

TO:FREEPORT PROJECT REVIEW BOARDFROM:CAROLINE PELLETIER, INTERIM TOWN PLANNERRE:STAFF REPORTDATE:Wednesday, November 20, 2019

Maine Beer Company – Site Plan Amendment		
Property Location:	Tax Assessor Map 23, Lot 61A, 525 US Route One	
Zoning Information:	Commercial I (C-I)	
Review Type(s):	Site Plan Amendment	
Waivers Requested:	None	

Background: The applicant had a Site Plan and landscaping plan approved by the Project Review Board in 2016. At the time, a lot of time and attention was given to the extensive landscaping plan. Upon final inspection of the previously approved site improvements, by the Town Engineer, it was observed that some minor changes to the plan had occurred as the project was constructed.

Procedure: The applicant is before the Board seeking an after the fact approval for a Site Plan Amendment. One thing for the Board to note, it that this parcel is in a Commercial District and therefore Section 527 Performance Standards for Commercial Districts (Freeport Zoning Ordinance) are applicable.

Changes: Changes include omitting doors for the fenced dumpster enclosure; adding a strip of pavers to one parking stall to meet the dimensional requirements of the Zoning Ordinance; the location of the fence between this property and the abutting property has been updated; a ground sign has been added to the area of the Pine Street entrance; and, the landscaping plan has been updated. In regards to landscaping, the original plantings were installed but many did not survive. The new plants have already been planted, are well established, and include species appropriate for the growing conditions. The landscaping plan reflects plantings in the required buffers and throughout the site.

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 parcel is already developed with a structure and parking lot. The application before the Board is for after-thefact approval and no additional clearing is proposed. Based upon this information, the Board finds that this standard has been met. b. <u>Relation of Proposed Buildings to the Environment</u>: The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

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

c. <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 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 circulation are proposed. One parking stall is having pavers added to it to make the dimensions comply with the requirements of Section 514 of the Freeport Zoning Ordinance. 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.

Based upon the size and nature of the changes, information on surface water drainage was not included with the submission. 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.

There will be no new connections to the public water or public sewer systems. 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.

The plan does show a new ground sign on the Pine Street side of the property. The sign frame will be constructed of wood and the sign face will be ABS plastic with a vinyl wrap for the text. The sign will be four feet in height and the sign face will be $11^{"}x35^{"}$. 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 location of the fence between this property and the abutting property has been updated. The existing conditions with a combination of fencing and plantings complies with the landscaping and buffering requirements for the Commercial District and Section 527 of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

i. <u>Exterior Lighting</u>: 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 additional 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. Landscaping: Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

The applicant is seeking an after-the-fact approval for some modifications to a previously approved landscaping plan. Original plantings were installed but many did not survive. The new plants have been planted, are well established and include species appropriate for the growing conditions. The existing conditions with a combination of fencing and plantings in the setbacks and throughout the site, complies with the landscaping and buffering requirements for the Commercial District and Section 527 of the Freeport Zoning Ordinance. 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.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. 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 and Site Plan Amendment for Maine Beer Company, at 525 US Route One (Tax Assessor Map 23, Lot 61A), plans dated 09/20/16 and most recently revised 10/16/19, for after the fact site changes including minor alterations, a new sign, and changes to the landscaping plan, to be substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 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 installation, the applicant obtain a sign permit from the Freeport Codes Enforcement Officer.

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	

Background: 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; 263,737 sf would be required. 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.

Procedure: This is considered a Subdivision-Minor (per Article III of the Freeport Subdivision Ordinance) and would involve two levels of review – conceptual and final. The Board initially reviewed the conceptual plan at the 10/16/19 Project Review Board meeting and held a sitewalk on 10/23/19. 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.

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.

Access: Wood Thrush Lane is considered a "driveway" per Article 3.2 of the Freeport Subdivision Ordinance and no road improvements are proposed. Creating a right-of-way for the existing road does create new setbacks for the existing structures; this is something that should be reviewed with the Codes Officer prior to the final submission. 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. Article 11.5.C.2.i.6 of the Freeport Subdivision Ordinance states "To the extent possible, the centerline of the roadway shall be the centerline of the right-of-way." The road is not centered in the right-of-way; this was briefly discussed at the last meeting, is this something the Board is okay with?

