



TOWN OF FREEPORT, MAINE
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TO: Freeport Town Council
 FROM: Caroline Pelletier, Interim Town Manager & Town Planner
 RE: Proposed Amendment to the Municipal Fee Structure – 2% Administrative Fee
 DATE: Tuesday, April 25, 2023

Background: When a developer of a commercial project and/or subdivision obtains approval from the Project Review Board, one of the conditions quite often associated with the approval is that a performance guarantee for the project be established (in accordance with applicable Town Ordinance requirements). A performance guarantee is a financial surety, typically in the form of either cash, or established by a letter of credit from a financial institution. The performance guarantee is established to ensure that all approved site improvements have been constructed and completed to the approved plans. The amount of the performance guarantee is based upon the cost of all proposed sitework (typically not including the cost of buildings) and will vary based upon the size and nature of the project.

For example, the cost of all sitework often includes, erosion control, drainage, stormwater management facilities, parking areas, landscaping, walkways, retaining walls, lighting and/or any off-site improvements that were required as a condition of approval.

Reductions in the amount of a performance guarantee can be requested as the project is built out, however this is not always the case. In some instances, a performance guarantee is retained for several years, or in some cases even longer if the project was not completed as approved (for example, required vegetative buffers are not surviving upon the initial planting) or if constructions takes longer to build out (for example, in a residential subdivision).

In addition to the amount of the performance guarantee, there is a 2% Administrative Fee that is also assessed to a project in conjunction with the performance guarantee. This fee was established by the Town Council in the early 2000's. Again, this amount can vary based upon the amount of the performance guarantee (for example, on a project that the sitework cost estimate is \$200,000, the administrative fee would be \$4,000).

As time goes on, we are seeing the cost of sitework increasing therefore the administrative fee is also increasing. Municipalities have the ability to establish reasonable fees based upon the cost of covering a license, service, permit, administration and/or inspection of a land use permit/application. Based upon the increasing costs of sitework and the current fee structure, staff is bringing forward a recommendation that a maximum fee be set for the 2% Administrative Fee and that the maximum amount be capped at \$10,000.

Although the 2% Administrative Fee for many smaller projects will be below \$10,000, the capped fee seems to be reasonable with the cost of administration. Likewise for larger valued projects, this capped

fee is a reasonable limit, based upon the amount of staff time that goes into administration of the performance guarantee that occurs over a multiple year period.

Furthermore, the staff recommendation would be that this change be retroactive for fees which have not yet been paid or not yet paid in full; this would include a large project currently under construction and some recently approved projects which have not started construction and/or performance guarantees have not yet established.

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A fee for each plan examination and building permit shall be paid in accordance with the following schedule and shall be non-refundable. **The minimum building permit fee is \$55.00 for both residential and commercial.**

BUILDING PERMIT FEES:

\$.40	per square foot for residential
\$.45	per square foot for commercial, industrial and agricultural structures
\$ 140.00	for mobile homes
\$ 11.00	per \$1,000 value of alterations
\$ 55.00	foundations only
\$ 55.00	for additions up to 200 square feet
\$ 55.00	for sheds, barns, garages, porches and miscellaneous items only; over 700 square feet the charge is \$.40 a square foot
\$ 55.00	for demolition
\$.06	electrical permit - <i>per sq. ft. for residential; \$25.00 minimum (additional charge for electrical service); plus \$30.00 Administrative Fee.</i>
\$ 25.00	Service permit – <i>temporary or permanent; plus \$30.00 Administrative Fee.</i>
\$.10	electrical permit - <i>\$.10 per sq. ft. for commercial up to 5,000 sq. ft.; \$0.06 per square foot of floor area from 5,000 square feet to 10,000 square feet plus; \$0.05 per square foot of floor area in excess of 10,000 square feet. \$30.00 minimum; plus \$30.00 Administrative Fee.</i>
Varies	Internal Plumbing - <i>shall be a base fee of 150% of the State minimum fees</i>
	Subsurface Wastewater Disposal Fees – <i>shall be a base fee of 150% of the State minimum fees (**Please note that the State of Maine has added an additional \$15 surcharge to all non-engineered subsurface wastewater system permits**)</i>
\$ 11.00	Well permit
\$ 150.00	Driveway Permit (for street opening and highway entrance) – <i>A performance guarantee is also required.</i>

Failure to obtain a building permit before construction commences will result in a doubling of the permit fee or a fee of \$150.00, whichever is greater.

