this standard will be met.

(5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

The parcel is in the Island District which allows "one pier, dock or wharf may be maintained on each Island or lot of record existing as of January 1, 1979." The proposed dock will replace an existing one which will be removed. The ramp will not be wider than six feet. The structure will not be located in non-tidal waters. Based upon this information, the Board finds that this standard has been met.

(6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

The project consists of the removal of an existing dock and the construction of a new dock which will include a pier, ramp and float in a new location and provide access on an all-tide basis. No new structures are being built on or over the dock. Based upon this information, the Board finds this standard has been met.

(7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.

The structure will not be located in non-tidal waters. The applicant has applied to the DEP for applicable permitting. Based upon this information, the Board finds this standard has been met.

(8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

The project consists of the removal of an existing dock and the construction of a new dock which will include a pier, ramp and float in a new location and provide access on an all-tide basis. No new structures are being

built on or over the dock. No residential units are proposed. Based upon this information, the Board finds that this standard has been met.

(9) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

The project consists of the removal of an existing dock and the construction of a new dock which will include a pier, ramp and float in a new location and provide access on an all-tide basis. No new structures are being built on or over the dock. Based upon this information, the Board finds this standard has been met.

- (10) Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning 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 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 15(S).

Approximately 175 linear feet of shoreline stabilization will also occur with the project. This will result in the top of the bank being cut back about 10 feet, for a 1:1 slope. At the top of the new stabilized area will be buffer planting for a depth of 10 feet. The plantings will consist of native vegetation including shrubs, 3-4 feet on center and trees a minimum of every 15 feet. This will result in about 150 native plants and 30 trees being installed. The Codes Officer has reviewed the revegetation plan and has some concerns as to whether or not the revegetation plan proposed is adequate (in accordance with the revegetation requirements of Shoreland Zoning). A proposed condition of the approval is that the applicant obtain approval from the Freeport Codes Enforcement Officer for the final plan for the revegetation of the buffer, to allow the applicant to supplement the proposed buffer plan, if required. The applicant has applied for a Natural Resource Protection Act (NRPA) Permit from the Department of Environmental Protection for the Shoreline Stabilization. Based upon this information, the Board finds that this standard has been met.

- (11) A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
 - (a) The total deck area attached to the structure does not exceed 700 square feet;
 - (b) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
 - (c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
 - (d) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in section 15(B); and
 - (e) The construction of the deck complies with all other state and federal laws.

No decks are proposed with this proposal. Base upon this information, the Board finds that this standard has been met.

<u>Proposed Motion</u>: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for Gladys Cofrin and Daniel Logan, at 53 Bartol Island Road (Tax Assessor Map 20, Lot 89A), for shoreline stabilization and dock replacement, to be built substantially as proposed, submission dated September 16, 2019, finding that it meets the standards of the Section 602 of the Freeport Zoning Ordinance, Article XIII of the Coastal Water's Ordinance, and the standards of Chapter 1000.15.B of the State of Maine Shoreland Zoning regulations, 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 sitework, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) The applicant obtain applicable approvals from the US Army Corps of Engineers and from the Maine Department of Environmental Protection, prior to applying for any permits from the Freeport Codes Enforcement Officer.
- 4) The applicant obtain approval from the Freeport Codes Enforcement Officer for the final plan for the revegetation of the buffer, to allow the applicant to supplement the proposed buffer plan, if required for compliance with State Shoreland Zoning requirements for revegetation associate with shoreline stabilization.

<u>Denney Block Freeport, LLC – Site Re-development</u>		
Property Location:	Tax Assessor Map 11, Lots 110 & 111	
Zoning Information:	Village Commercial I (VC-I), Design Review District I – Class B & C properties	
Review Type(s):	Site Plan Approval and Design Review Certificate	
Waivers Requested:	None.	

<u>Background</u>: The applicant is presenting plans for a redevelopment project at 56 & 58 Main Street. A new structure (approx. 6,000 s.f.) between the two existing structures is proposed. Site Plan Review and Design Review are required. The proposal includes a request to demolish a portion of an existing Class B building and for which the Board deemed the four month notice period complete at the 09/18/19 Project Review Board meeting. The applicant received approval from the Freeport Town Council in May 2015 for a Contract Zone for the property. In addition to the standard zoning regulations of the Village Commercial I, the project is also governed by the details of Contract Zoning Agreement and any standards contained within that document.

