

**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: Senior Housing

Proposed Use of Property: Multi-Family

1) Applicant Information:

Name: Tim Gooch Tel: 207-415-7264
(If a Company, provide name of person also)

Address: 24 South Street, Suite A, Freeport, ME 04032

Email: tgooch43@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: The 9.23-acre parcel has a zoning split along the centerline of Concord Gully Stream with Rural Residential I District to the south and Commercial III District to the north. None of the land in the R-I District is utilized for any density calculations.

4) Property Information:

Present Use of Property: Vacant

Location: Street Address: Varney Road

Assessor's Office Map: 23

Lot: 55

Size of Parcel (acres): 9.23 acres

Zoning District (s): C-III/RR-I

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: _____

6) Other Information:

Proposed # of Buildings: One Gross Square Footage of Non-Residential Buildings: 36,175 sf

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: One

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

NO _____ YES X

If YES, list and give reasons why: The applicant is asking for a reduction in parking of 49% for the senior housing facility.

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

Name: E.S. Coffin Engineering & Surveying (Jim Coffin) Tel: 207-623-9475

Address: 432 Cony Road Chelsea, ME 04330

Email: jcoffin@coffineng.com

9) Billing Contact (If different than applicant information)

Name: Tim Gooch Tel: 207-415-7264

Address: 24 South Street, Suite A, Freeport, ME 04032

Email: tgooch43@gmail.com

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.

April 24, 2024

DATE



SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE

APPENDIX A

Four-Step Design Process

This process is intended to allow the developer the full potential of the legally allowable number of lots, while at the same time preserving valuable open space for the Town of Freeport. The Ordinance requires that a landscape architect or a professional engineer experienced in Civil/site engineering proposes a Site Analysis and Conceptual Sketch Plan on behalf of the applicant using the process outlined below.

Step 1: Delineation of Conservation Lands (does not apply to large lot subdivisions)

- A. Calculate the net residential density of the development by determining the net residential acreage of a tract or parcel. The net residential density formula for an open space, expanded open space, large lot subdivision, village open space subdivision or commercial open space subdivision is provided in the district regulation section of the Zoning Ordinance for the zoning district in which a tract or parcel is located. For all other subdivisions, the net residential density is calculated by dividing the net residential acreage by the minimum lot size (or minimum land area for two-family and multiple family dwellings) in the district in which the tract or parcel is located. *(Amended, effective 09/03/19)*

The property (9.23 acres) contains two zoning districts (C-III & R-I) separated by an un-named stream.

Commercial III District (178,500 sf):

Right of way = 8,340 sf
Parking = 8,880 sf
20% slopes = 40,875 sf
Stream = 1,990 sf
Total = 60,085 sf

Net Resid. Acreage = 178,500 – 60,085 sf = 118,415 sf
Net Resid. Density = 118,415 sf / 7,000 sf / DU = 16.9 DU
16.9 units x 2.5 (affordable housing density bonus) = 42.3 units
Total dwelling units = 42

- B. Calculate the area of required open space (conservation land plus unbuildable land as defined in net residential acreage) in accordance with the provisions of this ordinance and of the Zoning Ordinance.

Unbuildable Land:

1. Deer wintering areas	= 0 sf
2. Wetlands	= 40,810 sf*
3. 20% slopes	= 40,875 sf
4. 100-year floodplain	= 0 sf
5. Land below high water	= 0 sf
6. Surface water bodies	= <u>1,990 sf</u>
Total	= 42,865 sf (wetlands not included)

Required Open Space = (Net Residential Acreage/2) + Unbuildable Land
= 118,415 sf/2 + 42,865 sf
= 102,073 sf = 2.34 acres

Provided Open Space = 2.65 acres

- C. Designate proposed location of open space(s) on the Site Analysis and Conceptual Sketch Plan, using the Comprehensive Plan (dated October 1994) and the Open Space and Public Access Plan (dated July 1999), identifying Primary Conservation Areas, and areas of significant natural resource or community value. Consider Secondary Conservation Areas, prioritizing natural and cultural resources on the tract from highest to least suitability for inclusion in the proposed required open space. Primary conservation areas within individual building lots should be avoided; however, the Project Review Board may approve a lot that contains a primary conservation area if there is provision for protecting that portion of the lot from being developed.

See attached Site Analysis & Conceptual Sketch Plan. The open space stretches from Concord Gully Stream located along the south side of the development to the parking lot and then along the north side of the building. There is only 4.1 acres available in the C-III District and of this 2.34 acres is required for open space so that doesn't leave a lot of options.

- D. Indicate the proposed open space using as a basis practical considerations related to the tract's configuration, its context to resource areas on neighboring properties, the priorities listed above for identifying open space areas, and the applicant's subdivision objectives.

As mentioned above the open space is shown on the Site Analysis & Conceptual Sketch Plan. The applicant has Concord Gully Stream running through the property and this is the major resource on site. All adjacent property within 80' of the north side of the stream is not being developed and is utilized as open space.

APPENDIX B {Amended 06/06/17}

Site Inventory Map, Site Analysis and Conceptual Sketch Plan Submission Requirements

The submission must contain, at a minimum, the following information:

- A. A completed application form (on forms provided by the Town).
The application forms are included with this submission.
- B. Twelve (12) copies of an accurate scale combined Site Inventory Map, Site Analysis and Conceptual Plan of the parcel at a scale of not more detailed than 1" = 50 feet, showing as a minimum:
12 copies of the Site Inventory Map, Site Analysis and Site Analysis Conceptual Plan of the parcel are included.
 1. The proposed name of the development, north arrow, date, and scale.
The items listed above are all shown on the Site Plan (C-1).
 2. The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.
A boundary survey is included.
 3. The topography of the site at a contour interval of either 2 or 5 feet depending on the nature of the use and character of the site as determined by the Town Planner.
One-foot contours are depicted on the site plan (C-1), Site Inventory (SI) Map and Site Analysis & Conceptual Sketch Plan.
 4. The major natural features of the site, including wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, or other important natural features.
Wetlands have been delineated by Vaughn Smith Associates and are shown on the attached plans.
 5. The soils on the site through a class C medium intensity soil survey.
A Class C medium intensity soil survey map is included with this submission.
 6. Vegetative cover conditions on the property according to general cover type.
The site is generally wooded with some meadow areas.