There was discussion about the road construction at the last meeting, and the applicant did note that their preference would be for the road to have a gravel surface. The Board wanted input from the Town Engineer. His comments are included in an email dated 10/22/19 and in it he recommends that the Board require a paved road, as required by the Ordinance (unless otherwise waived). The Fire Chief has also been contacted to see if a change in the surface material would change his opinion regarding adequate access and sprinklers; his comments are included in an email dated 11/14/19. Article 11.5.C.2.i.6 of the Subdivision Ordinance states "... If a hammerhead or T-turnaround is approved, no driveways shall enter onto the turnaround." This could potentially impact lot three and is something to be addressed at the meeting.

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. Earl Gibson, Superintendent of Public Works has requested that regardless of the road surface, the applicant pave the area of the road apron within the Town's right-of-way.

Utilities: 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. Utilities will be required to be underground. In an email dated 10/16/19, the Fire Chief stated that he cannot require residential sprinkler systems.

Stormwater: 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. The applicant has been working closely with the Town Engineer on stormwater treatment, to be incorporated into the final plan. The applicant did already obtain a Permit by Rule from the Maine Department of Environmental Protection.

<u>Proposed Motion</u>: Be it order that the Freeport Project Review Board finds that the review of the Site Inventory Map and Conceptual Plan for Granite Park Subdivision (Tax Assessor Map 20, Lots 4 & 4-1) is complete, as based upon plans dated 08/30/19 and revised through 10/30/19, the Board finds that the appropriate areas have been determined for development and for open space as the open space in accordance with the standards of the Freeport Subdivision Ordinance.

The Beacon Residences – Commercial Open Space Subdivision		
Property Location:	Tax Assessor Map 22, Lots 24 & 24B	
Zoning Information:	Commercial IV (C-IV)	
Review Type(s):	Subdivision – Commercial Open Space, Site Plan Review	
Waivers Requested:	Waiver of parking stall dimension.	

Background: The applicant recently applied for Zoning and Subdivision Ordinance Amendments that allows for this application. The amendments added a new use of Subdivision – Commercial Open Space in the Commercial IV Zoning District and allows for higher density residential development. There is also a new requirement for open space (20% of the net residential acreage). The amendments also allow more than 15 units on a dead-end road (for this use). The project will require both Site Plan Review and Subdivision Review from the Board. Since this parcel is in the Commercial District; Section 527 of the Freeport Zoning Ordinance will also be applicable.

The applicant is seeking approval of preliminary plans for a Commercial Open Space Subdivision with 144 units (in six residential buildings), 5 garage buildings, a clubhouse with pool and associated site improvements. Based upon the net residential acreage calculation, 181 units would be permitted.

Process: This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance) and process would involve three levels of review – conceptual, preliminary and then final. The Board held a sitewalk and deemed the review of the conceptual plan complete at the 9/18/19 Project Review Board meeting. At that meeting, the Board also granted a waiver of Section 514.B.9 of the Freeport Zoning Ordinance to allow parking stall dimensions to be reduced from 9'x18.5' to 9'x18'; that reduction in stall dimensions has been incorporated into the preliminary plan. This is preliminary plan review and if this plan is approved, the applicant would then finalize plans and resubmit for the review of the final subdivision plan at a subsequent meeting. Abutters have been notified and this meeting has been advertised as a public hearing in the Times Record 11/12/19 & 11/18/19.

Per Article 7.1.G of the Freeport Subdivision Ordinance, "Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received."

Road: A new road entrance off Desert Road is proposed. This will require proper permitting from the Freeport Department of Public Works. There is only one entrance with a total road length of about 1,000 feet; this is within the allowable length per Article 11.5.C.2.i.8 of the Freeport Subdivision Ordinance. The road will be paved and 24 feet wide with sidewalks and some parking on one side.

