

## **DAVIS PROPERTIES, LLC**

209 MAIN STREET  
FREEPORT, ME 04032  
(207) 522-1156  
jmd21045@gmail.com

May 1, 2023

Town of Freeport  
Attn: Caroline Pelletier, Town Planner  
30 Main Street  
Freeport, ME 04032

RE: Application for Design Review  
Retaining Wall Replacement  
209 Main Street  
Tax Map 12, Lot 56

Dear Ms. Pelletier,

My name is Jonathan Davis and I am the sole owner of Davis Properties, LLC. Davis Properties owns land and buildings at 209 Main Street in Freeport, depicted on the Town's Tax Map 12 as Lot 56. Enclosed please find Design Review Application, the Town's Checklist, exhibits, and an exhibit index. To the extent necessary, please consider this letter as a request for a waiver of the requirement of a full-size plan, as the Exhibit N shows the area in sufficient detail.

209 Main Street is located at the intersection of Main Street and Kendall Lane ,at the crest of the hill rising from the Water District Property. The lot is, along with the Kendall Tavern, is one of the visually significant properties marking the entrance to Freeport Village as one travels south on US Route One into the Village.

There is an old concrete retaining wall running along the Main Street side of the property. The wall extends northerly from the lot's Main Street driveway approximately 46' to the stop sign at the intersection of Maine Street and Kendall Lane, and then extends an additional 12.5' along Kendall Lane to the wall's terminus. The existing wall is located entirely on Map 12, Lot 56 as shown in yellow on the recorded MeDOT survey marked as Exhibit N and on the Google Maps overhead view marked as Exhibit O.

Maine winters have not been kind to the wall, nor does it appear that the wall (presumably installed when MeDOT or the Town rebuilt the Main St./Kendall Lane

intersection) was well-secured. As shown on Exhibit H, the wall is cracked in many places, leaning towards Main Street, and in a general state of disrepair.

Davis Properties seeks approval to remove and replace the existing retaining wall. The new wall will be in the same location as the current wall and raised by approximately twelve inches. In addition, we wish to extend the wall from its terminus on Kendall Lane to the Main Street side of our Kendall Lane entrance, as shown in pink on Exhibit O. The Kendall Lane side of the Davis Properties' lot is being platted by Midcoast Survey Co. and all appropriate steps will be taken to ensure that the extension does not encroach into the Kendall Lane right of way.

Raising and extending the wall will allow the lawn area in front the building to be leveled, providing a more polished appearance as well as making it easier to maintain and mow. At this point we do not intend to alter the existing concrete stairs from the lawn down to Main Street.

To summarize, Davis Properties requests design approval for the following:

- Removal of the existing, deteriorating approximately 46' of concrete wall running southerly from the Main Street entrance of the Davis Properties' lot to the intersection with Kendall Lane, as well the portion of the wall extending approxmatly 12.5' down Kendall Lane from its intersection of Main Street.
- Replacing the removed wall with a new retaining wall approximately 36" above ground using the "Vineyard Blend" material shown on Exhibit J.
- Extending the new wall approximately 50' along the Kendall Lane ROW to the Main Street side of our Kendall Lane driveway.

Thank you for your time and attention.

DAVIS PROPERTIES, LLC

By:   
Jonathan M. Davis, Member

JMD/  
Encls.



**Town of Freeport  
Planning Department  
30 Main Street  
Freeport, ME 04032  
(207) 865-4743 ext. 107**

### 1. SUBMISSIONS

- Twelve (12) copies each of the completed application form and a copy of the recorded deed(s) for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. *The amount being paid for the property may be blacked out.*
- For applications to the Project Review Board, you must also submit twelve (12) copies of all other supplemental materials collated into individual packets which will fit into a large manila envelope. Please clip materials together; do not use special binding or binders. If copies of plans are being submitted, please include 2 full size sets (24" x 36") and 10 copies reduced to 11" x 17". The scale of any site plans shall be sufficient to allow review under the Criteria and Standards of Section 602.G of the Freeport Zoning Ordinance, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development. **All plan sheets must also be submitted electronically in a pdf format.** For a complete list of detailed submission requirements, please refer to the applicable ordinance(s) which may include the Design Review Ordinance, the Subdivision Ordinance or the Zoning Ordinance (Section 602 – Site Plan Review).

For applications to the Planning Board, you must also submit eight (8) copies of all other supplemental materials.

- Payment of application fee and abutter fee (if applicable)
- This application form, along with the required accompanying materials, must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered.
- The applicant or an agent needs to be present at the meeting to present the application to the Board. If the applicant is going to be represented by someone other than themselves, they must submit a signed letter of authorization.

### 2. ABUTTERS

Abutters will be notified as required by State and Town regulations. Abutters will be determined by the Freeport Planning Department using most recent Assessing Records. If there are other people that you would like notified of the meeting, their contact information (either mailing address or email address) must be submitted with the application form. A fee of \$2.50 per abutter will be charged.

### 3. FEES

Refer to current fee schedule.

**Town of Freeport  
Planning Department**

Application for Review

**Project Type: (check all applicable)**

Site Plan Review     Design Review Certificate     Subdivision  
 Zoning Ordinance Amendment     Other (please explain) \_\_\_\_\_

**Name of Project:** Retaining Wall Replacement

**Proposed Use of Property:** No change

**1) Applicant Information:**

**Name:** Davis Properties, LLC/Jonathan M. Davis, Member    **Tel:** 207-522-1156  
(If a Company, provide name of person also)

**Address:** 209 Main St., Freeport, ME 04032

**Email:** jmd21045@gmail.com

**2) Interest in Property:** Please attach a copy of the recorded deed for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. The amount being paid for the property may be blacked out. This application will not be processed without this information.

**3) Do you own any abutting property?**    Yes     No  
If yes, please explain: \_\_\_\_\_

**4) Property Information:**

**Present Use of Property** Office/residential

**Location: Street Address** 209 Main St.

**Assessor's Office Map:** 12

**Lot:** 56

**Size of Parcel (acres):** 0.51 ac

**Zoning District (s):** Village 1; Village Overlay

**5) Design Review Information** (please circle one from each category)

**Design Review District:**     One    Two    Not in the Design Review District

**Building Class, as designated on the Design Review District Map(s):**     A     B    C

**Is this building in the Color Overlay District:**    Yes     No

**Please describe the proposed changes:** Replace deteriorating concrete retaining wall and raise wall approximately one foot to level lawn. See attached letter and exhibits.

**6) Other Information:**

Proposed # of Buildings: NA Gross Square Footage of Non-Residential Buildings: NA

Is Zoning Board of Appeals Approval Required?      Yes                      No

If YES, provide reason \_\_\_\_\_

**7) Subdivision Approval or a Subdivision Amendment: (if applicable)**

Proposed Number of Lots \_\_\_\_\_

Does the applicant intend to request any waivers of Subdivision or Site Review provisions?

NO \_\_\_\_\_ YES \_\_\_\_\_

If YES, list and give reasons why \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8) Applicant's Engineer, Land Surveyor, Landscape Architect and/or Planner:**

Name: N/A Tel: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

**9) Billing Contact (If different than applicant information)**

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

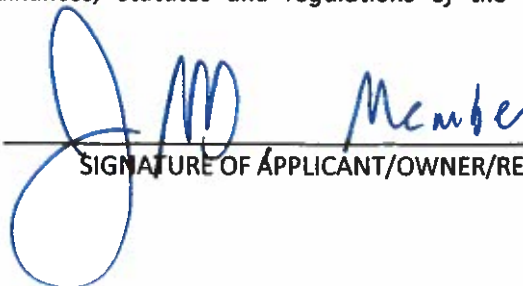
Application Fee: \$ \_\_\_\_\_ Abutter Fee: \$ \_\_\_\_\_

**Submission:** This application form, along with required accompanying materials, must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered.

The undersigned, being the applicant, owner or legally authorized representative, states that all information in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the town and in accordance with applicable ordinances, statutes and regulations of the Town, State and Federal governments.

5-1-2023

DATE

 Member

SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE

**Town of Freeport  
DESIGN REVIEW CERTIFICATE  
Checklist**

*The following items shall be included with all applications for Design Review Certificates for exterior alterations. For signage, please refer to the "Sign Application Requirements". Please note that the Project Review Board may request additional information if it is required for the Project Review Board to make a decision on an application.*

- 1) Please attach current photos of the building showing elevations of the side(s) for which alterations are proposed.
- 2) If changes to the exterior color(s) of any portion of the building are proposed, include information on the color(s) including at least one complete set of paint chip samples (from the paint supplier) noting the actual color names.
- 3) In reviewing the application, the Board will need to know the types of materials to be used. For all materials, except for wood clapboards/shingles, cut sheets with product details must be included. Please complete the following table (use an additional sheet to explain, if necessary):

Item	Please explain details of the existing materials (if applicable)	Please explain details of proposed changes (if applicable)
<b>Siding</b> <i>(Note: reveal is the height of the exposed clapboard)</i>	Material _____ Style _____ Reveal _____	Material _____ Style _____ Reveal _____
<b>Trim</b>	Material _____ Trim Width _____	Material _____ Trim Width _____
<b>Windows</b> <i>(Note: please circle all styles that apply)</i>	Material _____ <u>Window Style:</u> <i>single-hung</i> <i>double-hung casement awning</i> <i>solid plate glass bay</i> other _____ <u>Grille Style:</u> <i>no grilles inside</i> <i>outside between the panes of glass</i> Mullion Pattern _____	Material _____ <u>Window Style:</u> <i>single-hung</i> <i>double-hung casement awning</i> <i>solid plate glass bay</i> other _____ <u>Grille Style:</u> <i>no grilles inside</i> <i>outside between the panes of glass</i> Mullion Pattern _____

Doors	Material _____ Panel style _____ Sidelite style _____ Transom style _____	Material _____ Panel style _____ Sidelite style _____ Transom style _____
Roofing	Material(s) _____	Material(s) _____
Misc. Items <i>(such as lighting, fences, awnings, etc)</i>	Please describe: Deteriorating concrete approximately 20" high	Please describe: Wall block approximately 32" high