7. Ridgelines and watershed boundaries.
The portion of land within the Commercial III District flows in a southerly direction to Concord Gully Stream. Flow arrows depict the surface water flow direction on the property.
8. Geologic formations including rock outcrops, cliffs, etc., based upon published data or more detailed on-site analysis.
There haven't been any rock outcrops seen on site. According to the Maine Geological Survey's Bedrock Geology of the Freeport Quadrangle, Maine the parcel is located within the Vassalboro Group.
9. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, etc. (if none, so state).
There are no buildings or driveways on site.
10. Locations of all historically or archaeologically significant building or sites.
A letter has been included from the Maine Historic Preservation verifying that there aren't any historic sites located on the parcel.
11. Existing restrictions or easements on the site (if none, so state). 12/21/21 75
There is a sewer easement extending in a west-east direction through the site. There are also two vacated NET easements depicted on the plans.
12. The location and size of existing utilities or improvements servicing the site (if none, so state).
Water, sewer and electric are all available for this project.
13. Any potential sources of fire protection water supply within one-half mile of the site including public water mains, existing fire ponds, or possible sources of water supply.
There is an 8" water main on Varney Road and the applicant will tap into this main for all water supply needs. The building will be sprinkled and there is a hydrant on Varney Road within 100' of the property.
14. Acceptable septic system location for each lot or unit if applicable.
There is a sewer easement running through the property and the applicant will utilize this gravity system for their sewer needs.

- C. Twelve (12) copies of a detailed narrative describing the existing conditions of the site, the required open space potential of the site, the proposed development, and the constraints and opportunities created by the site. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations, together with any preliminary studies done relative to the site including wetland delineations, traffic studies, market studies, or other information that will help the Board understand the project.

A narrative is included with the submission.

- D. The Site Inventory, Site Analysis and Conceptual Sketch Plan should highlight the opportunities and constraints of the site. This plan shall be prepared by a landscape architect or a professional engineer with expertise in civil/site engineering and should enable the Project Review Board to determine: which areas are well suited for proposed use and which are unsuitable; where the property is unsuitable for on-site sewage disposal if public sewerage is not available; primary and secondary conservation areas; which areas have potential open space value (scenic areas, aquifers, streambed corridors, wildlife habitat, natural drainage courses, farmland, significant forest stands, and land abutting existing public open spaces, etc.); and which areas may be subject to off-site conflicts or concerns (noise, lighting, traffic, etc.). In addition, this plan shall show a conceptual rendering of the layout of lots and roads in accordance with the Four-Step Design Process described in Appendix A. For greater clarity, the Project Review Board may request that the Site Analysis and Conceptual Sketch be presented in two (2) separate plans.

These two plans are provided with this application.

- E. Written requests for any waivers from the Minor Subdivision or preliminary Major Subdivision submission requirements or development standards of Article 12.

No waivers are being sought with the exception of a reduction in parking from 84 spaces required to 43 actual spaces.

432 Cony Road
P.O. Box 4687
Augusta, ME 04330



(207) 623-9475
Fax (207) 623-0016
1-800-244-9475

Project Narrative

Tim Gooch, herein called the applicant is proposing to develop a portion of a parcel of land located on Varney Road in Freeport. The 52-acre parcel is identified as Lot 55 on Tax Map 23 in the Town of Freeport tax maps. The applicant has a purchase/sale agreement for 9.3 acres of the parcel mentioned above. This parcel is in the Commercial III (C-III) and Rural Residential I (RR-1) District as shown on the Town's Zoning Map. The applicant is proposing to erect a three-story, 42-unit elderly housing apartment building with associated parking.

CWS Architects will provide all of the drawings for the proposed building and are using a similar design to the senior housing project that was recently completed on Civic Center Drive in Augusta. The major difference is that the building in Augusta had a peaked roof and this roof will be flat to comply with the height restriction of 35' in the Freeport Land Use Ordinance. The elevation of the building is

Concord Gully Stream bisects the property and is the delineating line between the Rural Residential I District and Commercial III District. Multi-family dwellings are not permitted in the Rural Residential I District and therefore all density calculations can only be made within the portion (4.1 acres) of the property within the Commercial III District.

Water will be extended from the 8" diameter main in Varney Road to the proposed 3-story apartment building. The building will be sprinkled and there is fire department access around the building. A large tee-turn has been utilized to provide a place for emergency vehicles to turn around on site.

There is a gravity sewer line that goes through the property and it is our intention to tie into this main at the existing manhole near the main entrance of the building. The electrical service will be brought in overhead from Varney Road to a pole on site and then run underground to the building. Two below ground propane tanks will be set along the east side of the proposed parking lot.

There will be over 37,000 sf of new impervious area and the development is located in a watershed most at risk from development. Therefore, a stormwater permit application is required to be filed with the DEP. It is unclear whether the town will have an engineer on staff to do this review or it will be submitted to the DEP. An underdrained soil filter (UDSF) will be utilized to treat the stormwater as well as provide storage for the peak storm events.