Adam Bliss, Town Engineer conducted a review of the engineering for the road. His preliminary comments are included in a memo dated 11/12/19 (attached). His comments will need to be incorporated into the final plan; obtaining his final sign-off on the plans will also need to be completed before final approval is granted.

Article 11.5.C.2.e.2 of the Freeport Subdivision Ordinance has requirements for separation for access points. In this case, this access point would require 200 feet of separation from the nearby MDOT property access; 158 feet of separation is provided and a waiver is requested. This is something the Board should discuss.

Traffic: The applicant has included a traffic study in their submission. They have stated that a Traffic Movement Permit from the Maine Department of Transportation will not be required. The plan has been updated to show two potential area for possible future connection to an adjoining property (Article 11.5.B.2.e). The Town Engineer and Police Chief both provided written comment regarding the traffic; existing conditions and potential impacts from the project. Their comments are attached to the Staff Report and do raise some discussion points for the Board. One item noted in the Engineer's memo is the requirement in Section 512 of the Zoning Ordinance for acceleration and deceleration lanes; this is something to discuss at the meeting. The Town Engineer also suggested that the Board consider a peer review of the traffic study.

Parking and circulation: Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which "shall be based upon a parking

analysis submitted by the applicant." Plan sheet C100 includes a parking requirement calculation. The calculation shows a need for 293 parking spaces, which is 2.03 spaces per unit.

Public Safety: Public Safety staff have reviewed the plan. The Fire Chief has reviewed the fire protections plans; his comments are attached (email dated 11/14/19). The Police Chief has reviewed the plans and has concerns about traffic and getting some clarity on the information included in the submission. Her comments are included in an email dated 11/14/19 (attached).

Utilities: The project will be connected to public utilities. Per the Subdivision Ordinance (Appendix F), preliminary submission requirements include capacity letters from the utility companies; MaineWater and Freeport Sewer District. The applicant has contacted the companies; capacity letters have not yet been obtained. Is this something the Board would be willing to add as a condition of approval if/when they take action on the preliminary plan?

Stormwater: Due to the size and nature of the project, a Site Location of Development Permit from the Maine Department of Environmental Protection (DEP) will be required. Per Article 8.1.B of the Subdivision Ordinance, approval of this permit shall be obtained in writing from the DEP prior to the applicant submitting their final plan submission. This is something that the applicant has asked if the Board would be comfortable allowing as a condition of the approval. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regard to stormwater. His initial comments are included in a memo dated 11/12/19, and additional detailed comments will be available prior to the meeting.

Open Space: 7.3 acres of open space are required; 7.7 acres of open space are proposed. The new standards of the Section 412.F.1 of the Freeport Zoning Ordinance do have the following standards for delineating open space:

"For developments that require open space, the open space shall be delineated by using the following priority system:

- a. first priority establish buffer of at least 50 feet where the Commercial District is adjacent to the Rural Residential District.
- b. second priority open space includes primary conservation areas to the greatest extent practical c. third priority at the discretion of the owner"

Areas of open space are shown on the plan. One question for the applicant is who will own the open space. Applicable documentation regarding the protection of the open space will need to be included with the final submission.

Section 527 – Performance Standards for Commercial Districts: Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. This Section does contain standards for building design, signage, access and landscaping. Information on signage has not been included in the submission. Does the Board have feedback for the applicant in regards to the landscaping plan and/or building design? This Section of the Ordinance does have a requirement for a 5 foot wide pedestrian path. In this case, the abutting parcel to the west is occupied by MDOT and the abutting parcel to the east is vacant; neither have pedestrian connections. The plan does show a pedestrian path (5 foot wide, paved) along the front of the property and within the public right of way. This is something that would require review and approval from the Freeport Town Council and possible the Complete Streets Committee; does the Board have feedback for the applicant.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the preliminary subdivision plans submitted by Devine Capital, LLC., for the proposed Beacon Residences (Tax Assessor Map 22, Lots 24 & 24B) for a 144 unit commercial open-space subdivision, preliminary plan set dated 08/19/19, revised through 11/13/19. The Board finds that based upon the materials submitted by the applicant and the information contained in the record, the layout of the development is consistent with the information presented in the conceptual submission, that the applicant has submitted the required information per the Freeport Subdivision Ordinance and the applicant working towards the development of the final plans. The following condition(s) of approval and/or items shall be incorporated into the final submission:

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.
- 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 requirements of Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.