<u>History</u>: The applicant worked with the Town of Freeport in 2015 regarding the contract zone agreement for a multiple story, in-fill building, up to 43 feet in height and about approximately 16,300 sf. The main purpose for the agreement was that due to the significant grade change on the property, the building would not meet the height restrictions (per Section 413) on all sides. They also presented conceptual site plans to the Project Review Board. Although the contract zoning process (refer to Section 204 of the Freeport Zoning Ordinance) was complete and an agreement was executed, the applicant never obtained the required Site Plan and Design Review approvals.

Contract Zone Agreement (CZA): There are many items for consideration with this application. At the 08/21/19 Project Review Board meeting, the Board found that "... the proposed building design for the redevelopment project at 56 and 58 Main Street is as substantially described as in the approved contract zone, specifically in reference to building height, building design, the use of the building elevator, the use of the sidewalk and all retail spaces having access to the Mill Street loading dock at the back of the building or from the side entrance on Mill Street."

One of the requirements in the contract zone is that the three existing parcels with the three existing buildings will be merged into one parcel. This is important, as if this is not done, there will be three separate parcels with property lines

thereby creating setback issues for zoning purposes. The applicant has submitted a draft deed; recording this deed has been added as a proposed condition of approval.

There are some components of the project description (page 2 of the contact zone agreement) that the project needs to comply with. Based upon the information included in the submission, the applicant is within the height limits of a maximum of 43 feet. The building is required to have an elevator which will need to be open to the public during regular business hours; this has been noted in the submission. The CZA does have a requirement that directional signs to the elevator from all building entrances be provided. Details on this were not included in the submission; it has been added as a proposed condition of approval, to be reviewed and approved prior to a certificate of occupancy being issued.

The contract zone also has the requirement that the "sidewalk in front of the building will be reconstructed by the developer." Details of this have not been included in the submission, however since this is mostly in the right of way, it is something that will need to be coordinated with the Freeport Department of Public Works and the Freeport Town Council. This has also been added as a proposed condition of approval.

The CZ states that sitting areas will be created in front of the new building and on the Mill Street side of the building (as shown in Exhibit B in the CZ Agreement). A sitting area on the Mill Street side of the building has not been reflected on the site plan. In addition, since this is in Design Review, details on the proposed seating (benches) will need to be submitted and reviewed for their compliance with the standards of the Freeport Design Review Ordinance. Is this something that the Board is comfortable adding a condition of approval for?

The CZA also requires "The strip of land between the stairs on Mill St and the building will be landscaped." No additional landscaping is proposed; does the Board feel that this requirement has been met? If not, is this something they are comfortable with adding as a condition of approval?

Access and parking: Access to the site it existing. Parking is not available on-site, so will need to be provided in accordance with the Town of Freeport Traffic and Parking Ordinance, Article V: Leased Parking Standards and/or Section 514.B.7 of the Freeport Zoning Ordinance. Based upon the information submitted, the parking requirement for just the proposed addition will be approximately 19 spaces. Due to recent amendments to Section 514: Off Street Parking and Loading of the Freeport Zoning Ordinance, to determine the square footage for parking requirements, measurements are taken from the inside of building and some portions, depending on the final interior layout, may be exempt. In addition, parking requirements are now carried out to the first decimal place. A proposed condition of approval pertaining to parking has been added.

<u>Utilities</u>: The applicant has submitted requests for capacity letters to the Freeport Sewer District and MaineWater; capacity letters have not yet been obtained; obtaining these letters has been added as a condition of approval. Per Chapter 23: Town of Freeport Solid Waste Disposal Ordinance, commercial users are required to separate their cardboard from other waste. No dumpsters are shown on the plan; it is unclear how solid waste will be addressed.

Stormwater: The property is located in the Concord Gully Brook watershed. Due to the size and nature of the proposed project, review of the stormwater management for the project falls within the standards of Section 529 of the Freeport Zoning Ordinance. The site does incorporate the use of some impervious pavers. A maintenance plan was included in the submission; some minor revisions are required. A Stormwater Maintenance Agreement with the Town of Freeport is a recommended condition of approval. The Town Engineer has reviewed the plan and his comments are included in a memo dated 10/09/19. The applicant has stated that approval from the DEP is not required.