There are several amenities on site including picnic tables, community gardens, patio area, etc. We are asking for a 49% reduction in parking for the 42-unit facility or 43 parking spaces. A sidewalk is shown going from the building in a northerly direction to Varney Road to provide off-site walking access. The applicant used a similar amount of parking for the Augusta project and to date there hasn't been a shortage in parking. The minimum age of anyone living in these units is 55.

A dumpster and recyclable area are located at the end of the parking lot with a private solid waste company providing pickup once a week. There will be four pole lights and the rest will be hung off the proposed building in the form of wall packs that will all be fully shielded.

QUITCLAIM DEED WITH COVENANT

18786

TOWN OF FREEPORT, a municipal corporation located at Freeport, Cumberland County, Maine, for consideration paid, grants to L. L. BEAN, INC., a Maine corporation located at Freeport, Cumberland County Maine, with quitclaim covenant, the land in Freeport, Cumberland County Maine, as follows:

Beginning at a point on the southeasterly sideline of Route 1 in said Freeport, at a stonewall and the northwesterly corner of property now or formerly of Barbara A. Damone; thence S 39°20'30" E, along said stonewall and the westerly boundary of said Damone property, Four Hundred Twenty-Two (422) feet to a point; thence N 56°02'30"E, along the southerly boundary of said Damone property Four Hundred Fifty-Nine and Fifty-Four Hundredths (459.54) feet to a point and the southwesterly sideline of Varney Road, so-called; thence S 40°50'E, along the southwesterly sideline of Varney Road, Seventy-One (71) feet to a point, thence S 59°34'30" W One Hundred Two (102) feet to a point, thence S 40°50' E One Hundred Eighteen (118) feet to a point; thence N 49°10' E One Hundred (100) feet to a point and the southwesterly sideline of said Varney Road; thence S 40°50' E, along the southwesterly sideline of Varney Road, Nine Hundred Fifty-Three (953) feet to a point; thence S 51° 02' 30" W One Thousand Three Hundred Thirty-Three (1,333) feet to a point; thence N 41°42'30" W Five Hundred Ninety-Five (595) feet to a point; thence N 42°36' E Ten (10) feet to a point; thence N 40°37'30" W One Thousand Twenty-One (1,021) feet to an iron and the southeasterly sideline of Route 1; thence northeasterly, along the southeasterly sideline of said Route 1, Eight Hundred Eighty-Nine and Five Tenths (889.5) feet, more or less, to the point of beginning.

The foregoing premises are conveyed subject to various easements granted to New England Telephone & Telegraph Company by the following deeds:

1. Deed of Ernest L. Rogers dated September 23, 1913, and recorded in the Cumberland County Registry of Deeds in Book 934, Page 467.
2. Deed of Lester H. Bolster dated March 22, 1923, and recorded in said Registry of Deeds in Book 1132, Page 83.
3. Deed of Lester H. Bolster dated May 1, 1941, and recorded in said Registry of Deeds in Book 1646, Page 38.
4. Deed of Owen C. Bolster and J. Adelaide Bolster dated February 11, 1947, and recorded in said Registry of Deeds in Book 1864, Page 158.

Being the same premises conveyed to the grantor herein by deed of Casco Bank & Trust Company dated December 21, 1976 and recorded in said Registry of Deeds in Book 3955, Page 167.

Reference is made to a Plan entitled "Plan of Land in Freeport, Maine for Exchange Corporation" by Owen Haskell, Inc. dated January 17, 1972.

As further consideration hereunder L. L. Bean, Inc., for itself, its successors and assigns, covenants and agrees with said Town of Freeport and its successors and assigns that it shall not, for a period of three (3) years from the date of this deed, develop or otherwise improve the above described premises for commercial purposes.

The said Town of Freeport has caused this instrument to be signed in its corporate name by Dale Olmstead, its Town Manager, duly authorized this 15th day of June, 1983.

WITNESS:

[Signature]

TOWN OF FREEPORT

By: [Signature]
Its Town Manager

STATE OF MAINE
CUMBERLAND, SS

June 15, 1983

Then personally appeared the above-named Dale Olmstead, Town Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town of Freeport.

Before me,

[Signature]
~~Justice of the Peace~~
Notary Public NOTARY PUBLIC
My Commission Expires March 29, 1989

JUN 15 1983

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE
Received at 11 H 47 AM, and recorded in

BOOK 6193 PAGE 300

[Signature] Register

OPTION AGREEMENT

THIS OPTION AGREEMENT (the "Agreement") made and entered into as of the 15th day of June, 2023, by and between L. L. BEAN, INC., a Maine corporation with a place of business and mailing address of 1 Casco Street, Freeport, Maine 04032 ("Grantor") and FREEPORT HOUSING TRUST, INC., a Maine nonprofit corporation with a place of business and mailing address of 24 South Street, Suite A, Freeport, Maine 043032 ("Grantee")

WITNESSETH:

In consideration of \$1.00 (the "Option Consideration"), the receipt of which is hereby acknowledged by Grantor, Grantor and Grantee hereby agree as follows:

1. Grant of Option. Grantor hereby grants to Grantee, its successors and assigns, the exclusive and irrevocable option to acquire a certain lot or parcel of land on the southerly side of Varney Road in Freeport, Maine, consisting of approximately 9.2 acres, more or less, together with all appurtenant rights and easements, being a portion of the property described in a deed to the Grantor from the Town of Freeport dated June 15, 1983 and recorded in the Cumberland County Registry of Deeds in **Book 6193, Page 300** (collectively the "Property"). The exact acreage and configuration of the Property shall be determined by mutual agreement of the parties, but in any event shall be of sufficient acreage and street frontage to permit Grantee's proposed development of a 42 unit affordable rental housing project on the Property under Freeport ordinances. Grantee at its expense shall obtain an ALTA survey of the Property satisfactory to Grantee in its sole discretion, and the Property shall be conveyed using a metes and bounds legal description based on such survey.