IMPACT FEES:

<i>Size of building or addition (residential, commercial, or industrial)</i>	<i>Amount</i>
< 1,000 gross floor area	No fee
1,000 – 1,500 gross floor area	\$300
1,501 – 1,750 gross floor area	\$600
1,751 – 2,000 gross floor area	\$900
2,001 – 2,250 gross floor area	\$1,200
2,251 – 2,500 gross floor area	\$1,500
For each additional 250 gross floor area	Add \$300

** No fee for an individual building may exceed \$30,000

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IMPACT FEES - continued:

<i>Length of new road construction (includes cul-de-sacs and turn arounds)</i>	<u>Amount</u>
< 250'	No fee
250' – 500'	\$1,200
501' – 750'	\$2,400
751' – 1,000'	\$3,600
1,001 – 1,250'	\$4,800
For each additional 250' of road	Add \$1,200

VILLAGE OPEN SPACE FEES:

Fee in lieu of open space \$0.80/sq ft of open space required by Subdivision Ordinance

SCHOOL STREET STORMWATER POND CONNECTION FEES:

Connection to the stormwater pond (one-time connection fee):

\$1.13 per square foot (\$49,222 per acre) of impervious surface within the pond's watershed

\$2.94 per square foot (\$128,066 per acre) of impervious surface outside of the pond's watershed

(The amount of the fee is subject to review and approval by the Town Engineer)

Annual Maintenance Fee: Annual fee of three percent of the one-time connection fee.

SIGN PERMIT FEES:

The following fees shall apply to all signs except: temporary signs and signs displayed within the border of a window if the sign or grouping of signs does not occupy more than one-third of the surface area of such window.

\$28.00	Each sign up to twelve (12) square feet
\$55.00	Each sign face between twelve (12) and fifty (50) square feet
\$ 1.00	Each additional square foot of sign area over fifty (50) square feet
\$30.00	Temporary Banner (limited to approved location on Main Street)

FOOD TRUCKS:

\$25.00 Food Truck – Accessory Use Permit

(Note: As of 01/04/22, please see the Town Clerk's office for any licensing fees for food trucks)

OTHER FEES:

\$ 25.00	Temporary Activity Permit – issued by Codes Enforcement Officer
\$ 385.00	for amendment of Zoning Ordinance
\$ 385.00	for Zoning Map amendments, both fees are applicable if text and map amendments are needed
\$ 825.00	Contract Zoning Fee
\$ 110.00	fine per day for violation of Zoning Ordinance
\$ 110.00	Minor Subdivision per lot or unit
\$ 110.00	Major Subdivision per lot or unit for preliminary review
\$ 85.00	Major Subdivision per lot or unit for final approval

F E E S A N D F I N E S
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\$ 330-\$3300	<p><u>Major Site Plan</u> - \$330.00 for up to 3,000 square feet of gross floor area of building or structure, and \$55 additional per additional 1,000 square feet of gross floor area or building, all to a maximum of \$3,300</p> <p>For outdoor uses when a building or structure is not part of the site plan, the fee shall be \$330 for the first 3 acres of outdoor use, and \$55 per additional acre of outdoor use, all to a maximum of \$3,300</p>
\$ 30.00	Minor modification to Site Plan
\$ 165.00	Minor site plan
2%	Performance guarantee administrative fee – 2% of the total cost of required improvements <u>with a maximum fee of up to \$10,000 per application</u> , -(This applies to Subdivision and Site Plan Review Applications <u>when a performance guarantee is a condition of approval</u>),-

For New and Expanded Excavations and Fill Permits - Site Plan Review fees apply.

\$ 165.00	Existing Excavations - Initial Registration
\$ 165.00	Existing Excavations - Renewal
\$ 55.00	Existing Excavations - Public Hearing
\$ 110.00	Other applications to Planning Board (Temporary Permits, etc.)
\$ 55.00	for an Appeal to Board of Appeals for residential uses and \$125.00 for non-residential and multi-family uses
\$ 100.00	for advertising of Public Hearing - Planning Board

FINE:

\$ 275.00	fine per day for violating Site Plan Review
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DIGITAL DATA FEES -

A. Digital data on DVDs

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| 1. | 2006 Aerial photographs, 2001 topography @ 5' intervals, most recent parcel line coverage – entire town on DVD in either TIFF or MrSid formats - | \$1,650 |
| 2. | 2001 or 2006 aerial photos (entire town) DVD in either TIFF or MrSid formats | \$825 |
| 3. | 2001 topography at 5' intervals (DVD) | \$550 |
| 4. | Most recent parcel coverage (DVD) | \$275 |

B. Maps using digital data (not including Tax Assessor maps)

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| 1. | 8.5" x 11" sheet using aerial photos and parcel coverage, in color, 2 copies
add \$3.00 for each additional copy
add \$3.00 for each additional layer of digital information
add \$11.00 for topographic information | \$17 |
| 2. | 11" x 17" sheet using aerial photos and parcel coverage, in color, 2 copies
add \$4.00 for each additional copy
add \$3.00 for each additional layer of digital information
add \$11.00 for topographic information | \$28 |
| 3. | Larger than 11" x 17" using aerial photos and parcel coverage, in color, 2 copies | \$165 |

F E E S A N D F I N E S

EFFECTIVE JANUARY 4, 2022

add \$55.00 for each additional copy
add \$11.00 for each additional layer of digital information
add \$28.00 for topographic information

4. Maps that don't use the aerial photos ½ the price listed above