<u>Lighting & Signage</u>: No signage is included in the submission and the applicant is aware that any future signage will require review and approval from the Board. The location of lighting is shown on the plan; black gooseneck style lighting is proposed.

<u>Design Review</u>: The area is currently developed mostly as a bricked area with a granite stairway between the two existing structures. The addition will be added between two existing buildings that are Class B and C. Between the addition and the existing structure will be walkway and set of steps which will connect the rear of the site to Main Street. The proposed steps and walkway area appear to be surfaced in granite with a metal handrail on one side. The visibility of the stairway will be limited.

The new structure will be about 34 feet in height, with three exterior facades. The building will be wood sided with wood windows and trim. Window mullions will be as depicted in the drawings and simulated divided light. The roof will be peaked and covered with asphalt shingles with the exception of the portion of the new structure which connects to the existing structure where the portion of the new structure will have a flat roof. There will be a steel stair and railing system on the rear façade which will be painted. All building colors will be from a historic color pallet. The base of the building will be granite.

Due to the proposed use of the building and the limited visibility, the applicant is proposing a limited amount of openings on the façade facing the walkway that will be between the two buildings. This is the preferred design, as depicted on Sheet EL-2. If the Board does not feel that the façade design meets the standards of the Ordinance, they have also provided on Sheet EL-2ALT for consideration.

The submission does include a rendering depicting façade restoration for the side of the existing building at 58 Main Street (which will be required as part of the previously approved demolition). On the upper level of the side façade, windows will remain unchanged. One the second level, windows being removed from the second story of the demolished portion, will be used on the remaining façade. The lower level façade will have two new doors installed and a new window; this portion of the façade will be brick.

No signage was included in the submission and the applicant will need to return to the Board for review and approval of a Design Review Certificate for any new signage.

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 worked with the Town of Freeport in 2015 regarding the contract zone agreement for a multiple story, in-fill building, up to 43 feet in height and about approximately 16,300 sf. The proposed structure is about 34 feet in height and 6,060 s.f. The area is currently developed mostly as a bricked area with a granite stairway between the two existing structures. The addition will be added between two existing buildings that are Class B and C. Based upon this information, the Board finds that this standard has been met.

2. <u>Height</u>. 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 applicant worked with the Town of Freeport in 2015 regarding the contract zone agreement for a multiple story, in-fill building, up to 43 feet in height and about approximately 16,300 sf. The proposed structure is about 34 feet in height and 6,060 s.f. Based upon this information, the Board finds that this standard has been met.

3. <u>Proportion of Building's Front Facade</u>. 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 worked with the Town of Freeport in 2015 regarding the contract zone agreement for a multiple story, in-fill building. The heights and width of the new structure will be slightly smaller than that of the abutting existing 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 applicant worked with the Town of Freeport in 2015 regarding the contract zone agreement for a multiple story, in-fill building. In the agreement was a limitation regarding the amount of glass that would be allowed on the front façade; the design appears to comply with that provision. The rhythm of solids to voids in the front façade is similar to that on other commercial properties in the area.

The submission does include a rendering depicting façade restoration for the side of the existing building at 58 Main Street (which will be required as part of the previously approved demolition). On the upper level of the side façade, windows will remain unchanged. One the second level, windows being removed from the second story of the demolished portion, will be used on the remaining façade. The lower level façade will have two new doors installed and a new window; this portion of the façade will be brick.

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

5. <u>Proportions of Opening within the Facility</u>. 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.

Windows and doors are square or rectangular in shape and have appropriately been sized for the scale of the building.

The submission does include a rendering depicting façade restoration for the side of the existing building at 58 Main Street (which will be required as part of the previously approved demolition). On the upper level of the side façade, windows will remain unchanged. One the second level, windows being removed from the second story of the demolished portion, will be used on the remaining façade. The lower level façade will have two new doors installed and a new window. Based upon this information, the Board finds that this standard has been met.