2. Expiration. This option shall expire on **December 31, 2025** ("Exercise Date"), at **11:59 PM**, Maine time unless exercised by that date and time.

3. Notice of Exercise; Failure to Exercise. This option may be exercised only by Grantee giving written notice of election to exercise to Grantor by first class mail, postage prepaid, registered or certified, return receipt requested, addressed to Grantor at the address set forth at the beginning of this Agreement, or to such other address as Grantor may designate to Grantee in writing. Said notice shall be deemed to have been duly given if delivered prior to the Exercise Date. In the event that Grantee fails to exercise the option granted in this Agreement before the Exercise Date, the Option Consideration shall be retained by Grantor, and thereafter neither Grantor nor Grantee shall have any further rights or claims against the other.

4. Exercise. In the event that Grantee exercises the option granted in this Agreement to purchase the Property as provided herein, the following provisions shall be applicable:

a. Purchase Price. Subject to any adjustments and prorations hereinafter described, the total purchase price for the Property shall be **\$294,000** (the "Purchase Price"), payable at closing by certified or bank cashiers' check or by wire transfer. The Option Consideration shall be credited against the Purchase Price at closing.

b. Title to the Property. At closing, Grantor shall convey to Grantee or its assignee good and marketable title to the Property in fee simple, free and clear of all liens, claims and encumbrances except standard utility easements that do not materially and adversely affect the use and enjoyment of the Property, but subject to an affordable housing covenant reasonably satisfactory to Grantor; provided, however that Grantor agrees no separate covenant shall be required so long as the Property is subject to any affordability requirements imposed by Maine State Housing Authority ("MaineHousing"). In the event that title to the Property is not good and marketable as set forth in the previous sentence, Grantor shall be given a reasonable period of time, not to exceed **30** days, after receipt of notice from Grantee in which to remedy any title defects. In the event that any title defects cannot be corrected or remedied within said time period, then Grantee may terminate this Agreement upon written notice to Grantor, whereupon Grantor shall fully refund to Grantee the Option Consideration. Grantee may elect to close notwithstanding such defects as may exist.

c. Closing. The closing under this Agreement shall take place not later than **60** days after the date this option is exercised (the "Closing Date") at 10:00 AM, local time, at Grantee's counsel's office, or at such other time and place as Grantor and Grantee shall mutually agree upon in writing. At the closing, Grantor shall execute a Quitclaim Deed with Covenant to the Property and such other documents and instruments as Grantee shall reasonably request and that are customary in commercial real estate transactions in Maine.

d. Risk of Loss. At all times during the term of this Agreement, all risk of loss to the Property prior to the closing shall be on Grantor.

e. Adjustments. Real property taxes shall be prorated as of the Closing Date based on the latest available tax bill. Grantee shall pay the cost to record the deed and any financing documents executed by Grantee. The parties shall share equally the Maine transfer tax according to law.

f. Default; Remedies. In the event either party defaults under this Agreement, and such default is not cured within **30** days of written notice of such default, the sole remedy of the non-defaulting party shall be to terminate this Agreement. In the event either party brings any enforcement or other legal action under this Agreement, the prevailing party in such action shall be entitled to have its costs of enforcement reimbursed by the non-prevailing party.

g. Possession. Grantor shall deliver the Property to Grantee at closing free and clear of all leases, tenancies and occupancies by any person.

h. Condition Precedent. Grantee's obligation to acquire the Property under this Agreement is conditioned upon there having occurred no material adverse change to the physical condition of the Property between the date of Grantee's inspections and the Closing Date. If this condition is not satisfied as of the Closing Date, Grantee may terminate this Agreement and receive a full and complete refund of the Option Consideration.

i. Brokers. The parties represent to each other that neither has had any dealings with any real estate broker in connection with this transaction.

5. Inspection. At all times during the term of this Agreement, upon reasonable prior notice, Grantee and any prospective lender or investor of Grantee's shall have the right to enter the Property and perform, at Grantee's expense, any and all inspections, tests, surveys or other due diligence inquiries with respect to the Property as Grantee deems necessary or appropriate. Grantee agrees to return the Property as nearly as possible to its original condition after any of such tests and inspections, and shall indemnify, defend and hold Grantor harmless from and against any claims arising from or related to Grantee's entry and inspections. For purposes of this indemnifications, Grantee waives any immunities to which it may be entitled under workers' compensation laws and assumes liability for claims by its employees. In the event Grantee is not satisfied for any reason with the results of such due diligence inspections, Grantee shall have the option of terminating this Agreement by written notice to Grantor. Without limiting the generality of the foregoing, this Agreement is subject to a determination before the Exercise Date by MaineHousing as to the desirability of the Property for Grantee's intended use as a result of the completion of the environmental review process required by the United States Department of Housing and Urban Development, and if such determination is unsatisfactory, Grantee may terminate this Agreement.

6. Notices. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, registered or certified, return receipt requested, addressed to the recipient at the addresses set forth at the beginning of this Agreement. Either party may change its address for purposes of this Section by giving the other party notice of the new address in the manner described herein.

7. Assignment. Upon written notice to Grantor, Grantee may assign this Agreement and all its rights and obligations hereunder to an entity affiliated with Grantee.

8. Miscellaneous. Time is of the essence hereof. This Agreement constitutes the entire agreement between Grantor and Grantee, there are no agreements or understandings between the parties except as set forth herein, and all prior agreements and understandings are superseded by this Agreement. This Agreement will inure to the benefit of and bind the respective successors and assigns of Grantor and Grantee. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of one gender shall be deemed applicable to all genders. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

[remainder of page left blank intentionally—signatures appear on next page]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Option Agreement as of the date first above written.