**Please refer to the Town of Freeport – Chapter 22 Design Review Ordinance for additional information and standards.**

**Note: This form supplements the applicable Planning Department application.**

## List of Exhibits

Design Review Application  
209 Main Street  
Tax Map 12, Lot 56

- Exhibit A – Property Tax Card for 209 Main St. - Map 12, Lot 56
- Exhibit B – Deed to Davis Properties, LLC
- Exhibit C – Zoom of Tax Map 12 to show Lot 56
- Exhibit D – Street view of 209 Main St.
- Exhibit E - Overhead view of 209 Main St.
- Exhibit F – Height of Wall on Main St.
- Exhibit G – Height of Wall on at Kendall Lane intersection
- Exhibit H – Eight (8) Photos of Wall's condition
- Exhibit I – Photo showing lean of wall towards Main St.
- Exhibit J – Proposed blocks for new wall
- Exhibit K – Block Specifications
- Exhibit L – Photo off “Vineyard Blend”
- Exhibit M – Photo of “Quarry Blend”
- Exhibit N – Maine DOT Survey recorded in Cumberland County Registry of Deeds (with enlargement of same to show detail of existing wall in yellow and proposed extension in pink)
- Exhibit O – Google Maps image showing existing wall in yellow and proposed extension in pink





**209 MAIN STREET**

**Location** 209 MAIN STREET

**Mblu** 12/ 56/ 0/ 0/

**Acct#** 820

**Owner** DAVIS PROPERTIES LLC

**Assessment** \$510,900

**PID** 820

**Building Count** 1

**Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$307,600	\$203,300	\$510,900

**Owner of Record**

**Owner** DAVIS PROPERTIES LLC  
**Co-Owner**  
**Address** 209 MAIN STREET  
 FREEPORT, ME 04032

**Sale Price** \$364,000  
**Certificate**  
**Book & Page** 34472/0109  
**Sale Date** 11/20/2017  
**Instrument** 1B

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DAVIS PROPERTIES LLC	\$364,000		34472/0109	1B	11/20/2017
POWERS & FRENCH PA	\$0		15386/0076		03/28/2000
FREEPORT PROFESSIONALS ASSOC	\$190,000		9012/0298	UNKQ	12/01/1989

**Building Information**

**Building 1 : Section 1**

**Year Built:** 1910  
**Living Area:** 2,809  
**Replacement Cost:** \$372,259  
**Building Percent Good:** 77  
**Replacement Cost**  
**Less Depreciation:** \$286,600

Building Attributes	
Field	Description

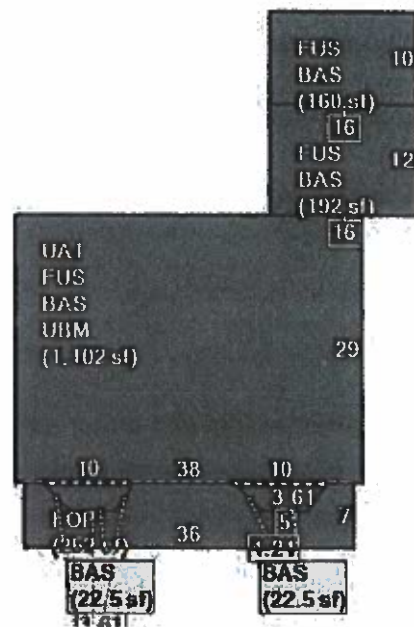
Style:	Family Conver.
Model	Residential
Grade:	Average +
Stories:	2 Stories
Occupancy	
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	None
Kitchen Style:	None
Num Kitchens	00
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

### Building Photo



(<https://images.vgsi.com/photos/FreeportMEPhotos/A00\00\38\16.jpg>)

### Building Layout



(ParcelSketch.ashx?pid=820&bid=820)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,500	1,500	
FUS	Upper Story, Finished	1,454	1,309	
FOP	Porch, Open, Frame	252	0	
UAT	Attic, Unfinished	1,102	0	
UBM	Basement, Unfinished	1,102	0	
		5,410	2,809	

### Extra Features

Extra Features	Legend
----------------	--------

No Data for Extra Features

## Land

### Land Use

Use Code 1010  
Description SINGLE FAM MDL-01  
Neighborhood 850  
Alt Land Appr No  
Category

### Land Line Valuation

Size (Acres) 0.51  
Frontage  
Depth  
Assessed Value \$203,300

## Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			676.00 S.F.	\$21,000	1

## Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$307,600	\$203,300	\$510,900
2020	\$290,100	\$188,300	\$478,400
2019	\$276,400	\$177,600	\$454,000
2018	\$255,800	\$157,500	\$413,300
2017	\$244,100	\$154,400	\$398,500
2016	\$225,700	\$138,300	\$364,000
2015	\$212,300	\$131,400	\$343,700
2014	\$212,300	\$131,400	\$343,700
2013	\$214,000	\$131,300	\$345,300
2012	\$214,000	\$131,300	\$345,300



**WARRANTY DEED**  
Maine Statutory Short Form

**Know all Persons by these Present,**

That **POWERS & FRENCH, P.A.**, a Maine corporation with its principal place of business in the Town of Freeport, County of Cumberland and State of Maine, grant to:

**DAVIS PROPERTIES, LLC**

a Maine Limited Liability Company whose mailing address is 209 Main Street, Freeport, ME 04032, with WARRANTY COVENANTS, a certain lot or parcel of land, together with the improvements thereon, situated in the Town of Freeport, County of Cumberland and State of Maine, more particularly described in the Exhibit A attached hereto and made a part hereof.

In Witness hereof, Powers & French, P.A. has caused this instrument to be signed in its corporate name by Jonathan M. Davis, its President thereunto duly authorized on this 30<sup>th</sup> day of December, 2016.

Signed, Sealed and Delivered  
in the presence of

Karen L. Rogers

POWERS & FRENCH, P.A.

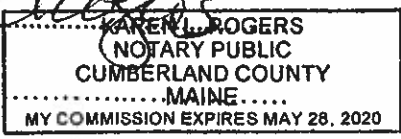
By: [Signature]  
Jonathan M. Davis  
Its: President

STATE OF MAINE  
Cumberland, ss.

December 30, 2016

Then personally appeared before me the above named Jonathan M. Davis, President of Powers & French, P.A. and acknowledged the foregoing instrument to be his free act and deed in his said capacity and to be the free act and deed of Powers & French, P.A.

Karen L. Rogers  
Notary Public  
Printed Name:.....



## EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated at the westerly angle of Pleasant Street with Main Street in the Town of Freeport, County of Cumberland and State of Maine, and bounded and described as follows; viz:

Beginning on the northwesterly side line of Main Street at the northeasterly angle of Charles C. Wiggin's Stetson lot, so called, now owned by Bolster;

Thence by said Bolster's land, North sixty-six degrees West, (N 66° W) four (4) rods and eighteen (18) links to a hub or point;

Thence North forty-one degrees, forty-five minutes west (N 41° 45' W) eighteen (18) rods and six (6) links to an iron bolt in a rock, and land of Franklin Gammon's heirs;

Thence by said Gammon's heirs land, North fifty degrees, forty-five minutes East (N 50° 45' E), ten (10) rods to an iron bolt in a rock on the westerly side line of the County Road leading from Freeport to Durham and now called Pleasant Street;

Thence by said road or street as now located, South forty-seven degrees, forty-one minutes East (S 47° 41' E), ten (10) rods and fourteen (14) links to a hub or point;

Thence South thirty degrees, forty-one minutes East (S 30° 41' E), seven (7) rods and twenty-one (21) links to an iron bolt driven in the ground to the surface by the County Commissioners;

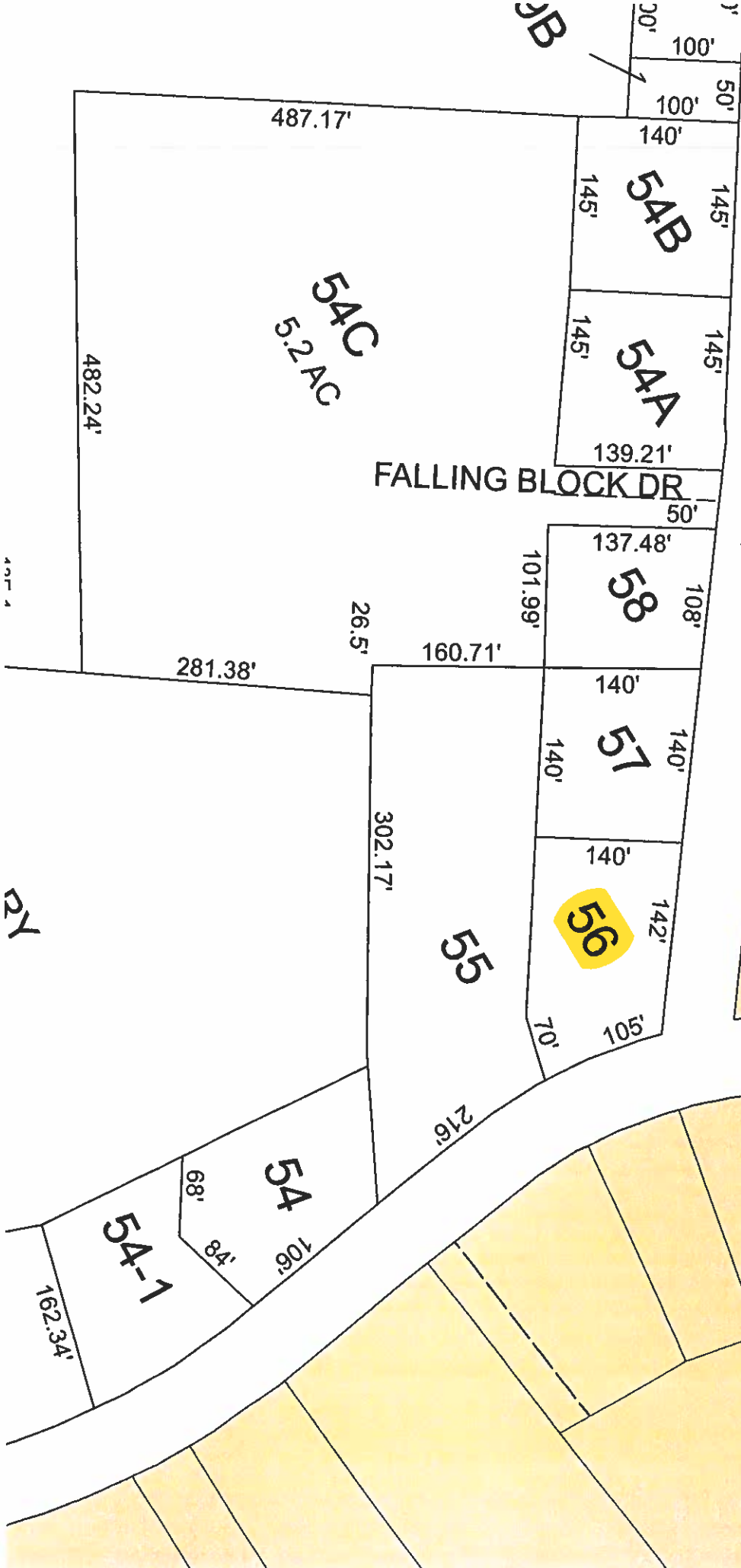
Thence by a circular curve of seventy and eight tenths feet (70.8') radius to right, seventy-three feet (73'), more or less, to an iron bolt driven in the ground by the County Commissioners, and at the northwesterly side line of Main Street;

Thence by said Main Street South twenty-three degrees, forty-eight minutes West (S 23° 48' W), twenty-eight feet (28') and eight inches (8") to the point of beginning or bounds first mentioned; containing one acre, more or less.