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

The roof will be peaked and covered with asphalt shingles with the exception of the portion of the new structure which connects to the existing structure where the portion of the new structure will have a flat roof. 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 building will be wood sided with wood windows and trim. Window mullions will be as depicted in the drawings and simulated divided light. The roof will be covered with asphalt shingles. There will be a steel stair and railing system on the rear façade which will be painted. All building colors will be from a historic color pallet. The base of the building will be granite. 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 area is currently developed mostly as a bricked area with a granite stairway between the two existing structures. The addition will be added between two existing buildings that are Class B and C. Between the addition and the existing structure will be walkway and set of steps which will connect the rear of the site to Main Street. Based upon this information, the Board finds that this standard has been met.

9. <u>Site Features</u>. 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.

There will be no parking on the site and vehicular access is existing. The addition will be added between two existing buildings that are Class B and C. Between the addition and the existing structure will be walkway and set of steps which will connect the rear of the site to Main Street. No signage has been included with the submission. Based upon this information, the Board finds that this standard has been met.

10. In addition to the requirements of the Freeport Sign Ordinance, <u>signs</u> 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 signage has been included with the submission. Any new signs will require review and approval by this Board as a separate application. 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. of the Freeport Zoning Ordinance)

a. <u>Preservation of Landscape</u>: 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 worked with the Town of Freeport in 2015 regarding the contract zone agreement for a multiple story, in-fill building, up to 43 feet in height and about approximately 16,300 sf. A new structure (approx. 6,000 s.f.) between the two existing structures is proposed and the area is currently mostly impervious. At the 08/21/19 Project Review Board meeting, the Board found that "... the proposed building design for the redevelopment project at 56 and 58 Main Street is as substantially described as in the approved contract zone, specifically in

reference to building height, building design, the use of the building elevator, the use of the sidewalk and all retail spaces having access to the Mill Street loading dock at the back of the building or from the side entrance on Mill Street." 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 parcels are Class B & C in Freeport Design Review District I. A Design Review Certificate is required. A new structure (approx. 6,000 s.f.) between the two existing structures is proposed and the area is currently mostly impervious. At the 08/21/19 Project Review Board meeting, the Board found that "... the proposed building design for the redevelopment project at 56 and 58 Main Street is as substantially described as in the approved contract zone, specifically in reference to building height, building design, the use of the building elevator, the use of the sidewalk and all retail spaces having access to the Mill Street loading dock at the back of the building or from the side entrance on Mill Street." Based upon this information, the Board finds that this standard has been met.

c. <u>Vehicular Access</u>: The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrial 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 pedestrial-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

Vehicular access to the site will remain unchanged and limited to an existing shared loading dock area located behind the buildings. Based upon this information, the Board finds that this standard has been met.

d. <u>Parking and Circulation</u>: The layout and design of all means of vehicular and pedestrial 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.

Access to the site is existing. Parking is not available on-site, so will need to be provided in accordance with the Town of Freeport Traffic and Parking Ordinance, Article V: Leased Parking Standards and/or Section 514.B.7 of the Freeport Zoning Ordinance. Based upon the information submitted, the parking requirement for just the proposed addition will be approximately 19 spaces. Per Section 514: Off Street Parking and Loading of the Freeport Zoning Ordinance, to determine the square footage for parking requirements, measurements are taken from the inside of building and some portions, depending on the final interior layout, may be exempt. A condition of approval pertaining to parking has been added. Based upon this information, the Board finds that this standard has been met.

e. <u>Surface Water Drainage</u>: Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section

529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

The property is located in the Concord Gully Brook watershed. Due to the size and nature of the proposed project, review of the stormwater management for the project falls within the standards of Section 529 of the Freeport Zoning Ordinance. The site does incorporate the use of some impervious pavers. A maintenance plan was included in the submission; some minor revisions are required. A Stormwater Maintenance Agreement with the Town of Freeport is a recommended condition of approval. The Town Engineer has reviewed the plan and his comments are included in a memo dated 10/09/19. The applicant has stated that approval from the DEP is not required. Based upon this information, the Board finds that this standard has been met.

f. <u>Utilities</u>: All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

The applicant has submitted requests for capacity letters to the Freeport Sewer District and MaineWater; capacity letters have not yet been obtained; obtaining these letters has been added as a condition of approval. Per Chapter 23: Town of Freeport Solid Waste Disposal Ordinance, commercial users are required to separate their cardboard from other waste. No dumpsters are shown on the plan. Based upon this information, the Board finds that this standard has been met.