L. L. BEAN, INC., Grantor

By: George A Mayo
Name: George A. Mayo
Title: Vice President

FREEMPORT HOUSING TRUST, INC.,
Grantee

By: _____
Matthew Peters, its Executive Director

IN WITNESS WHEREOF, Grantor and Grantee have executed this Option Agreement as of the date first above written.

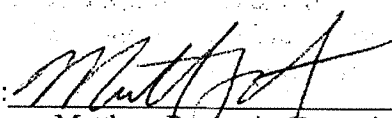
L. L. BEAN, INC., Grantor

By: _____

Name: George A. Mayo
Title: Vice President


FREEPORT HOUSING TRUST, INC.,
Grantee

By: _____


Matthew Peters, its Executive Director

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine

Survey Area Data: Version 19, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Au	Au Gres loamy sand	5.7	0.7%
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	92.3	10.9%
BuB	Lamoine silt loam, 3 to 8 percent slopes	131.7	15.5%
BuC2	Buxton silt loam, 8 to 15 percent slopes	20.3	2.4%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	67.2	7.9%
Gp	Gravel pits	8.4	1.0%
HIB	Hinckley loamy sand, 3 to 8 percent slopes	29.4	3.5%
HIC	Hinckley loamy sand, 8 to 15 percent slopes	9.9	1.2%
HrB	Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky	20.2	2.4%
HsB	Lyman-Abram complex, 0 to 8 percent slopes, very rocky	75.3	8.8%
HsC	Lyman-Abram complex, 8 to 15 percent slopes, very rocky	47.5	5.6%
HsE	Lyman-Abram complex, 15 to 35 percent slopes, very rocky	30.3	3.6%
MeC	Melrose fine sandy loam, 8 to 15 percent slopes	5.5	0.6%
Sn	Scantic silt loam, 0 to 3 percent slopes	101.2	11.9%
So	Scarboro sandy loam	12.0	1.4%
SuC2	Suffield silt loam, 8 to 15 percent slopes, eroded	22.5	2.6%
SuD2	Suffield silt loam, 15 to 25 percent slopes, eroded	8.4	1.0%
SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded	121.6	14.3%
Tm	Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes	6.3	0.7%
W	Water	17.5	2.1%
WmB	Windsor loamy sand, 0 to 8 percent slopes	17.6	2.1%
Totals for Area of Interest		850.7	100.0%



STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
353 WATER STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041



September 26, 2023

James Coffin
E.S. Coffin
432 Cony Road, PO Box 4687
Augusta, ME 04330

RE: Information Request – Varney Road, Freeport Project

Dear James:

Per your request received on June 05, 2023, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *Varney Rd., Freeport* project. Please note that as project details are lacking our comments should be considered preliminary.

Our Department has not mapped any Essential Habitats that would be directly affected by your project. Essential Habitats are areas formally designated as essential to the conservation of a State Endangered or Threatened species and are protected pursuant to the Maine Endangered Species Act (MESA, 12 M.R.S, §12804.2). Currently, Essential Habitats are only designated for three State Endangered coastal breeding bird species.

Endangered, Threatened, and Special Concern Species

Bats - Of the eight species of bats that occur in Maine, the three *Myotis* species are afforded protection under Maine's Endangered Species Act (MESA, 12 M.R.S §12801 et. seq.): little brown bat (State Endangered), northern long-eared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are designated as Species of Special Concern (Rare): big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat. Tri-colored bats are currently pending designation as a State Threatened species. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during spring/fall migration, the summer breeding season, and/or for overwintering. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

Significant Wildlife Habitat

Significant Vernal Pools - At this time MDIFW Significant Wildlife Habitat (SWH) maps indicate no known presence of Significant Vernal Pools (SVPs) in the project search area. However, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. SVPs are not included on MDIFW maps until project areas have been surveyed using approved methods and the survey results confirmed. Thus, their absence from resource maps is not necessarily indicative of an absence on the ground. Therefore, we recommend that surveys for vernal pools be conducted within the project

boundary by qualified wetland scientists prior to final project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated project footprint because of potential performance standard requirements for off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, survey forms should be submitted to our Agency for review well before the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.

Aquatic Resources

Fish Habitat - We recommend maintaining 100-foot undisturbed vegetated buffers from the upland edge of all intermittent and perennial streams and any contiguous wetlands. Maintaining and enhancing buffers along these resources is critical to the protection of water temperatures, water quality, natural inputs of coarse woody debris, and various forms of aquatic life necessary to support fish and other aquatic species. Riparian buffers also provide critical habitat and important travel corridors for a variety of wildlife species. Stream crossings should be avoided, but if a stream crossing is necessary, or an existing crossing needs to be modified, it should be designed to provide for full aquatic passage. Small streams, including intermittent streams, can provide crucial rearing habitat, cold water for thermal refugia, and abundant food for juvenile salmonids on a seasonal basis. Undersized crossings may inhibit these functions and become a frequent maintenance problem that causes reoccurring damage to the resource. Generally, MDIFW recommends that all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bankfull width of the stream. In addition, we generally recommend that stream crossings be open bottomed (i.e., natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective in providing habitat connectivity for fish and other aquatic organisms. Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils can travel significant distances as well as transport other pollutants resulting in direct impacts to fish, other aquatic life, and their habitats. In addition, we recommend that any necessary instream work occur between July 15 and October 1.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance, we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,