Town of Freeport – Site Plan Amendment		
Property Location:	Tax Assessor Map 9, Lot 16	
Zoning Information:	Village Commercial I (VC-I) and Design Review District I – Class B & C	
Review Type(s):	Site Plan Amendment	
Waivers Requested:	None	

Background: The applicant is seeking approval of a Site Plan Amendment to relocate and replace an existing ground sign at the Public Safety Building on Main Street. The sign will be upgraded with new granite posts, a repaired sign face, and a replacement of the changeable message panel with a new LED message board. (Note: State law will regulate the frequency of changing messages on the LED board). Existing gooseneck lighting will also be replaced; a cut sheet has been included in the submission.

The sign will be moved back about 2 feet further from the road to the location originally approved. Existing plantings beneath the sign will also be relocated and the existing area will be loamed and seeded. One existing evergreen tree which is located in the front setback will be removed and a new lower growing shrub will be installed; this is due in part to the tree interfering with sight distance.

Process: This application only requires approval of a site plan amendment. This application is not subject to Design Review per Article XII of the Design Review Ordinance which states "...This ordinance does not apply to: 1) signs erected and maintained by a governmental entity pursuant to and in discharge of a governmental function..." Furthermore, this application is not subject to the Freeport Sign Ordinance per Section 2.5: "Exceptions - For the purpose of this ordinance, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulation, nor to a "name sign" not exceeding one (1) square foot in area identifying the name(s) of the residents of the premises where such sign is located."

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 parcel is already developed with a structure and parking lot. The sign will be moved back about 2 feet further from the road to the location originally approved. Existing plantings beneath the sign will also be relocated and the existing area will be loamed and seeded. One existing evergreen tree which is located in the front setback will be removed and a new lower growing shrub will be installed. Based upon this information, the Board finds that this standard has been met.

b. <u>Relation of Proposed Buildings to the Environment</u>: The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces

(setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

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

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

Based upon the size and nature of the development, information on surface water drainage was not included with the submission. 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.

There will be no new connections to the public water or public sewer systems. 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.

This application is not subject to Design Review per Article XII of the Design Review Ordinance. Furthermore, this application is not subject to the Freeport Sign Ordinance. The proposal includes an application to relocate and replace an existing ground sign. The sign will be upgraded with new granite posts, a repaired sign face, and a replacement of the changeable message panel with a new LED message board. State law will regulate the frequency of changing messages on the LED board). The sign will be moved back about 2 feet further from the road to the location originally approved. Existing plantings beneath the sign will also be relocated and the existing area will be loamed and seeded. 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. <u>Exterior Lighting</u>: 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.

Existing gooseneck lighting on the sign will be replaced with new LED gooseneck lighting. 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.

Existing plantings beneath the sign will also be relocated and the existing area will be loamed and seeded. One existing evergreen tree which is located in the front setback will be removed and a new lower growing shrub will be installed. Based upon this information, the Board finds that this standard has been met.

Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:

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

This parcel is not within the Marine Waterfront District or the Shoreland Zone. 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 and Site Plan Amendment for the Town of Freeport, at 4/16 Main Street (Tax Assessor Map 9, Lot 16), application 10/30/19, a new sign and replacement vegetation, to be substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 3) 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.
- 4) Prior to installation, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.

From: Sent: To: Subject: Adam Bliss Thursday, November 14, 2019 9:37 AM Caroline Pelletier Maine Beer Company: Site Plan Amendment Review

Hi Caroline,

I have reviewed the Site Plan Amendments proposed by Maine Beer Company and recommend approval for these minor revisions. The items came to my attention during the Final Site Inspection as it relates to the Performance Guarantee requirement. It should be noted that the landscaping installed on the project is robust, well designed, and provides an aesthetic quality. Please let me know if you have any questions related to the amended Site Plan.

