



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, AUGUST 25, 2021

Desert of Maine – Change of Use and Site Plan Amendment	
Property Location:	Tax Assessor Map 22, Lot 8
Zoning Information:	Rural Residential I (RRI), Nature Based and Art Overlay District (NBAOD)
Review Type(s):	Change of Use and Site Plan Amendment
Waivers Requested:	None

Background: The applicant is presenting final plans for a Change of Use and Site Plan Amendment to add the use of Nature-Based Commercial Enterprise to the existing uses on the site. The parcel is in the Rural Residential I Zoning District and the new Nature-Based and Art Overlay District (Section 428 of the Freeport Zoning Ordinance). The new proposed use and any associated space and bulk standards are permitted as part of the new Overlay District.

The proposal includes adding a miniature golf course on the property. Additional overflow parking is also proposed. An existing mobile home is proposed to be demolished. The only new structure proposed is a small shed associated with the golf course (16'x20' shed).

The mini golf course will cover an area approximately 27,000 s.f. in size. Some existing tent camping/rv sites will be displaced. Regrading of the existing developed area will be required, and some additional clearing will be required as part of the design for stormwater management. The course has been designed to incorporate water features and native plant species. A portion of the course will be ADA accessible.

Buffering: The NBOAD has the following requirements for buffering: “For all uses subject to Site Plan Review, in the front setback, in a strip extending along the property’s road frontage, for a depth of 15 feet, except for driveways, landscaping is required. A buffer is required in all side setbacks for a depth of 15 feet extending from the front property line along the entire side and rear setbacks to the furthest back edge of the developed area (meaning buildings, parking lots, other impervious surface), except for any curb-cuts, trails or road ways existing as of the Effective Date of the NBAOD. Such buffer shall consist of natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops, but where the Project Review Board determines that these natural features do not exist or are insufficient to provide an adequate buffer, the applicant shall provide additional landscaping, or where the Project Review Board determines landscaping is not feasible or adequate, the applicant shall provide fencing or screening.”

The nearest abutting residence is at 93 Desert Road. The applicant is proposing a berm, supplemental

landscaping (including a mixture of evergreen and deciduous trees) and a six-foot tall fence.

Stormwater: Stormwater management and erosion control plans were prepared and included in the submission. The Town Engineer did review the plans and in a memo dated 08/19/21 (attached), does indicate that the requirements for stormwater management and erosion control have been met. A suggested condition of approval is that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport.

Traffic and Parking: A traffic Assessment letter (dated 8/1/21) was prepared by Gorrill Palmer and included in the submission. The letter includes information on trip generation and demonstrates that a Traffic Movement Permit from the Maine Department of Transportation will not be required. The submission is vague as to confirming the details of the other uses existing (ie: desert attraction, welcome center use, campsites, RV traffic, etc...) on site in addition to the mini golf use. Some additional background information would be beneficial for the record and to confirm the overall traffic impacts with the proposed changes.

There are currently 52 parking spaces at the main parking lot. A total of 68 new parking spaces are proposed with this project. The parking areas and ADA parking have been designed to be compliant with the requirements of Section 514 of the Freeport Zoning Ordinance.

Utilities: The Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be through a private system. The submission included information that the existing restroom facilities will be adequate for the new use. Additional work will be needed to determine if the septic system size will be appropriate. If an expansion is needed, permits will be required from the Local Plumbing Inspector.

Lighting: Details on lighting have been included in the submission. All fixtures will be full cut-off. A photometrics plan was included in the final submission to demonstrate that the requirements of Section 521.A have been met.

Other: Any new signage will be for circulation. No changes to solid waste disposal are proposed.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

- 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 parcel is in the Rural Residential I Zoning District and the new Nature-Based and Art Overlay District (Section 428 of the Freeport Zoning Ordinance). The proposal includes adding a miniature golf course on the property. Additional overflow parking is also proposed. An existing mobile home is proposed to be demolished. The only new structure proposed is a small shed associated with the golf course (16'x20' shed). The mini golf course will cover an area approximately 27,000 s.f. in size. Some existing tent camping/rv sites will be displaced. Regrading of the existing developed area will

be required, and some additional clearing will be required as part of the design for stormwater management. The course has been designed to incorporate water features and native plant species. The applicant is proposing a berm, supplemental landscaping (including a mixture of evergreen and deciduous trees) and a six-foot tall fence. The 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 parcel is not within the Design Review District. The proposal includes adding a miniature golf course on the property. Additional overflow parking is also proposed. An existing mobile home is proposed to be demolished. The only new structure proposed is a small shed associated with the golf course (16'x20' shed). The mini golf course will cover an area approximately 27,000 s.f. in size. 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.

Vehicular traffic to the site will not be altered and is existing from the end of Desert Road. A traffic Assessment letter (dated 8/1/21) was prepared by Gorrill Palmer and included in the submission. 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.