Emily Robinson
Resource Biologist

410000

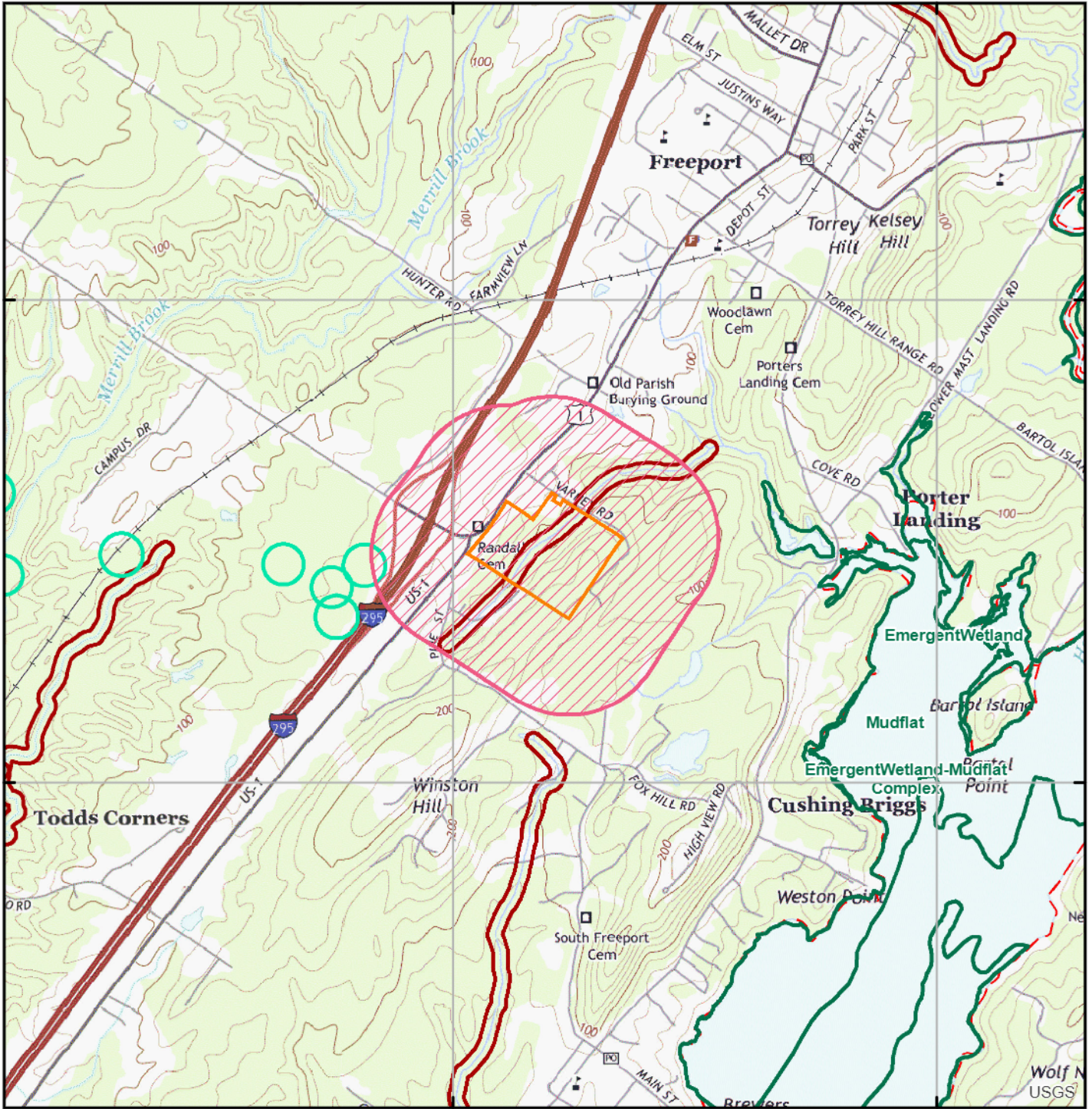
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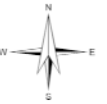
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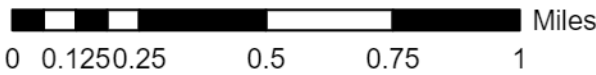
Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name:

Varney Rd., Freeport
(Version 1)



Maine Department of
Inland Fisheries and Wildlife



Projection: UTM, NAD83, Zone 19N

Date: 6/20/2023

- ProjectSearchAreas - All Versions
- Deer Winter Area
- LUPC p-fw
- Roseate Tern
- Seabird Nesting Islands
- Inland Waterfowl and Wading Bird
- Piping Plover and Least Tern
- Shorebird Areas
- Tidal Waterfowl and Wading Bird
- Aquatic ETSc - 2.5 mi review
- Significant Vernal Pools
- Environmental Review Polygons
- Rare Mussels - 5 mi review
- Maine Heritage Fish Waters
- Arctic Charr Habitat
- Redfin Pickerel and Swamp Darter Habitats - buffer100ft
- Special Concern occupied habitats - 100ft buffer
- Wild Lake Trout Habitats





STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

177 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

June 5, 2023

James Coffin
ES Coffin Engineering & Surveying
PO Box 4687
Augusta, ME 04333

Via email: jcoffin@coffineng.com

Re: Rare and exemplary botanical features in proximity to: Tim Gooch, 9.1 acres of Map 23 Lot 44, Varney Road, Freeport, Maine

Dear James Coffin:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received June 5, 2023 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Freeport, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-8044
WWW.MAINE.GOV/DACF/MNAP

Letter to ES Coffin
Comments RE: Varney Rd, Freeport
June 5, 2023
Page 2 of 2

The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

Lisa St. Hilaire

Lisa St. Hilaire | Information Manager | Maine Natural Areas Program
207-287-8044 | lisa.st.hilaire@maine.gov