g. <u>Advertising Features</u>: 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 signage has been included with the submission. Any new signs will require review and approval by this Board as a separate application. Based upon this information, the Board finds that this standard has been met.

h. <u>Special Features</u>: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

The applicant received approval from the Freeport Town Council in May 2015 for a Contract Zone for the property. In addition to the standard zoning regulations of the Village Commercial I, the project is also governed by the details of Contract Zoning Agreement and any standards contained within that document. An existing shared loading dock area for this and the abutting property is located behind the buildings. Per the CZA, the building is required to have an elevator which will need to be open to the public during regular business hours; this has been noted in the submission. The CZA does have a requirement that directional signs to the elevator from all building entrances will be provided. Details on this were not included in the submission; it has been added as a proposed condition of approval, to be reviewed and approved prior to a certificate of occupancy being issued. Based upon this information, the Board finds that this standard has been met.

i. Exterior Lighting: All exterior lighting shall be designed to encourage energy efficiency, to ensure safe

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

The location of lighting is shown on the plan; black gooseneck style lighting is proposed. Based upon this information, the Board finds that this standard has been met.

j. <u>Emergency Vehicle Access</u>: 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. <u>Landscaping</u>: 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.

Some planters are proposed in the front and rear of the buildings. Some areas of ground planting bed are proposed along the rear building façade. The CZA also requires "The strip of land between the stairs on Mill St and the building will be landscaped." No additional landscaping is 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:
 - a. The project will not result in water pollution, erosion or sedimentation to surface waters;
 - b. The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 - c. The project will conserve shoreland vegetation;
 - d. The project will conserve points of public access to waters;
 - e. The project will adequately provide for the disposal of all wastewater;
 - f. The project will protect archaeological and historic resources;
 - g. 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 lot will be connected to the public water and public sewer system. 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.

<u>Proposed Motion</u>: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Design

Review Certificate and Site Plan Amendment for Denney Block Freeport, LLC for a building addition and associated site improvements for at 56-58 Main Street (Tax Assessor Map 11, Lot s 110 & 111), to be substantially as proposed, site plan revised through 10/07/19, and architectural plan set revised through 09/25/19, finding that it meets the standards of the Freeport Design Review Ordinance and 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 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 a building permit from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, or a building permit being applied for, the applicant do the following:
 - a. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - b. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD and in a form acceptable to the Town Attorney. The performance guarantee shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount \$TBD, be paid.
 - c. Establish an inspection account, in the amount of \$TBD for inspection of the site improvements by the Town Engineer.
 - d. The developer have a pre-construction meeting with the Town Engineer.
 - e. At the time that a building permit is applied for, the applicant pay a Pavement Maintenance Impact fee to the Town of Freeport based upon the size of the proposed structure and the impact fees effective at such time.
 - f. The applicant obtain written capacity letters from the Freeport Sewer District and MaineWater with a copy being forwarded to the Freeport Planning Department.
 - g. In accordance with the contact zone approved by the Freeport Town Council on 05/05/15, the three parcels of land containing the three existing buildings will be merged into one parcel, with a deed to be recorded in the Cumberland County Registry of Deeds.
 - h. Submit a copy of the revised Maintenance and Housekeeping plan to incorporate the changes suggested by the Town Engineer, in his memo dated 10/9/19, to be reviewed and approved by the Town Engineer.
- 4) Prior to a certificate of occupancy being issued, the applicant will do the following:
 - a) Obtain applicable approvals and permits for directional signs to the elevator from all building entrances.
 - b) Complete the reconstruction of the sidewalk in front of the building with first obtaining any required approvals from the Freeport Department of Public Works and the Freeport Town Council.
 - c) The applicant return to the Board for a Site Plan Amendment for the required sitting area on the Mill Street side of the building and for a Design Review Certificate for the proposed seating to be used on the site.
 - d) The applicant submit final floor plan drawing and square footages for the determination of the amount of require parking. Once the determination is made, the applicant will need to provide parking in accordance with the Town of Freeport Traffic and Parking Ordinance, Article V: Leased Parking Standards and/or Section 514.B.7 of the Freeport Zoning Ordinance.