A traffic Assessment letter (dated 8/1/21) was prepared by Gorrill Palmer and included in the submission. This did include information on the required parking needs and the proposed parking. There are currently 52 parking spaces at the main parking lot. A total of 68 new parking spaces are proposed with this project. The parking areas and ADA parking have been designed to be compliant with the requirements of Section 514 of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

- e. **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.

Stormwater management and erosion control plans were prepared and included in the submission. The Town Engineer did review the plans and in a memo dated 08/19/21, does indicted that the requirements for stormwater management and erosion control have been met. A suggested condition of approval is that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport. 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 Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be though a private system. The submission included information that the existing restroom facilities will be adequate for the new use. Additional work will be needed to determine if the septic system size will be appropriate. If an expansion is needed, permits will be required from the Local Plumbing Inspector. 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.

Any new signage will be for circulation. 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.

The mini golf course will cover an area approximately 27,000 s.f. in size. Some existing tent camping/rv sites will be displaced. Regrading of the existing developed area will be required, and some additional clearing will be required as part of the design for stormwater management. The course has been designed to incorporate water features and native plant species. A portion of the course will be ADA

accessible. The golf course itself will include landscaping and water features; native species will be used. 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.

Details on lighting have been included in the submission. All fixtures will be full cut-off. A photometrics plan was included in the final submission to demonstrate that the requirements of Section 521.A have been met. 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.

The golf course itself will include landscaping and water features; native species will be used. The applicant is proposing a berm, supplemental landscaping (including a mixture of evergreen and deciduous trees) and a six foot tall fence. 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) The project will not result in water pollution, erosion or sedimentation to surface waters;
 - (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 - (3) The project will conserve shoreland vegetation;
 - (4) The project will conserve points of public access to waters;
 - (5) The project will adequately provide for the disposal of all wastewater;
 - (6) The project will protect archaeological and historic resources;
 - (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be through a private system. The submission included information that the existing restroom facilities will be adequate for the next use. Additional work will be needed to determine if the septic system size will be appropriate. If an expansion is needed, permits will be required from the Local Plumbing Inspector. 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 Project Review Board approve the printed Findings of Fact and a Site Plan Amendment for Heestand Family Holding, LLC for a Change of Use and Site Plan Amendment to add the use of Nature-Based Commercial Enterprise to the existing uses on the site at the Desert of Maine (Tax Assessor Map 22, Lot 8), to be built substantially as proposed, plans dated 08/04/21, revised through 08/18/21, finding that it meets the standards 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 Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the to be reviewed and approved by the Town Engineer, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - b) Establish an escrow account, in the amount of \$4,600.00 to cover the cost of plan review and inspections of the site improvements by the Town Engineer.
 - c) The developer have a pre-construction meeting with the Town Engineer.
 - d) The applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds.

<u>Downeast Woodworks Addition – Change of Use and Site Plan Amendment</u>	
Property Location:	Tax Assessor Map 25, Lot 7-1 (95 US Route One)
Zoning Information:	Commercial 1 (C-1)
Review Type(s):	After-the-Fact Change of Use and Site Plan Amendment
Waivers Requested:	None

Background: The applicant is seeking approval for an After-the-Fact Change of Use and Site Plan Amendment for an addition to their property on US Route One. The property was last approved for the use of a school. The building has been used for many years as a woodworking shop. This would have required the applicant to obtain a change of use, however they were not aware that this was required, which is why part of this application is after-the-fact.

The proposed addition will extend the current building with an additional 1,800 square feet of building space and 450 square feet of new pavement.

Access: Access to the site is currently from US Route One and no changes are proposed.

Parking: A paved parking lot is existing. The only changes proposed to the parking area will be the designation of ADA parking spaces. These spaces will need to be designed in accordance with Section 514.B.10 of the Freeport Zoning Ordinance. Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which “shall be based upon a parking analysis submitted by the applicant.” This will need to be included with the final submission.

Stormwater: The applicant has noted that they will use a drip-edge and rain garden for stormwater treatment. The Town Engineer did provide some preliminary comments to the applicant. Those comments should be addressed and included with the final submission.

Utilities: The applicant should address how wastewater is disposed of. If the building is connected to the public sewer system, a Capacity letter from the Freeport Sewer District will need to be included with the final submission to demonstrate that they have the capacity to serve the project. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. The final submission should include information regarding how solid waste disposal is addressed.

Signs: No new signs are proposed.

Lighting: The applicant will need to provide information for the Board to determine if the lighting standards have been met. All lighting fixtures are required to be full cut-off. Cut-sheets of fixtures should be included with the final submission.

Other propose changes: Site and building renderings have been included in the submission. Does the Board have any feedback for the applicant with regards to the building design in relation to the requirements of Section 527 of the Freeport Zoning Ordinance?