**Rare and Exemplary Botanical Features within 4 miles of
Project: Tim Gooch, 9.1 acres of Map 23 Lot 44, Varney Road, Freeport, ME**

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Adder's Tongue Fern						
	E	S1	G5	1905-08-10	7	Non-tidal rivershore (non-forested, seasonally wet),Open
Climbing Hempweed						
	PE	SH	G5	1916-08	1	Dry barrens (partly forested, upland),Open wetland, not
Clothed Sedge						
	E	S1	G5	1898-06-15	1	Dry barrens (partly forested, upland)
Mountain Honeysuckle						
	E	S2	G5	1933-09	4	Dry barrens (partly forested, upland),Hardwood to mixed
Salt-hay Saltmarsh						
		S3	G5	2009	24	
		S3	G5	2011-09-09	42	
		S3	G5	2011-09-02	43	
		S3	G5	2015-08-18	61	
		S3	G5	2015-08-19	62	
Sassafras						
	SC	S2	G5	1906	10	Hardwood to mixed forest (forest, upland),Old field/
Showy Lady's-slipper						
	SC	S3	G4G5	1907-07-09	38	Forested wetland,Open wetland, not coastal nor
Unicorn Root						
	E	S1	G5	1884	1	Dry barrens (partly forested, upland)

Date Exported: 2023-06-05 11:14

Conservation Status Ranks

State and Global Ranks: This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of critically imperiled (1) to secure (5). Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

Rank	Definition
S1 G1	Critically Imperiled – At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
S2 G2	Imperiled – At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
S3 G3	Vulnerable – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
S4 G4	Apparently Secure – At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
S5 G5	Secure – At very low risk of extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
SX GX	Presumed Extinct – Not located despite intensive searches and virtually no likelihood of rediscovery.
SH GH	Possibly Extinct – Known from only historical occurrences but still some hope of rediscovery.
S#S# G#G#	Range Rank – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem.
SU GU	Unrankable – Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
GNR SNR	Unranked – Global or subnational conservation status not yet assessed.
SNA GNA	Not Applicable – A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems).
Qualifier	Definition
S#? G#?	Inexact Numeric Rank – Denotes inexact numeric rank.
Q	Questionable taxonomy that may reduce conservation priority – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The “Q” modifier is only used at a global level.
T#	Infraspecific Taxon (trinomial) – The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

State Status: Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
E	Endangered – Any native plant species in danger of extinction throughout all or a significant portion of its range within the State or Federally listed as Endangered.
T	Threatened – Any native plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range in the State or Federally listed as Threatened.
SC	Special Concern – A native plant species that is rare in the State, but not rare enough to be considered Threatened or Endangered.
PE	Potentially Extirpated – A native plant species that has not been documented in the State in over 20 years, or loss of the last known occurrence.

Element Occurrence (EO) Ranks: Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
A	Excellent – Excellent estimated viability/ecological integrity.
B	Good – Good estimated viability/ecological integrity.
C	Fair – Fair estimated viability/ecological integrity.
D	Poor – Poor estimated viability/ecological integrity.
E	Extant – Verified extant, but viability/ecological integrity not assessed.
H	Historical – Lack of field information within past 20 years verifying continued existence of the occurrence, but not enough to document extirpation.
X	Extirpated – Documented loss of population/destruction of habitat.
U	Unrankable – Occurrence unable to be ranked due to lack of sufficient information (e.g., possible mistaken identification).
NR	Not Ranked – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information
<http://www.maine.gov/dacf/mnap>



1327 Main Street
P.O. Box 4657
Augusta, ME 04333



June 5, 2023

June 5th, 2023

Kirk Mohney
Maine Historic Preservation Commission
55 Capitol Street
State House Station 65
Augusta, Maine 04333

0854-23


Subject: Tim Gooch
Varney Road
Freeport, Maine

Dear Kirk:

Tim Gooch, herein called the applicant is proposing to develop a portion of a parcel of land located on Varney Road in Freeport. The 52-acre parcel is identified as Lot 55 on Tax Map 23 in the Town of Freeport tax maps. The applicant has a purchase/sale agreement for 9.1 acres of the parcel mentioned above. This parcel is in the Commercial III (C-III) and Rural Residential I (RR-1) District as shown on the Town's Zoning Map. The applicant is proposing to erect a three-story, 42-unit elderly housing apartment building with associated parking and a site location map (SLM) is provided for your use.

Please identify any properties in the area of historic, architectural, or archaeological significance that this project may impact and if you should have any questions or concerns; please do not hesitate to contact me.