Excepting and reserving from the above described parcel of land that parcel of land one hundred feet (100') in width adjoining the land of Gammon described in Warranty Deed from Hanna B. Swanson to Earle G. Shettleworth, dated January 19, 1948, and other rights as described in a certain written agreement between Hanna B. Swanson and said Shettleworth, dated January 19, 1948, both said deed and agreement recorded in Cumberland County Registry of Deeds, Book 1902, Page 169, and in Book 1899, Page 325, respectively.

Also excepting and reserving that parcel described in Warranty Deed from Olaf J. Swanson to Maynard M. Henderson and Geneva Henderson dated October 28, 1960, and recorded in said Registry in Book 2574, Page 329.

Being the same premises described in deed from Freeport Professional Associates to Powers & French, P.A. dated March 23, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15386, Page 76.



KENDALL LN

FALLING BLOCK DR

54C  
5.2 AC

54B

54A

58

57

56

55

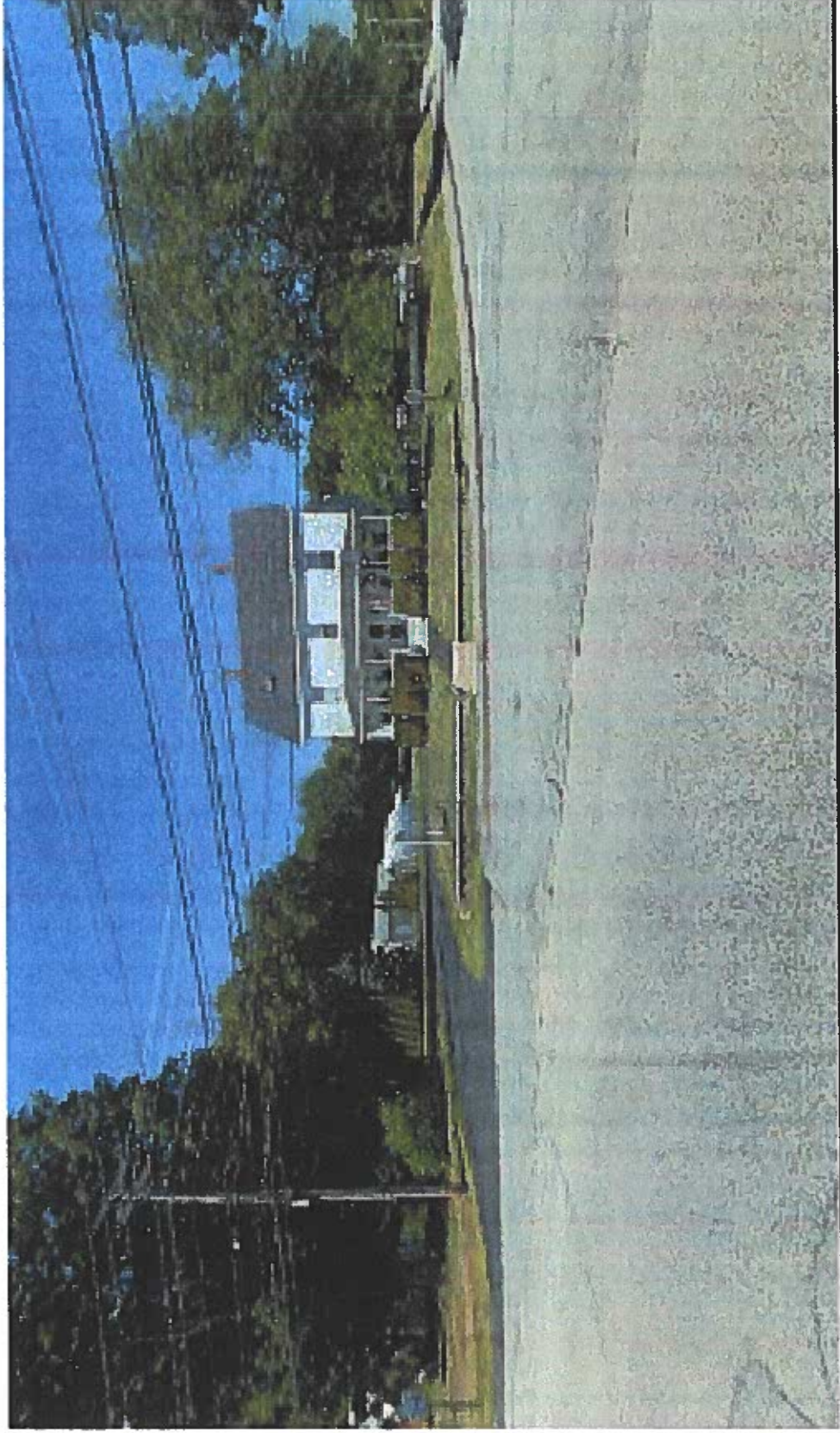
54