Thank you,

Adam S. Bliss, P.E. Town Engineer and Public Works Director 207.865.4743 ext. 106

From: Sent: To: Cc: Subject: Adam Bliss Tuesday, October 22, 2019 2:21 PM Caroline Pelletier JONATHAN NICHOLS; Tom Greer RE: waiver

Hi Caroline,

I am hesitant to recommend a waiver of the paved road surface. Pavement will provide a more stable surface over gravel and contribute less to erosion. I do not think it fair to other applicants in the past or future who had or will have similar requests. My preference is for a paved surface because this is our standard and we apply the same standards to everyone out of fairness and to ensure consistency.

Thank you,

Adam

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

Freeport Town Hall 30 Main Street Freeport, Maine 04032

From: Caroline Pelletier <CPelletier@freeportmaine.com> Sent: Tuesday, October 22, 2019 11:52 AM To: Tom Greer <tgreer@walsh-eng.com>; Adam Bliss <abliss@freeportmaine.com> Cc: JONATHAN NICHOLS <jnicholsfreeportmaine@gmail.com> Subject: RE: waiver

Adam –

This is something the Board brought up at the last meeting. The Board would like your thoughts on whether or not you feel waivers to the road design would be appropriate for a project of this size/scale. Would you be concerned about a gravel surface and erosion, since they are in the watershed of an Urban Impaired Stream?

Thanks,

Caroline

From: Tom Greer <<u>tgreer@walsh-eng.com</u>> Sent: Thursday, October 17, 2019 9:17 AM To: Caroline Pelletier <<u>CPelletier@freeportmaine.com</u>>; Adam Bliss <<u>abliss@freeportmaine.com</u>> Cc: JONATHAN NICHOLS <<u>inicholsfreeportmaine@gmail.com</u>> Subject: waiver

Hi Caroline,

Thanks for the help last night. I have talked to Jon and we believe we would like to request a waiver for the pavement. It fits in with his vision of a net zero home. We would pave an apron at Route one then have a gravel ro ad from their possibly using reclaim. Jon tells me that there are multiple gravel roads in that area, so this would be consistent with the neighborhood. I have copied Adam on the email as his opinion would be valuable to the board. Let me know what you think.

Thomas S. Greer, PE Senior Vice President Licensed in ME, NH and CT



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One Karen Drive, Suite 2A Westbrook, ME 04092 P: (207) 553-9898, Ext 108 www.walsh-eng.com

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From: Sent: To: Subject: Charles Jordan Thursday, November 14, 2019 12:01 PM Caroline Pelletier RE: Granite Park LLC

Good afternoon Caroline -

I am agnostic regarding the surface of the roadway as long as width and weight-carrying capacity (60,000 lbs.) are maintained.

Best regards,

Charlie

From: Caroline Pelletier Sent: Wednesday, November 13, 2019 10:24 PM To: Charles Jordan <cjordan@freeportmaine.com> Subject: Granite Park LLC

The issue of the new road construction came up at the last meeting. The applicant is now seeking approval for a gravel road. The Town Engineer has recommended that the Board not allow it. If they did allow it (with a paved apron in the ROW), would it change your opinion regarding fire protection, specifically truck access and sprinklers?

Caroline Pelletier

Interim Town Planner Town of Freeport 30 Main Street Freeport, ME 04032 (207)865-4743 ext 107

From: Sent: To: Subject: Jonathan Nichols <jonathannichols@kw.com> Wednesday, October 16, 2019 9:21 AM Caroline Pelletier Fwd: Granite Drive Subdivision

FYI. Thank you, Jon

------ Forwarded message ------From: Charles Jordan <<u>ciordan@freeportmaine.com</u>> Date: Wed, Oct 16, 2019 at 9:08 AM Subject: Granite Drive Subdivision To: jonathannichols@kw.com <jonathannichols@kw.com>

Good morning Mr. Nichols -

I have reviewed your latest subdivision plan and find it acceptable in terms of fire protection requirements.