MEMORANDUM

TO:

Caroline Pelletier, Acting Town Planner

FROM:

Adam S. Bliss, P.E., Freeport Town Engineer, Public Works Director

ASB

CC:

Nick Adams, Code Enforcement Officer

DATE:

October 9, 2019

SUBJECT:

Granite Park Subdivision

U.S. Route One / Wood Thrush Lane

Map 20, Lot 4 (000, 001)

This memorandum summarizes my <u>preliminary</u> review of the Conceptual Subdivision Plan application received September 3, 2019. These comments are provided to the Project Review Board and intended as talking points at the October 16, 2019 meeting.

- The project is located within the Frost Gully Brook watershed, which is classified as urbanimpaired by the Maine DEP. The applicant will be required to obtain a Maine DEP Chapter 500 Stormwater Permit. I have received the stormwater permit application and am currently reviewing the materials for conformance to the Maine DEP's Technical Design Standards.
- 2. A site-specific Erosion Control Plan and associated drawing will be required for construction because of the poorly draining soils and steep slopes associated with the project.
- 3. The road is not centered within the right-of-way and the roadside drainage swale is shown outside of the right-of-way, please have the applicant justify and explain the reasoning.
- 4. The Fire Chief should evaluate whether the turn-around radii facilitate adequate turning movements for the Department's vehicles.
- 5. There appears to be proposed activities adjacent to stream and wetland natural resources. The applicant should discuss their plan for obtaining a Natural Resource Protection Act (NRPA) permit.
- 6. The Town received a sketch plan during June 2019 (pre-conceptual submission) showing a different wetland delineation from the plan provided in the current submittal package. The plan shows the proposed road within a wetland on the June 2019 plan, but that wetland is not shown on the submitted Concept Plan. The applicant should respond why there was a change and how this change may affect the Net Developable Acreage calculation.
- 7. The wetlands mapping does not agree with the contours shown, presumably because the contours are from GIS data and the wetlands were mapped with GPS. I would expect the mapping to follow the bottom of the embankment. The applicant should discuss how the wetlands were mapped and if they are accurately represented on the plans.
- 8. The proposed septic system on Lot 1 is located quite a distance from Test Pit 1. The applicant should confirm where the system is proposed to be located.
- 9. The nearest hydrant is located approximately 700 feet from the project site. The Fire Chief should evaluate whether sprinklers will be required.

Town of Freeport, Maine Coastal Waters Commission Meeting Minutes August 14, 2019

Participants:	Jeff Stenzel
	Dayton Benway
	Peter Polovichik
	Joe Frazer
	Dan Piltch
	Mark Morrissy
	Charlie Tetreau – Harbor Master
Absent:	Laurie Orlando
Guest:	Ethan Parker
	Lisa Vickers

Coastal Waters Commission (the Commission) meeting was called to order at 6:05 pm on August 14, 2019 at the Freeport Community Center.

REPORTS

The June minutes were reviewed with a motion to approve made by Mr. Morrissy and seconded by Mr. Frazer. All were in favor, and none opposed.

The July minutes were reviewed with a motion to approve as revised for attendees made by Mr. Frazer and seconded by Mr. Morrissy. All were in favor, and none opposed.

The Harbormaster report was presented by Mr. Tetreau. Relevant notes include: Commercial activity has picked up; several kayakers were rescued in bad weather; the shore line clean-up was performed in late July with no noteworthy findings.

NEW BUSINESS

The Town is exploring how to move forward with airboat noise regulations. No regulations currently exist. A group of local town are meeting and State legislation may result.

WHARFING OUT APPLICATION PROCESS

Lisa Vickers from Atlantic Environmental representing Gladys Cofrin and Daniel Logan of 53 Bartol Island Road presented an update on that wharfing out application. Notable information is as follows: The DEP inspection resulted in no findings; the Army Core review remains pending; the RIP RAP on the banking will be rebuilt; winter storage will be done via ways to remove the float. The back-up plan will be to tow the float away; the ways will be secured with 6x6 posts and pinned to the RIP RAP. A motion to approve was made by Mr. Frazer and seconded by Mr. Morrissy. All were in favor, and none opposed.

The meeting was adjourned at 6:58 pm.