54-1



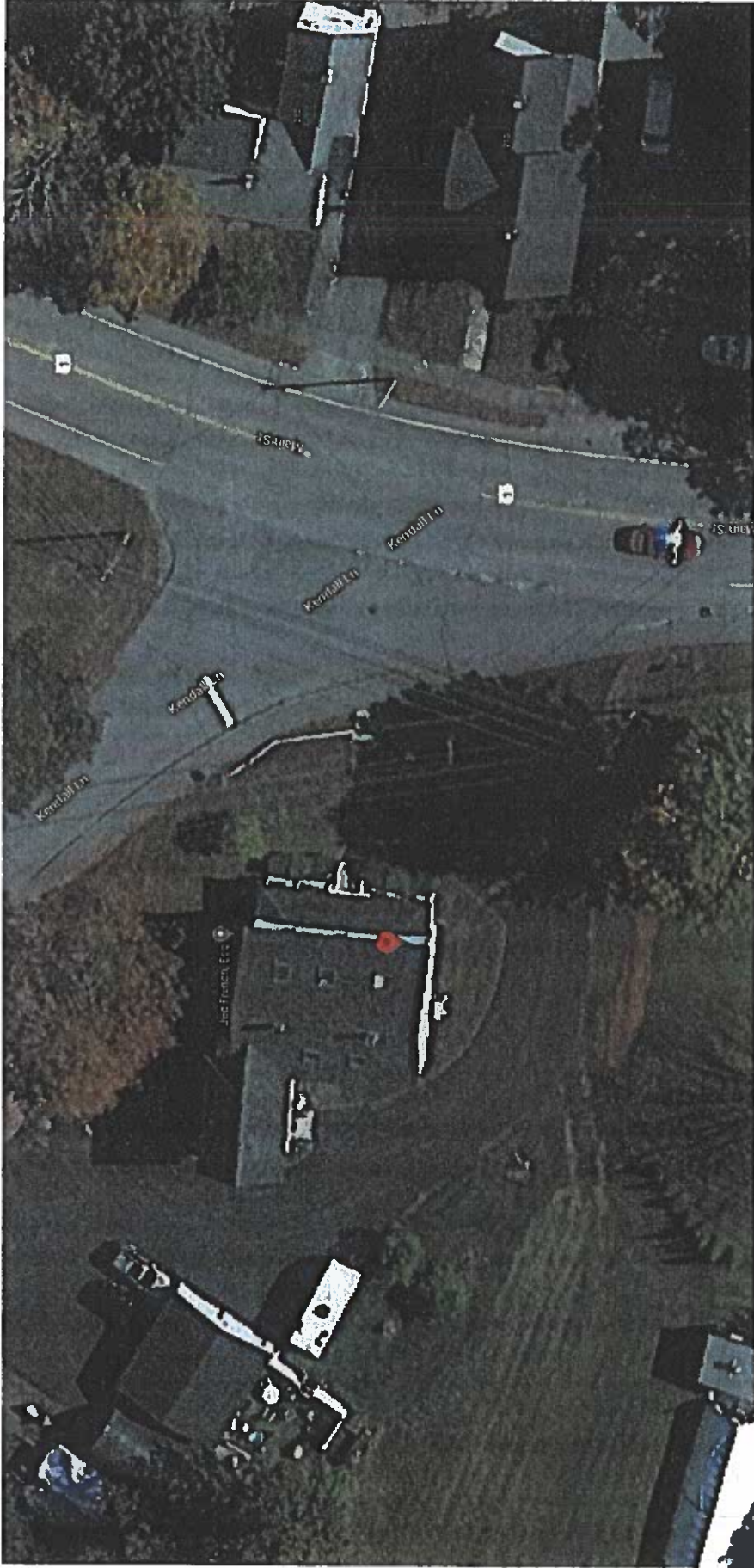
EXHIBIT

C



**Exhibit D**

**209 Main Street – Street view from Main St.**

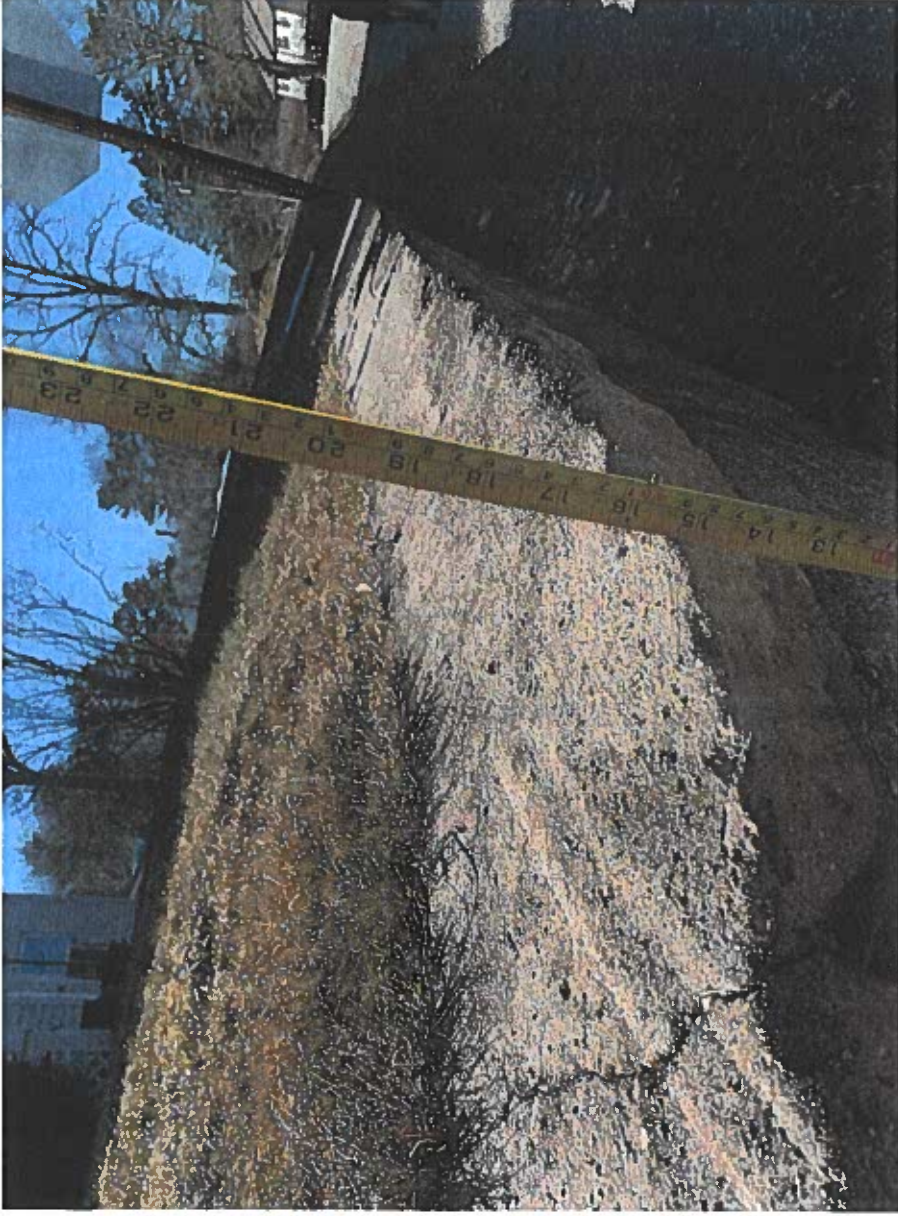


**Exhibit D**  
**209 Main Street – Overhead view**





**Exhibit F**  
**Height of Wall – South End (Towards Village)**



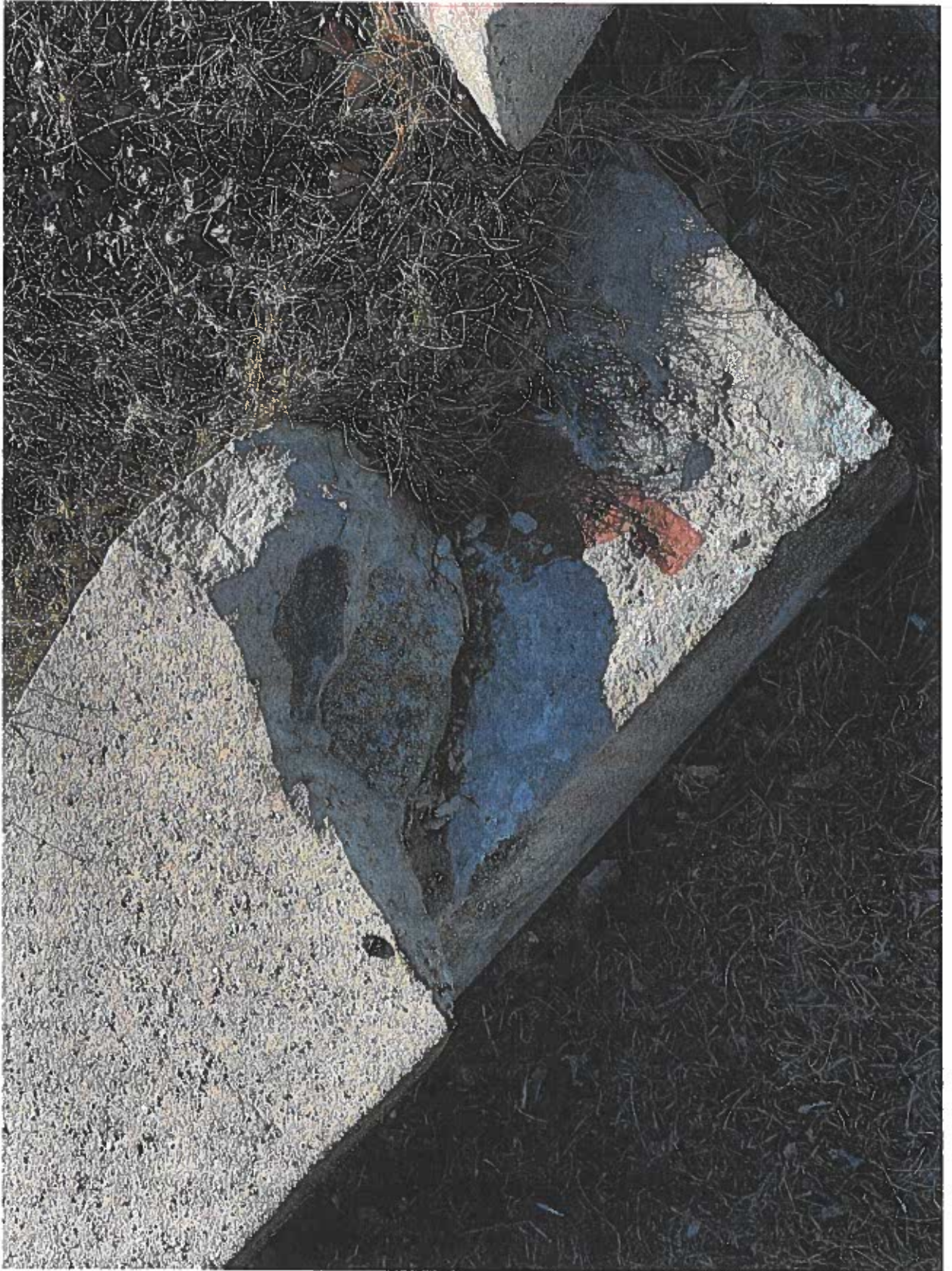
**Exhibit G**

**Height of Wall – Main St. & Kendall Lane**

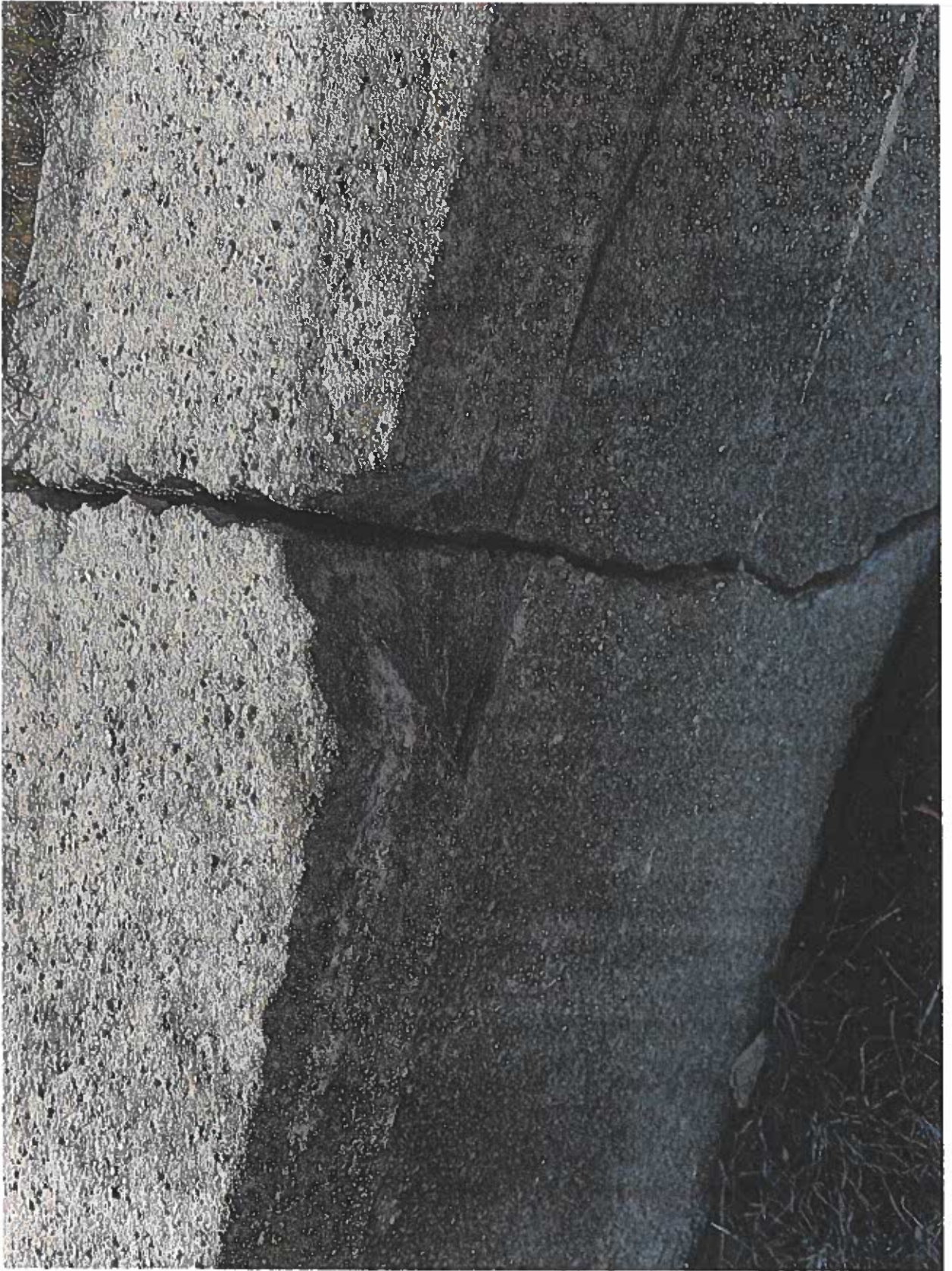


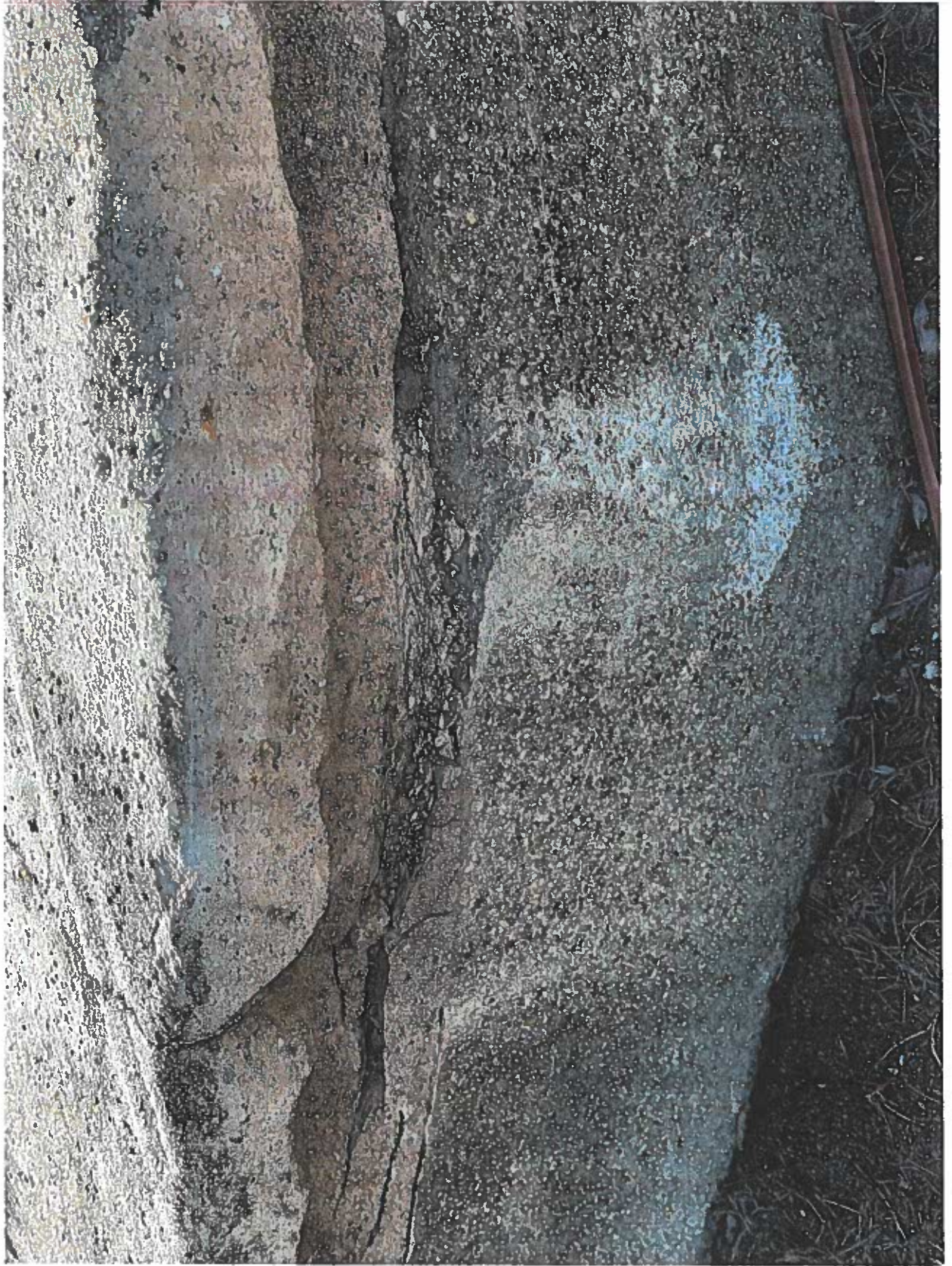
**Exhibit H (8 Photos)**

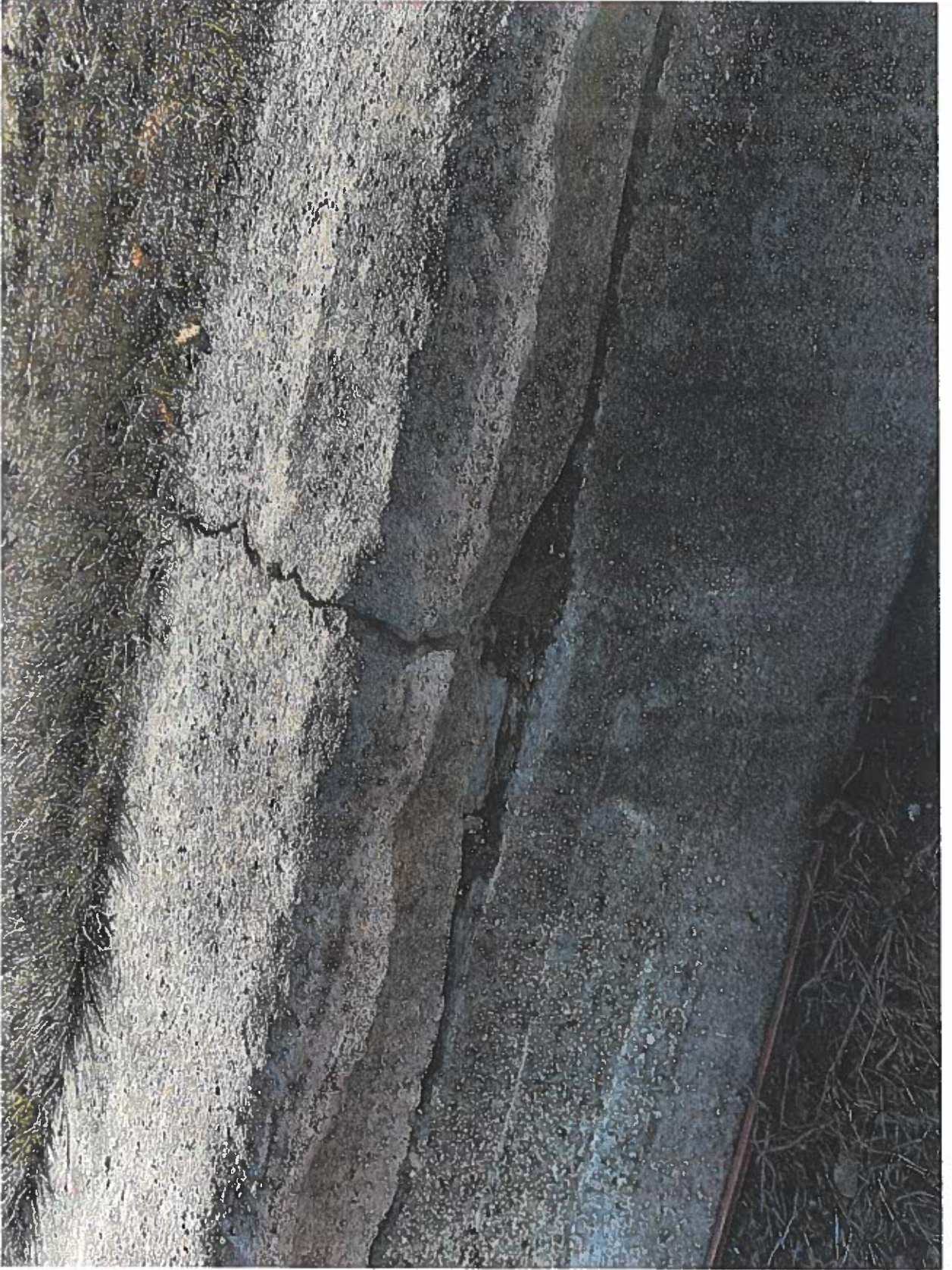