While I cannot require residential sprinklers in this case, I certainly recommend them for all residential applications.

Should you have any questions, please let me know.

Best regards,

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Charlie Jordan, Chief

Freeport Fire Rescue

Jonathan L. Nichols Associate Broker Keller Williams Realty 50 Sewall Street, 2nd Floor Portland, ME 04102 (207) 712-8008 jonathannichols@kw.com



MEMORANDUM

TO: Caroline Pelletier, Acting Town Planner
FROM: Adam S. Bliss, P.E., Town Engineer
DATE: November 12, 2019
SUBJECT: Devine Capital LLC 6 and 8 Desert Road Map 22, Lot 24B

C4 Zone

Sebago Technics, Inc. submitted Preliminary Site Plan and Subdivision application materials on behalf of Devine Capital LLC for the proposed Beacon Residences at 6 and 8 Desert Road. I have reviewed the application information and plans dated October 30, 2019 for compliance to the Zoning and Subdivision Ordinances. The results of my preliminary review as they relate to these ordinances are provided below. A revised set of plans were reissued on November 14, but these have not yet been reviewed because they deadline for PRB packets to go out via U.S. mail.

Stormwater Management

The development proposes greater than three acres of impervious area and thus will require a Maine DEP Site Location of Development (SLOD) Permit. The project is not located within the Federal Urbanized Area or an Urban Impaired Stream Watershed. The project is located within Merrill Brook, a Nonpoint Source watershed threatened from development.

The applicant has applied for a Maine DEP SLOD Permit. I am relying on the Maine DEP to provide substantial review of the stormwater proposal but am still responsible for ensuring compliance to the Town's ordinances. A copy of the Stormwater Management Plan was provided to the Town. This plan shows the water quality treatment and runoff rates meet the Town's Ordinance requirements as described in Section 529 and Article 11.16. I will provide a more detailed review of the stormwater management proposal under separate cover once I have evaluated the calculations and methodology.

The Maine DEP's Basic Standards require an erosion and sedimentation control plan, an inspection and maintenance plan, and a good housekeeping plan for the project. The applicant has provided these documents included on the Erosion and Sediment Control Notes and Details (Sheet D101) and in Attachment E of the Stormwater Management Plan. I will provide a review under separate cover to confirm the details, notes, and narrative are consistent.

The Maine DEP's General Standard requires treatment of 95% of the impervious cover and 80% of the developed area. The Stormwater Management Report shows this standard has been met. The applicant has selected two wet ponds and one bioretention pond for the new impervious areas

Construction details and maintenance specifications were provided with the application materials for these measures, a detailed review of this information will be provided under separate cover.

The applicant will be required to annually certify the stormwater BMPs in a Stormwater Maintenance Agreement executed with the Town and recorded in the Cumberland County Registry of Deeds.

Traffic Management

Section 512, Access to Property, of the Zoning Ordinance requires Acceleration and Deceleration Lanes for parking areas providing 200 or more parking spaces and Average Annual Daily Traffic (AADT) volumes exceeding 7,500 vehicles. Maine DOT studies and traffic counts for this area confirm the AADT volumes exceed 7,500 vehicles. These conditions exist for the proposed development, yet no provisions for a right turn deceleration lane on Desert Road are shown on the plans. The need for a right-hand turn acceleration lane on Desert Road does not seem to be warranted because most of the vehicles will presumably exit left headed for I-295 or U.S. Route One.

Section 11.5.B of the Subdivision Ordinance describes performance standards for intersections functioning at LOS D or lower within 2,000 feet of the proposed access road. The Traffic Impact Study reports that the intersection of Desert Road and the I-295 on/off ramps function at LOS F. The report also states the proposed development will increase turning delays from 371 seconds/ vehicle (6.2 minutes) to 526 seconds/ vehicle (8.8 minutes). The Project Review Board (PRB) should discuss whether this added delay causes unreasonable congestion within the project vicinity. A preliminary design is not available nor a commitment in funding has been provided by the Maine DOT. Therefore, the applicant's assertion the Maine DOT will improve nearby intersections as a result of the Exit 20, I-295 bridge rehabilitation project cannot be known at this time.