Participants

Laurie Orlando

Joe Frazer

Peter Polovchik

Jeff Stenzel

Joe Frazier

Absent

Dayton Benway

Dan Pilch

Guest

Carter Becker/ Falls Point Marine

Lisa Vickers / Atlantic Environmental

Town Of Freeport

Coastal Waters Commission

Meeting Minutes

July 10, 2019

Coastal Waters Commission Meeting was called to order at 6:00pm on July 10, 2019

Report

No Harbormasters report

New Business

The Rivers Edge Lot Owners Corporation, Sherwood and Cousins Drive presented by Atlantic Environmental/Lisa Vickers

Previous owner received approval for a seasonal dock. This seasonal dock was lost in a high-water storm and reconstructed with a permanent pier. Homeowner's association is looking for after the fact approval of this structure.

Application was reviewed by commission.

Atlantic Environmental answered questions of float winter storage and method of removal. Atlantic Environmental will be assisting homeowners with proper removal.

Army Corps approval in process.

Atlantic Environmental will also provide agents letter.

Question of mooring permits in the area of this pier. However, it was determined to be a separate issue and permit requirement that the harbormaster needs to address.

Motion to approve by L Orlando with amendment to add float storage plan. Second by J Frazer with all members of the committee in favor.

53 Bartol Island Rd presented by Atlantic Environmental Lisa Vickers

Dock removal and New Construction

Application is for the removal of an existing approved dock and to reconstruct a new shorter structure in an area with all tidal access.

Application was reviewed by the commission.

Request for agents letter be sent as well as float plan and winter storage.

Questions by the commission on the addition of riprap site work deemed acceptable.

Pending 30 day notice for approval.

Little Fox Island approval of existing dock

LL Bean existing Dock system built in 2002 and moved in 2017.

Coastal Waters approved the owner transfer of this pier system built in 2002 and relocation to 14 Marietta Lane in 2017.

Motion to approve by Laurie Orlando, Second by Joe Frazer with all members of the committee in favor.

Meeting was adjourned at 7:10 pm



MEMORANDUM

TO:

Caroline Pelletier, Acting Town Planner

FROM:

Adam S. Bliss, P.E., Freeport Town Engineer, Public Works Director

CC:

Nick Adams, Code Enforcement Officer

DATE:

October 9, 2019

SUBJECT:

The Denney Block

56-66 Main Street

Map 11 - Lots 109, 110, and 111

I have reviewed the application and plans received October 7, 2019. The following comments summarize the results of my review. The applicant has met the regulatory and design aspects of the project. I recommend final approval with the revised plan condition stated below.

The applicant has stated that their proposal is unrelated to the Freeport Village Station development and does not require a modification the Maine DEP Site Location of Development permit related to that project. Even if it were related to the Freeport Village Station based on common scheme of development, the project is small enough that it would be exempt based on the applicant's and Maine DEP's response. The Town agrees with the applicant's statement, but their position should be stated in the findings of fact.

The project is located within the Concord Gully Brook watershed, which is classified as urban impaired, but the disturbed areas are below the Maine DEP permitting thresholds. The proposed impervious area is less than 20,000 square feet so a Maine DEP Chapter 500 Stormwater Permit is not required. The total developed area will be less than 1 acre so a Maine Construction General Permit will not be required.

The project is located within the Municipal Separated Storm Sewer System (MS4) regulated area and is within a priority watershed. Erosion control and stormwater management inspections performed by the Town Engineer are required according to the Town's Stormwater Management Program Plan. A pre-construction meeting will not be necessary, but a construction start date should be provided to the Town as early as possible.

Local approval is required by the Project Review Board and the applicant has designed a stormwater management system in compliance with Section 529 of the Town's Zoning Ordinance. The use of pervious pavers is acceptable for meeting the water quality treatment requirement and the impervious lot coverage ratio. The proposed project also meets the stormwater quantity management requirement.

An Inspection, Maintenance, and Housekeeping Plan has been prepared for the project. The submitted plan contains references to Bowdoin College and the Maine DEP. The plan should be revised, resubmitted, and approved by the Town Engineer as a condition of approval. Erosion and Sediment Control notes and details were provided on Drawings 6 and 7. These construction specific details are acceptable. I recommend that a Stormwater Maintenance Agreement be executed with the Town and recorded in the Cumberland County Registry of Deeds. The use of pervious pavers is required to be vacuum swept as least twice annually.