**Condition of Wall**



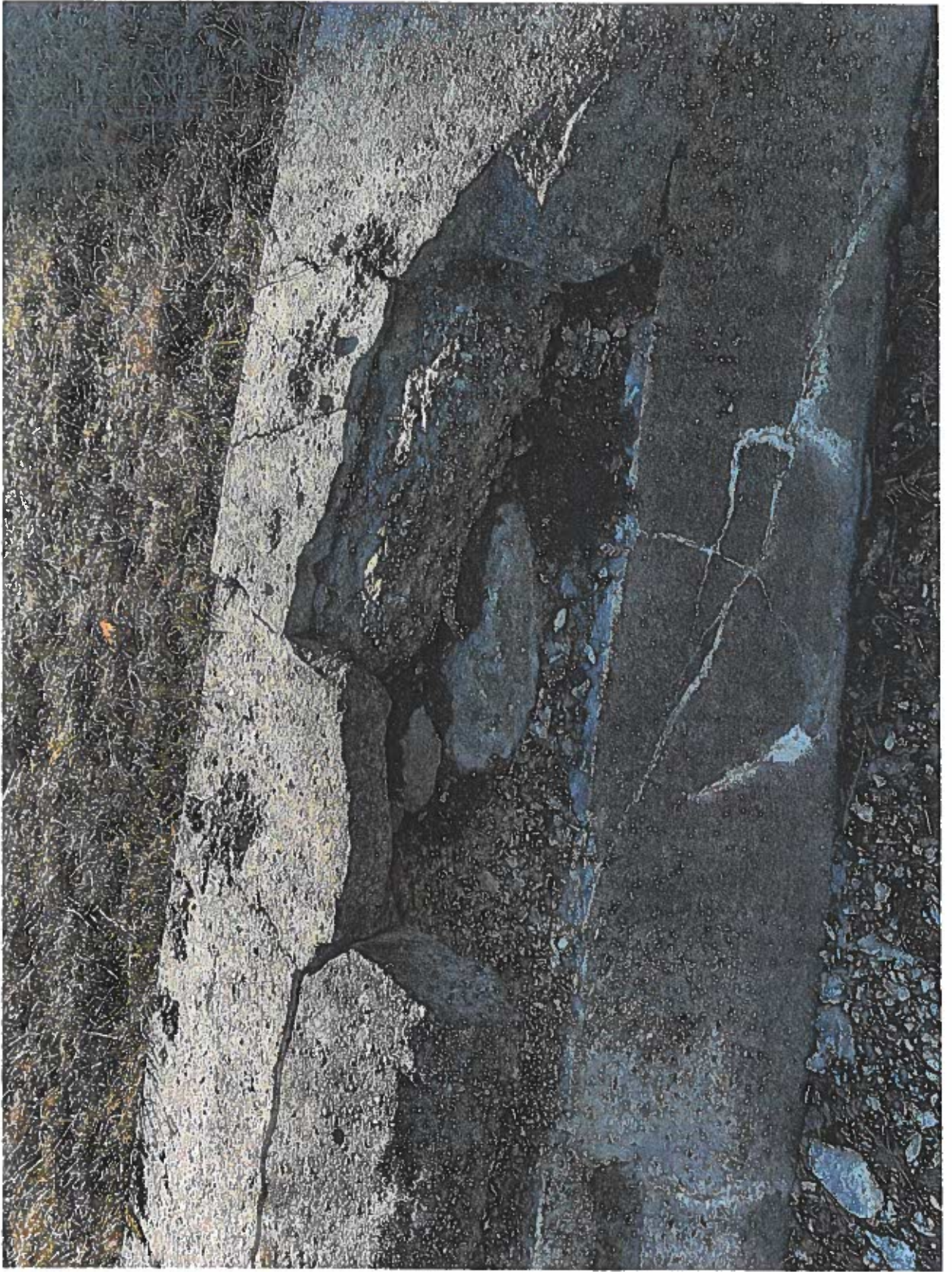


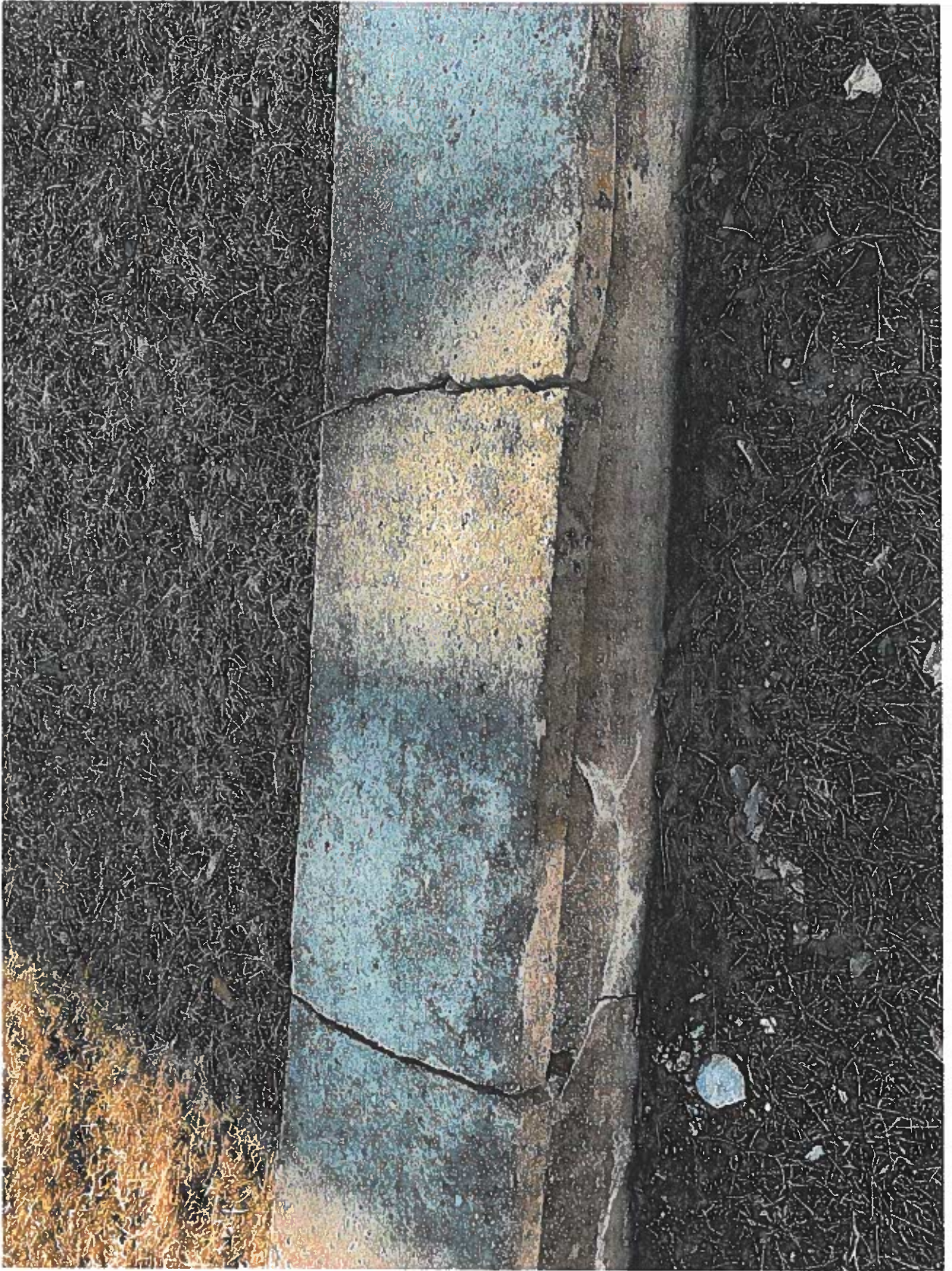


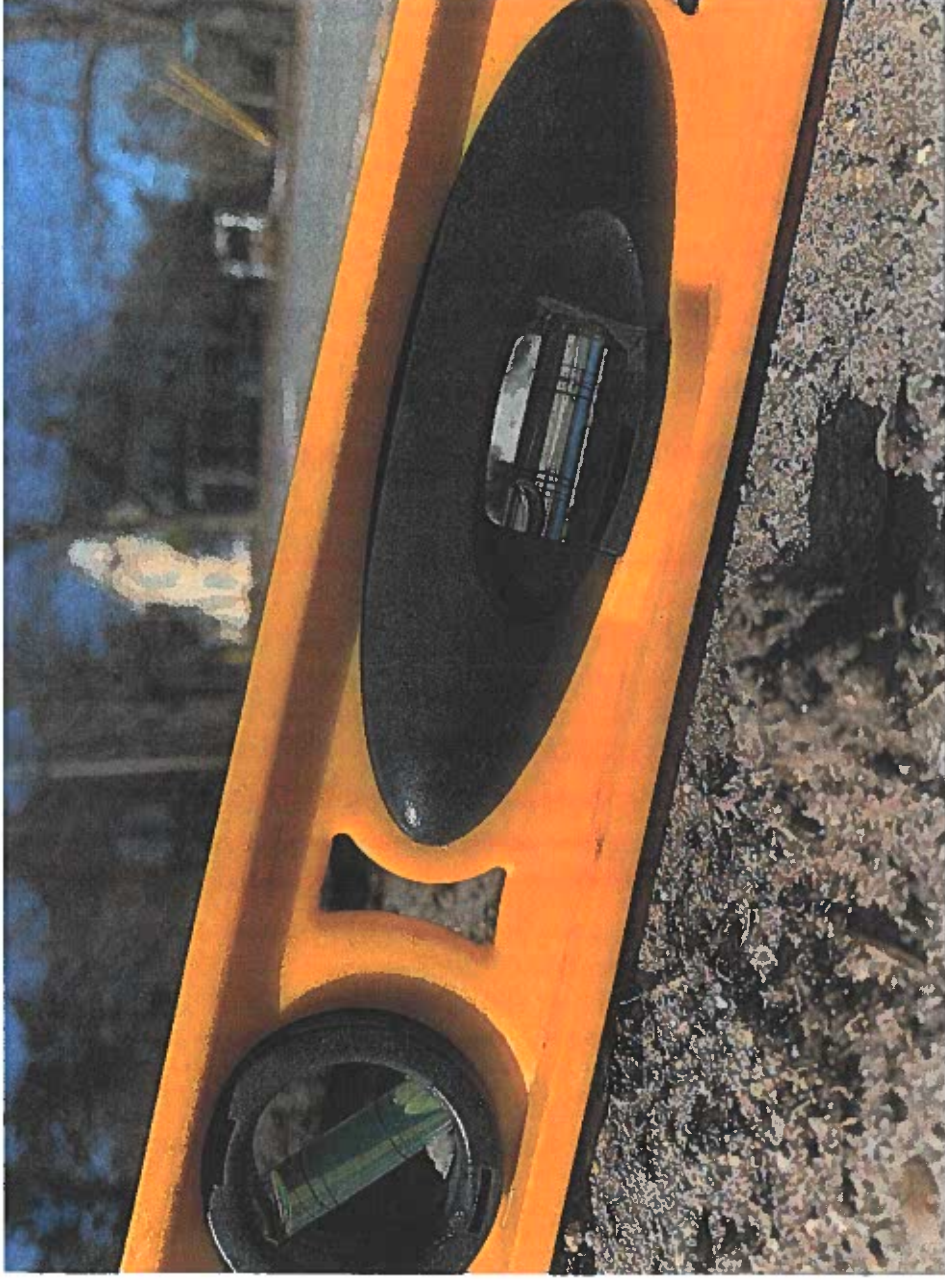




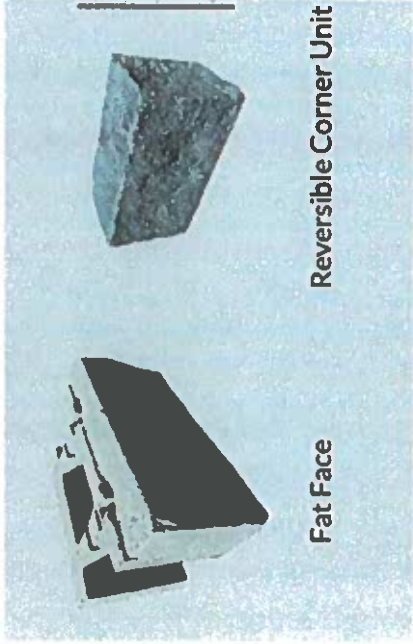








**Exhibit I**  
**Lean of Wall from Top**



COLOR OPTIONS:



Vineyard Blend



Quarry Blend

Exhibit J

Retain Wall Block Choices

**DIMENSIONS & COVERAGE**

Fat Face	
8"h x 18"w x 11.25"d	
1 pc/sf	
80 lb	
45 sf/cube	
Corner Unit - Reversible	
8"h x 15"l x 6"w	
-	
52 lb	
60 pcs/cube	

