



TOWN OF FREEPORT, MAINE

Planning Department
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TO: FREEPORT STAFF REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: TUESDAY, AUGUST 23, 2022

Change of Use – 33 Allen Range Road	
Property Location:	Tax Assessor Map 18, Lots 28 & 28A (33 Allen Range Road)
Zoning Information:	Medium Density A (MD-A)
Review Type(s):	Change of Use – Junkyard to Boat Yard
Waivers Requested:	None

Background: The applicant is seeking approval of a Change of Use for 33 Allen Range Road. The use will change from Junkyard to Boat Yard. No other site changes are proposed. Boats will be stored in existing open areas on site. No new signage is proposed at this time.

The site is already developed with existing structures, a concrete pad, entrance off Allen Range Road and large gravel and field areas that were previously used to store cars and will now be used to store boats. There is a small existing office building (775 sf) which will continue to be used as the office and an existing garage which will be utilized for boat maintenance. The existing fence along the front of the property screens the site from Allen Range Road and the fence will be retained. No changes to site access, parking, landscaping, buffers or lighting are proposed. No new buildings are proposed.

The property currently exists as two parcels. The applicant will be purchasing Lot 28 and a portion of Lot 28A which will result in 10.15 acres. The parcels will be merged into one, upon purchase.

Utilities: The property has a private septic system and private well. The applicant is proposing to utilize the existing systems and no changes are proposed. The office building is connected to the existing well and septic system.

Seasonally, a dumpster will be brought to the site for the disposal of shrink wrap from the boats. The location of the dumpster and any screening should be added to the site plan. All other waste will be stored inside. Commercial users are required to sort cardboard from other waste per the Freeport Solid Waste Disposal Ordinance.

Traffic & Parking: There will be two or three employees working on the site, but not every day. Employee parking will be in the existing gravel area located to the right of the existing office building.

About 25 boats will be stored (and possibly worked on) on-site between the months of October through May. Otherwise, daily traffic to and from the site is not expected with the exception of employees.

There is an existing driveway entrance on Allen Range Road that will not be modified and will continue to be used; a change of use permit from the Freeport Public Works Department for the driveway will be required.

Other: Maintenance on the boats (involving the collection of fluids will be done inside the existing garage). There will be oil changes and gear lube collection using 55-gallon drums (which will be marked). Full drums will be removed from the site (to another boat yard owned by the applicant) and collected by a hazardous waste hauler. This does require

oversight and reporting to the Maine Department of Environmental Protection (MDEP) who will conduct an inspection every other year. There will be MDEP approved spill kits on-site in case they are needed for any spill clean-up.

Since this is a change of use, the applicant will be required to obtain a building permit from the Freeport Codes Enforcement Officer. In addition, if Site Plan Approval is granted, any future changes to any site features may require the applicant to return to the Board for review and approval.

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

The site is already developed with existing buildings and areas used for outdoor storage. No site change are proposed. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

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

The buildings are existing and no exterior changes to the buildings are proposed. Existing fencing to screen outdoor storage areas from Allen Range Road will be retained. Based upon this information, the Board finds that this standard has been met.

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

The site is already developed with an existing entrance off Allen Range Road; no changes the entrance are proposed. A permit from Public Works for the change of use will be required. Based upon this information, the Board finds that this standard has been met.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

There will be two or three employees working on the site, but not every day. Employee parking will be in the existing gravel area located to the right of the existing office building.

About 25 boats will be stored (and possibly worked on) on-site between the months of October through May. Otherwise, daily traffic to and from the site is not expected with the exception of employees. No changes to site access, circulation or parking are proposed. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

Based upon the size and nature of the development, changes to drainage and stormwater management are not proposed. Based upon this information, the Board finds that this standard has been met.

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

The property has a private septic system and private well. The applicant is proposing to utilize the existing systems and no changes are proposed. The office building is connected to the existing well and septic system. Seasonally, a dumpster will be brought to the site for the disposal of shrink wrap from the boats. The location of the dumpster and any screening should be added to the site plan. Commercial users are required to sort cardboard from other waste per the Freeport Solid Waste Disposal Ordinance. All other waste will be stored inside. Based upon this information, the Board finds that this standard has been met.

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

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

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

Maintenance on the boats involving the collection of fluids will be done inside the existing garage. There will be oil changes and gear lube collection using 55-gallon drums (which will be marked). Full drums will be removed from the site (to another boat yard owned by the applicant) and collected by a hazardous waste hauler. This does require oversight and reporting to the Maine Department of Environmental Protection (MDEP) who will conduct an inspection every other year. There will be MDEP approved spill kits on-site in case they are needed for any spill clean-up. Based upon this information, the Board finds that this standard has been met.

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

No new lighting is proposed. In the future if any lighting fixtures are replaced, they must be full cut-off fixtures. Based upon this information, the Board finds that this standard has been met.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

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

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

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

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

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

The parcel is not within the Shoreland Zone or the Marine Waterfront District. Minimal site changes are proposed. Maintenance on the boats involving the collection of fluids will be done inside the existing garage. There will be oil changes and gear lube collection using 55-gallon drums (which will be marked). Full drums will be removed from the site (to another boat yard owned by the applicant) and collected by a hazardous waste hauler. This does require oversight and reporting to the Maine Department of Environmental Protection (MDEP)

who will conduct an inspection every other year. There will be MDEP approved spill kits on-site in case they are needed for any spill clean-up. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Freeport Zoning Ordinance.

Proposed Motion: Be it ordered that the Freeport Staff Review Board approve the printed Findings of Fact and Change of Use for, Maine Watersports, LLC., at 33 Allen Range Road (Tax Assessor Map 18, Lots 28 & 28A), to be built substantially as proposed, application dated 08/02/2022, finding that it meets the standards of the Section 602 of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Staff Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The applicant obtain a building permit from the Freeport Codes Enforcement Officer for the change of use.
- 3) The applicant obtain any applicable permits from the Freeport Department of Public Works for a change of use for the existing entrance.
- 4) The applicant revised the plan to show the dumpster location and the designated area (with dimensions) for the employee parking spaces.