The Maine DOT has conducted a Planning Study for the section of Desert Road associated with the bridge rehabilitation project. The Maine DOT recognizes the need for roadway improvements and traffic signals within this area of Desert Road. The Maine DOT also recognizes the need for safe movement of bicyclists and pedestrians through the area, however, a design nor a commitment of improvements has been provided. The PRB should carefully consider how traffic impacts from the proposed development, the Desert Road Bridge Rehabilitation project, and bicycle and pedestrian movements are integrated.

The PRB should carefully consider whether the Traffic Impact Study should be peer reviewed by a Traffic Engineer given the scale of the development. The peer review process will allow a consultant to confirm the calculations, methodologies, and assumptions presented in the study since the Town does not currently have the MicroSim software. The Town has utilized peer reviews for large scale projects in the past.

Other

An Existing Conditions Plan, Standard Boundary Plan, and a Site Plan are required materials for Preliminary Plan Submissions. These materials were either not provided or are missing survey information. A Street Cross Section should be shown on the Site Details drawing. A complete review of the subdivision road for compliance with the Subdivision standards will be completed after receipt of this information. The proposed tree line (i.e. existing vegetation to be retained) is shown within the 100-foot stream buffer and should be revised as necessary.

Article 8, Final Plan Submission, of the Subdivision Ordinance states that Permit Approvals from the U.S. Army Corp of Engineers, the MEDEP, and Maine Department of Inland Fisheries and Wildlife are required before final plan submission. I do not recommend the PRB waive this standard because the plans and application materials are likely to be modified as a result of these agency reviews. A waiver of this submittal standard means the plans will be constructed according to the Maine DEP SLOD permit. The potential contrast of Town-approved and MEDEP approved plans creates issues for the Building Permit Application and site construction inspections processes. That is, building code, plan enforceability, and issuance of Certificate of Occupancies become problematic.

From:Sue NourseSent:Thursday, November 14, 2019 2:19 PMTo:Caroline PelletierSubject:Desert Road proposal

I have reviewed the packet of information you gave me. Here are my comments:

- There is NO question that the proposed subdivision will cause unreasonable highway and public road congestion with respect to the use of existing highways or public roads.
- For the "Trip Generation", how does "peak hour" get determined? Is it subjective, industry directed, based on the numbers collected over a longer period of time, or what?
- Two properties on Desert Road have varied peak hours depending on the time of year. The study does not
 appear to have considered those impacts. One is the Maine Coast Waldorf School with peak traffic times before
 and after school during the school year. The other is the LL Bean complex on Campus Drive. For the next month
 (November 15-December 15) in the afternoon, LL Bean traffic is far different than other times of the year, to the
 point that they hire flaggers for additional traffic control. Motor vehicles traveling between the highway and
 Campus Drive already cause significant congestion on Desert Road.
- What type of study was done to consider the number of residences on Hunter Road compared to the number of
 residential units in the proposed project? What are the similarities? The volume of vehicles leaving one
 driveway onto Desert Road makes a significant difference as compared to vehicles leaving individual home
 driveways along a stretch of road before approaching Desert Road.
- Table 5 Capacity Analysis Summary I-295 SB Off Ramp LT/RT Level of Service is an "F". That is a failing score.
- The failing score is not made better by a higher score at nearby intersections or an average of scores for intersections in the area. A failing score is a failing score. There is no worse score than "F". And the proposed study does not suggest any improvement measures, stating, "there is not a simple improvement that can be undertaken to increase capacity at this intersection". There is a suggestion in the proposal that MDOT will somehow improve this situation during their Exit 20 bridge project. That is an assumption made on the part of the applicant, not an actual component of the MDOT plan.
- Please consider converting the seconds mentioned in Table 5 to minutes to give a realistic understanding of the time involved in the level of service for the Desert Road. Imagine sitting in your vehicle at an intersection for almost 9 minutes before moving.
- What study was done about other similarly sized housing complexes in Freeport and the surrounding area (in communities the size of Freeport) to determine impacts? What is the largest housing complex in Freeport now and how many units are there in it? The reason for these questions relates to the number of people potentially occupying the housing units in this proposal. A conservative estimate would be 400 people. That is 5% of the current population of Freeport, a significant increase, that would impact public safety services.
- What analysis was done to determine the capacity of Town departments to handle the influx of this volume of people into the community?
- The documents provided suggest that Public Safety personnel had already reviewed this proposal. I don't know about any other Public Safety personnel, but I was given the documents after that statement was printed in a document and included with the proposal.
- I am still reviewing the MDOT Analysis Report for Exit 20. I have not yet seen the mention of how it would be funded and to what level. Once the funding level is announced, then the determination is made as to what elements of the project will go forward, likely not all that are proposed. It seems disingenuous on the part of the applicant to indicate that MDOT's solutions to the issues at Exit 20 would solve their traffic congestion problems that exacerbate an existing unacceptable (F) level of service.