**Exhibit K**

**Block Specifications**

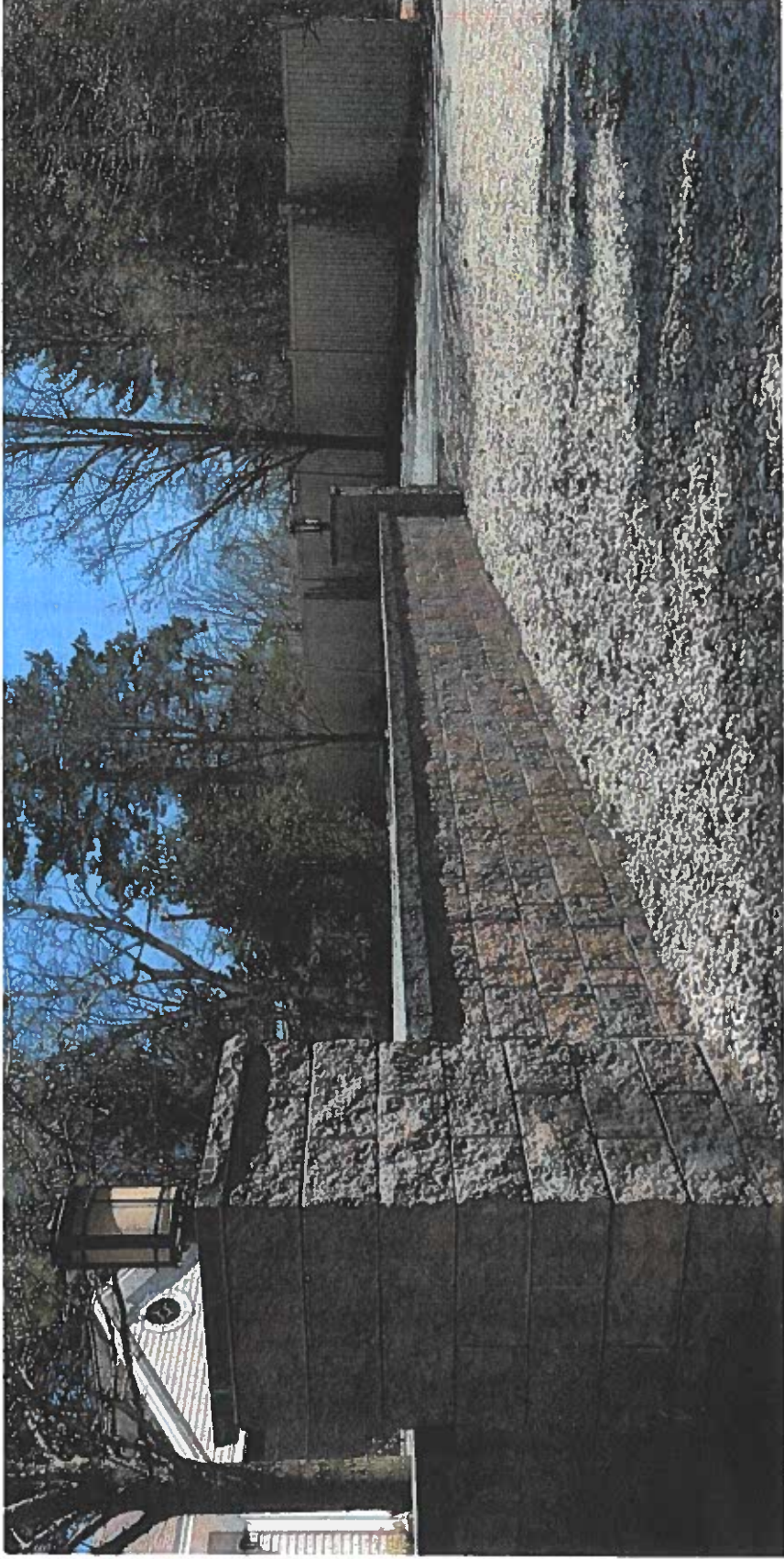


Exhibit L

“Vineyard Blend”

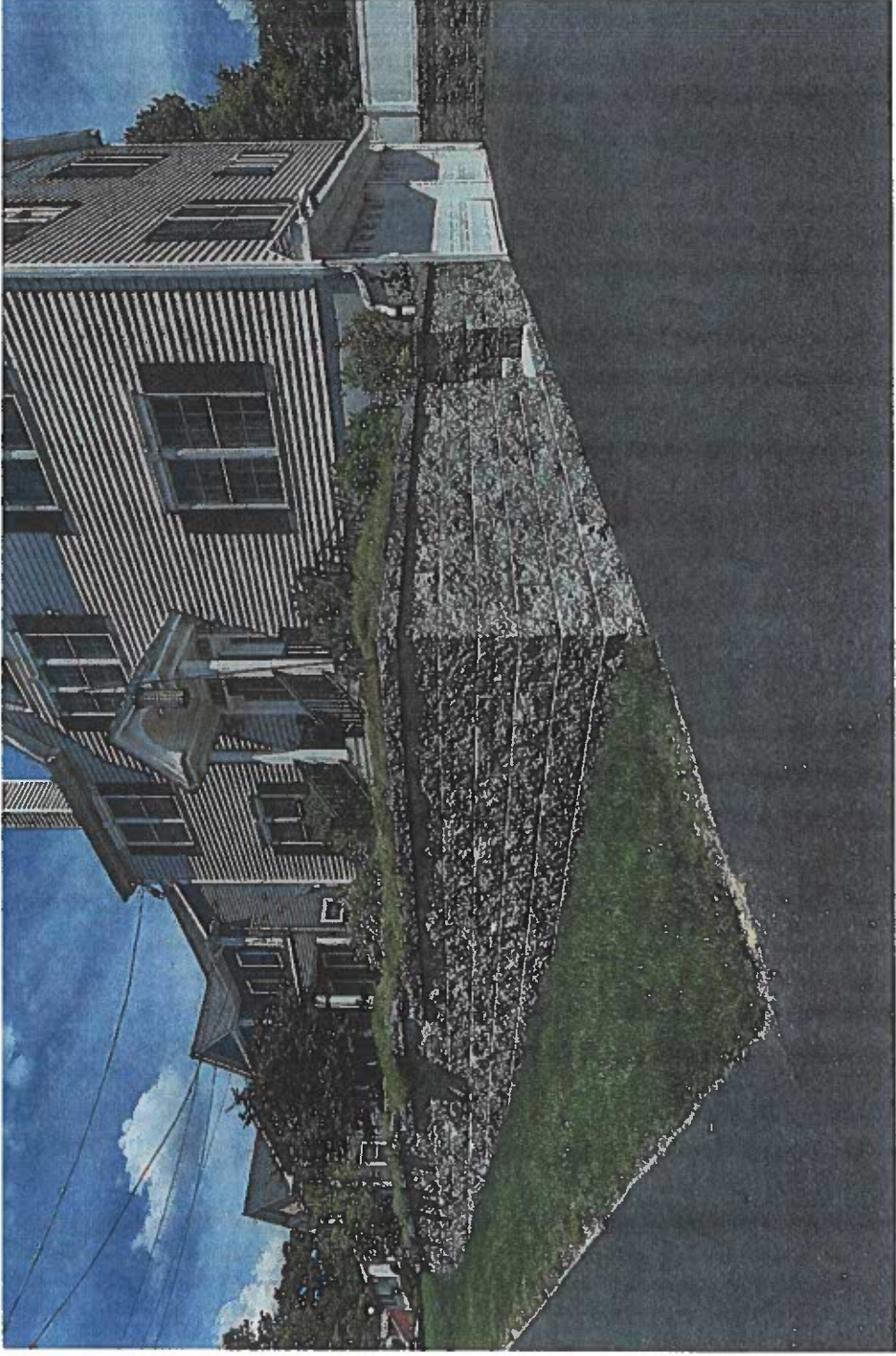
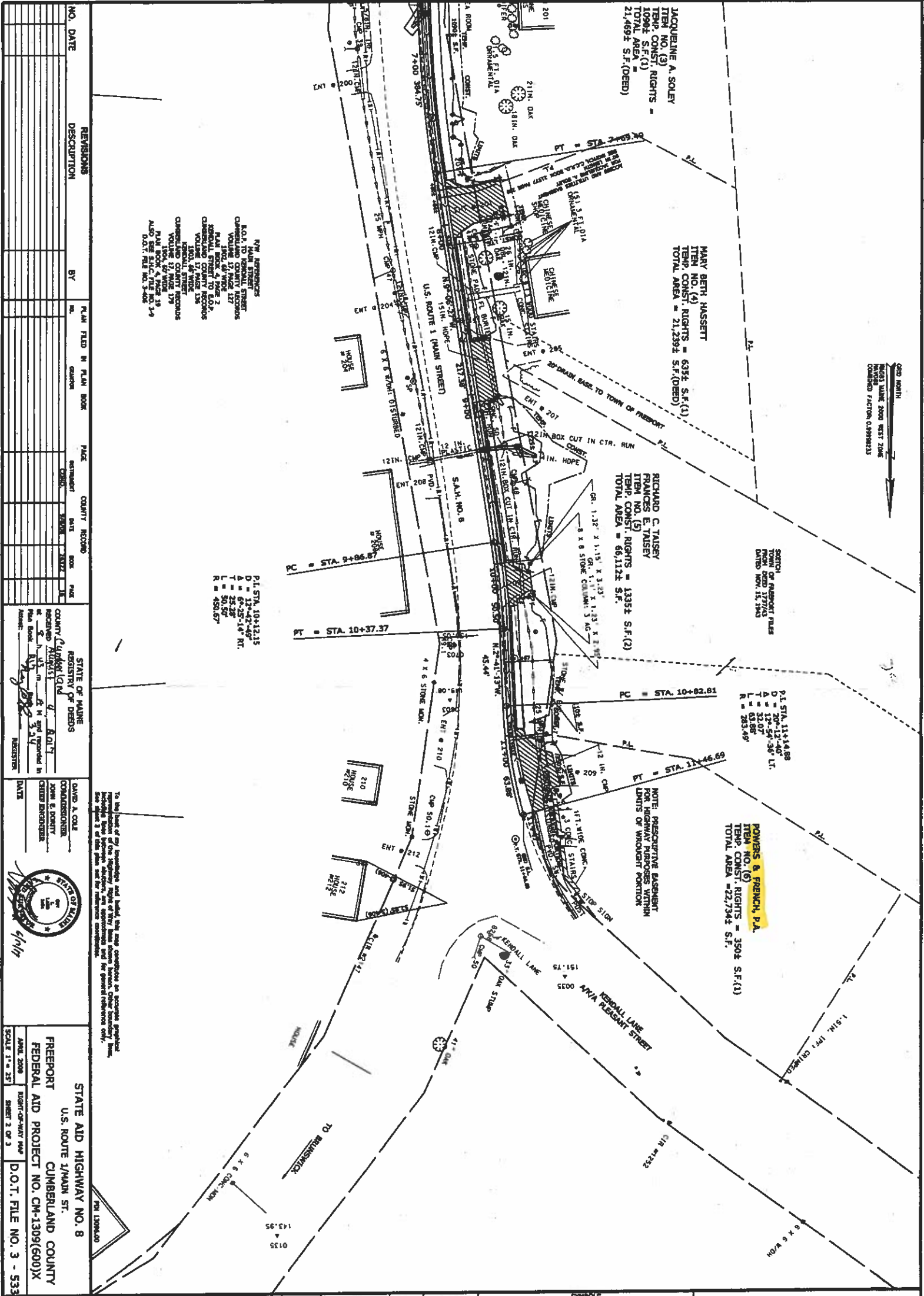


Exhibit M

“Quarry Blend”



NO.	DATE	REVISIONS	DESCRIPTION	BY	PLAN FILED IN PLAN BOOK	PAGE	COUNTY RECORD DATE	SCALE	STATE OF MAINE REGISTRY OF DEEDS RECEIVED	COMMISSIONER	DATE	STATE OF MAINE REGISTRY OF DEEDS RECEIVED	COMMISSIONER	DATE
									DAVID A. COLE	JOHN E. DOUGHTY	6/1/79			

N/W REFERENCES  
 S.O.L. TO KENDALL STREET  
 CUMBERLAND COUNTY RECORDS  
 VOLUME 17, PAGE 135  
 PLAIN BOOK & PAGE 2  
 SERIAL BOOK & PAGE 2  
 CUMBERLAND COUNTY RECORDS  
 VOLUME 17, PAGE 135  
 PLAIN BOOK & PAGE 18  
 SERIAL BOOK & PAGE 3-9  
 ALSO D.O.T. FILE NO. 3-486

STATE OF MAINE  
 DEPARTMENT OF TRANSPORTATION  
 16 STATE HOUSE STATION - AUGUSTA, ME 04333-0065

RIGHT OF WAY MAP  
 U.S. ROUTE 1/MAIN ST.  
 CUMBERLAND COUNTY  
 FEDERAL AID PROJECT NO. CM-1309(600)X  
 APRIL 2008  
 SCALE 1" = 25'

ITEM	TECH	CHECKED
BASE MAP	G.J.L.	C.W.K.
PROP. LINES	J.C.C.	
AREAS	T.L.B.	D.S.G.