Sincerely,

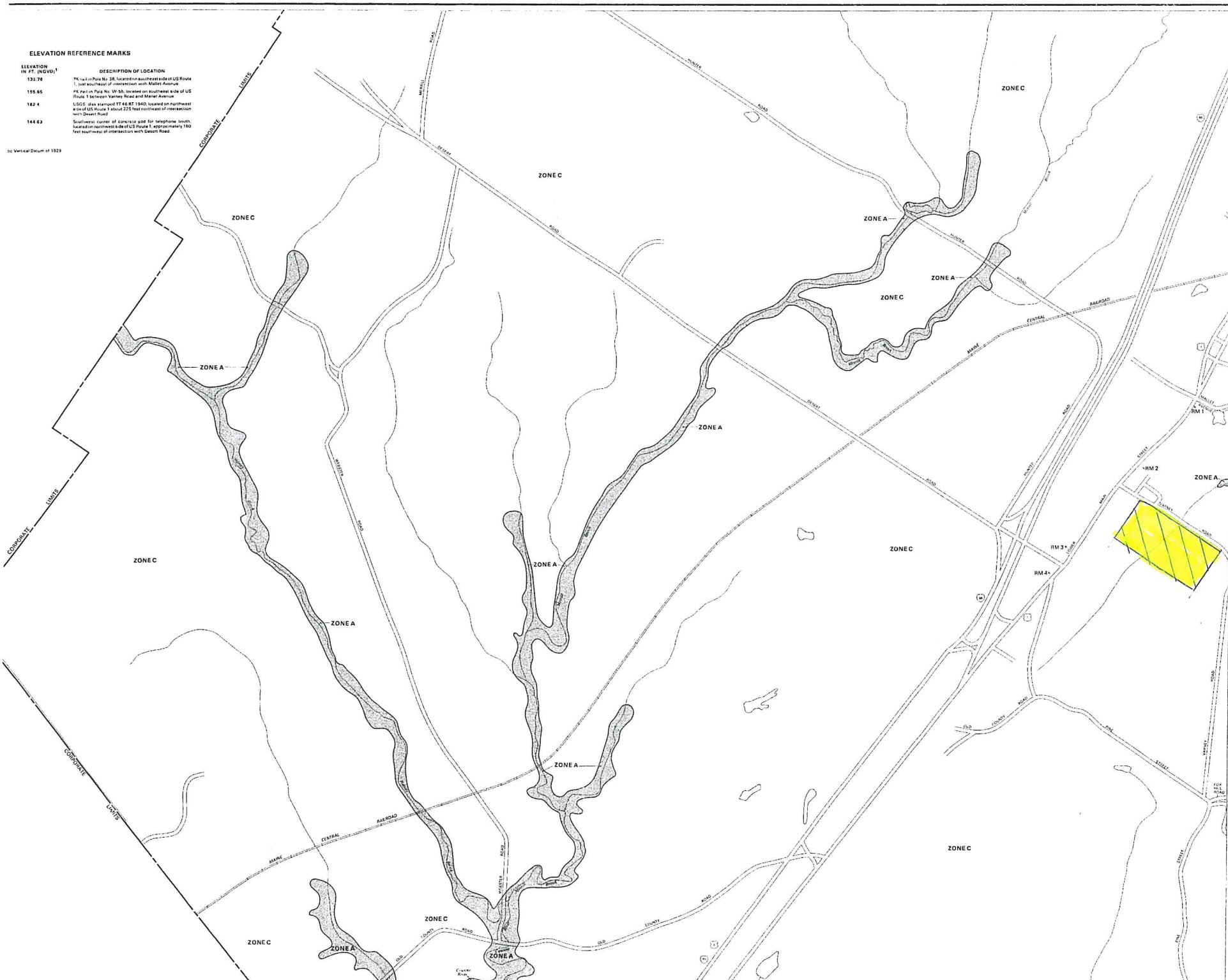

James E. Coffin, PE

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106

ELEVATION REFERENCE MARKS

ELEVATION IN FT. (NGVD) ¹	DESCRIPTION OF LOCATION
132.78	Point on Pole No. 38, located on south side of US Route 1, just southeast of intersection with Market Avenue
135.85	PC Post on Pole No. 39-40, located on southeast side of US Route 1 between Varney Road and Market Avenue
182.4	USGS (see stamp) T7 46 BT 134D, located on northwest side of US Route 1 about 225 feet northwest of intersection with Desert Road
144.63	Southwest corner of concrete pad for telephone south located on northwest side of US Route 1, approximately 180 feet northwest of intersection with Desert Road

¹Vertical Datum of 1929



KEY TO

- 300-Year Flood Boundary
- 100-Year Flood Boundary
- Zone Designations
- 100-Year Flood Boundary
- 500-Year Flood Boundary
- Base Flood Elevation (see Work Instructions 80217)
- Base Flood Elevation (see Work Instructions 80217)
- Location Reference Mark
- Zone Boundary
- Road
- Waterway
- Utility
- Structure

***EXPLANATION OF Z**

ZONE	EXP.
A	Area of 100-year Flood Hazard Factor 1
A0	Area of 100-year Flood Hazard Factor 1 between zone (1) and zone (2) as determined
A1	Area of 100-year Flood Hazard Factor 1 between zone (1) and zone (2) as determined
A1-A30	Area of 100-year Flood Hazard Factor 1 between zone (1) and zone (2) as determined
A30	Area of 100-year Flood Hazard Factor 1 between zone (1) and zone (2) as determined
B	Area between limits of 100-year Flood Hazard Factor 1 and 500-year Flood Hazard Factor 1 as determined
C	Area of 500-year Flood Hazard Factor 1 as determined
D	Area of 100-year Flood Hazard Factor 1 as determined
V	Area of 100-year Flood Hazard Factor 1 as determined
V1-V30	Area of 100-year Flood Hazard Factor 1 as determined

NOTES

Certain areas may be the special flood hazard areas as shown on this map. This map is the Flood Insurance Rate Map (FIRM) for the community. It does not necessarily show all flood hazard areas. The usual office application form should be used for flood insurance. For additional map details, see the Flood Insurance Rate Map (FIRM) for the community. Contact your insurance agent or Program at (800) 638-6622.

INITIALS: JULY 21
 115200 HAZARD BOUND JUNE 11
 FLOOD INSURANCE R
 FLOOD INSURANCE R

Refer to the FLOOD INSURANCE Rate Map on this map to determine flood hazard areas. For additional flood insurance information, contact your insurance agent or Program at (800) 638-6622.



NATIONAL FIRM FLOOD IN

TOWN OF FREEPO CUMBERL

PANEL 11 OF 118 MAPS

COMB

Federal Emergency Management Agency

Route 1 Street View



Freeport Project Review Board

Varney Road Street View



Freeport Project Review Board