Thanks for taking my questions, comments, and concerns to the Board for consideration. If you have any questions, please contact me.

Susan B. Nourse Chief Freeport Police Department 16 Main Street Freeport, ME 04032 207-865-4800/202 207-865-2901 (fax) FBI NAA 225

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From: Sent: To: Subject: Attachments: Charles Jordan Thursday, November 14, 2019 2:36 PM Caroline Pelletier Beacon Residences Acorn Fire Demand Letter Freeprt Maine.pdf

Good afternoon Caroline -

1 am in possession of Civil and Landscape Drawings of The Beacon Residences – 6 & 8 Desert Road, last amended on November 13, 2019, and of a letter from Acorn Consulting Engineers, Inc. concerning the required fire flow for the sprinkler systems for the proposed buildings.

After reviewing the drawings, the Acorn letter and NFPA 1 Chapter 18, it is my conclusion that 1) fire hydrants are located at the positions within the plan as I requested, 2) consideration has been given to the hydraulic demands of the proposed sprinkler systems, and 3) the site design has incorporated the specifications to ensure adequate room and turning radii for Freeport's fire apparatus.

NFPA 1 Chapter 18 requires a fire flow for buildings of V (000) (unprotected wood frame) construction between 26,301 SF and 29,300 SF in size of 4,500 gpm (gallons per minute) with a 20 psi (pounds per square inch) residual hydrant pressure. The presence of an NFPA 13-compliant sprinkler system reduces the required flow by 75%, to 1,125 gpm. Additional credit may be received under the building code for setbacks and frontage v. depth but the minimum fire flow shall be 1,000 gpm, unless the sprinkler system uses quick response sprinklers throughout, with which the minimum fire flow may be reduced to 600 gpm.

Accordingly, a report of system design "by a professional engineer registered in the State of Maine" showing "the size and location of (water) mains, gate valves, hydrants and service connections' shall be made available to be "reviewed and approved in writing by the servicing water utility and the Fire Chief." For this project the system shall be sized to allow for a flow of 1,000 gpm with a residual hydrant pressure of 20 psi. *Quoted passages are from Town of Freeport 11.2.B.1.b.*

Should you have any questions, please do not hesitate to contact me.

Best regards,

Charlie



-Mechanical • Electrical Engineering for Building Systems -

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MEMORANDUM

TO: Frank Dougherty

DATE: 11-13-2019

FROM: Roger J. Muscillo

SUBJECT: Fire Demand – Freeport Maine project. 6 Dessert Road Freeport, Maine.

The project location above will consist of 6 buildings on the site. Each building will be 3-stories with 24 units per building.

The preliminary sprinkler design intent is to be a NFPA-13 Wet & Dry sprinkler systems. The estimated Fire Demand Flows will be 500 gpm @ 75 psi. The largest demand coming from the Attic dry system.

If there are any questions, please feel free to call.

Roger J. Muscillo Senior Plumbing & Fire Protection Engineer.