SYMBOLS	
[Symbol]	EXISTING PROPERTY
[Symbol]	PROPOSED RIGHT OF WAY
[Symbol]	UTILITY LINES
[Symbol]	ENCUMBRANCES
[Symbol]	ASPHALT DRIVE
[Symbol]	GRAVEL DRIVE
[Symbol]	CONCRETE DRIVE
[Symbol]	DRAINAGE CANALS
[Symbol]	RAILROADS
[Symbol]	STREET
[Symbol]	SEWER
[Symbol]	WATER
[Symbol]	GAS
[Symbol]	TELEPHONE
[Symbol]	POWER
[Symbol]	ROADWAY
[Symbol]	CONCRETE DRIVE
[Symbol]	GRAVEL DRIVE
[Symbol]	ASPHALT DRIVE

THIS PLAN WAS PREPARED IN CONNECTION WITH THE DEPARTMENT'S ACQUISITION OF REAL PROPERTY FOR TRANSPORTATION PURPOSES. IT CANNOT BE USED TO ESTABLISH LEGAL BOUNDARIES BETWEEN ADJOINING PROPERTY OWNERS.





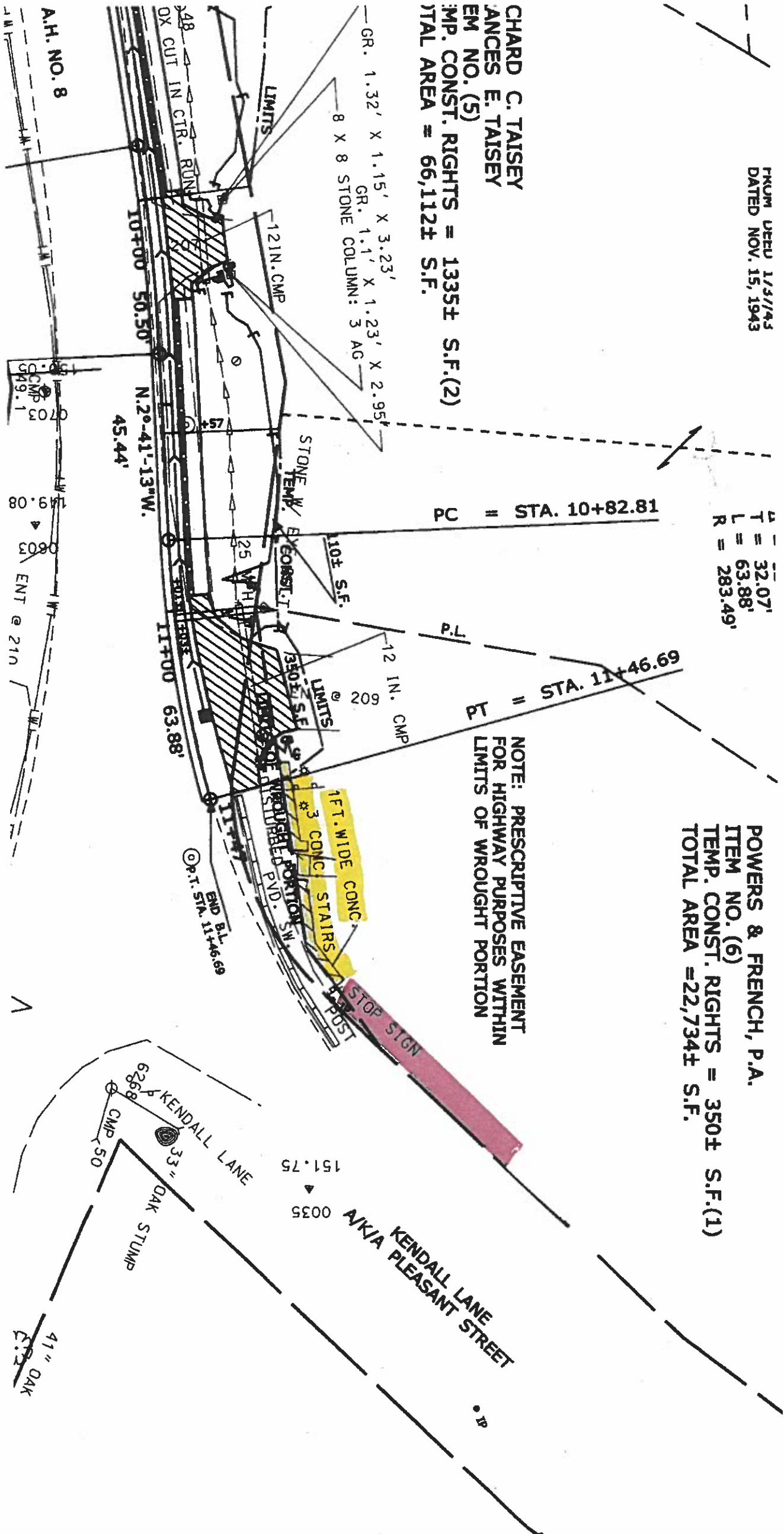
FROM UREU 1/3/43  
DATED NOV. 15, 1943

ΔT = 32.07'  
L = 63.88'  
R = 283.49'

POWERS & FRENCH, P.A.  
ITEM NO. (6)  
TEMP. CONST. RIGHTS = 350± S.F.(1)  
TOTAL AREA = 22,734± S.F.

CHARD C. TAISEY  
ANCES E. TAISEY  
EM NO. (5)  
IMP. CONST. RIGHTS = 1335± S.F.(2)  
TOTAL AREA = 66,112± S.F.

NOTE: PRESCRIPTIVE EASEMENT  
FOR HIGHWAY PURPOSES WITHIN  
LIMITS OF WROUGHT PORTION



- Extension  
 - Existing

2/24/23, 2:02 PM

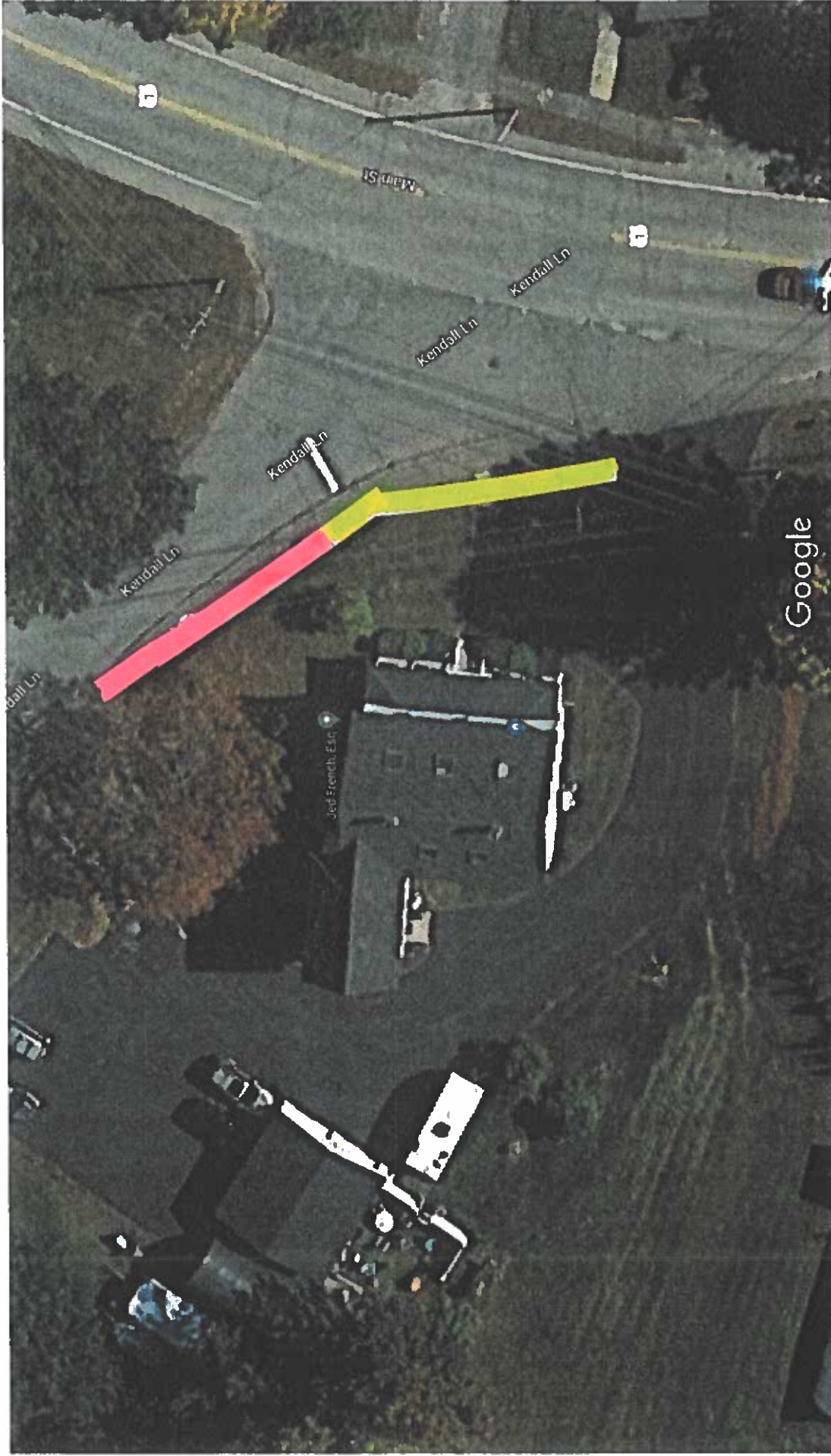
Google Maps



Google Maps



- Extension  
- Existing



Google

Map data ©2023, Map data ©2023

Measure distance

Total distance: 100.154 (30.02 m)