Other Standards: No changes to previously approved landscaping or buffers are proposed. The applicant intends to retain the existing woody vegetation and will only cut back what is needed to accommodate of the new building.

<u>Wilbur's of Maine- Outdoor Freezer – Design Review Certificate</u>	
Property Location:	Tax Assessor Map 8, Lot 4A (174 LWR Main Street)
Zoning Information:	Commercial District III (C-3), Design Review District I - Class B & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval for a Design Review Certificate to add an outdoor freezer to their property with a screening wall to obscure visibility. The screening materials will match the existing building façade with Hardie Board siding and wood trim. The wall will be eight feet in height (due to the slope); the nearby wall screening the dumpsters is six feet in height. The freezer itself will be about 8’x15’ and the enclosure will be 10’x17’. The structures will meet the required setbacks for the zoning district. Since the

change will be visible from the public right-of-way, Design Review is required per Section V.A of the Freeport Design Review Ordinance.

Design Review Ordinance: Chapter 22 Section VII.C.

1. **Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

No changes to the overall size and scale of the building will be altered. Based upon this information, the Board finds that this standard has been met.

2. **Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.

The height of the building will not increase. Based upon this information, the Board finds that this standard has been met.

3. **Proportion of Building's Front Facade.** The "first impression" a building gives is that of its front facade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

Proportions of the building's front façade will not be altered. Based upon this information, the Board finds that this standard has been met.

4. **Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The rhythm of solids to voids in the front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

5. **Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

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

- 6. Roof Shapes. A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.**

No change to the existing roof shape is proposed. Based upon this information, the Board finds that this standard has been met.

- 7. Relationship of Facade Materials. The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.**

No changes to any building façade materials may be proposed. Based upon this information, the Board finds that this standard has been met.

- 8. Rhythm of Spaces to Building on Streets. The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street(setback).**

The applicant is proposing an outdoor freezer with wall enclosure. The area is already cleared and district setbacks will be met. Based upon this information, the Board finds that this standard has been met.

- 9. Site Features. The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.**

The applicant is seeking approval for a Design Review Certificate to add an outdoor freezer to their property with a screening wall to obscure visibility. The screening materials will match the existing building façade with Hardie Board siding and wood trim. The wall will be eight feet in height (due to the slope); the nearby wall screening the dumpsters is six feet in height. The freezer itself will be about 8'x15' and the enclosure will be 10'x17' feet and sided to match the façade and trim of the nearby existing structure. Based upon this information, the Board finds that this standard has been met.

- 10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or**

changes in hours of operation. See Special Publication: "Sign Application Requirements".

No new signs are proposed. 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 Design Review Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate Wilbur's of Maine, for an outdoor freezer and enclosure at 174 Lower Main Street (Tax Assessor Map 8, Lot 4A), to be built substantially as proposed, application dated 08/03/21, finding that it meets the standards of the Freeport Design Review 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 Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to installation, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.

Linda Bean's Maine Kitchen and Topside Tavern Addition – Site and Building Alterations	
Property Location:	Tax Assessor Map 11, Lot 107
Zoning Information:	Village I (V-I), Design Review District I – Class C
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment. The applicant is proposing to demolish the existing structure (which houses and ATM) and construct a new restaurant addition in its place. The first floor of the structure will include a new walk-up ice cream window. The second story will consist of additional outdoor seating and some enclosed space to support the restaurant. The addition was last approved by the Board in November 2020 and April 2021, however, some additional changes are now being proposed to the second level.

Building Alterations: The first level of the proposed addition will remain unchanged. The second level will still provide outdoor seating. There will be a roof over some of the outdoor seating. The proposed material of the roof will be polycarbonate (glass was previously proposed). The roof will extend over the deck, towards Main Street to cover the outdoor seating on the second level. The roof will be slightly angled to allow for water/snow to properly drain from the roof. The front façade of the second level will now have bifold doors which can be closed in inclement weather. The south wall will be tiled with a gas fireplace insert on the inside. The side wall (facing Polo) as also been increased in height. The second story façade will consist of mostly glass and metal. The side of the wall facing the Polo building will remain non-combustible as required per Code. Some windows on the rear façade are proposed to be removed as they would now interfere with the modifications to the interior layout.

Site Alterations: No other changes to signage, lighting, or building materials are proposed. No changes to the previously approved building footprint and/or site plan are proposed. The same conditions of approval from the previous approvals will still be applicable.

Design Review Ordinance: Chapter 22 Section VII.C.

1. **Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

No changes to the overall size and scale of the building will be altered. The design of the second story façade will be altered to include additional covered area for outdoor seating on the second level. The building will still comply with District setbacks. Based upon this information, the Board finds that this standard has been met.

2. **Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height or buildings should be visually compatible with the heights of the buildings in the neighborhood.

The height of the addition will increase. The height will be taller than the remaining structure but lower than that of the abutting property. Based upon this information, the Board finds that this standard has been met.

3. **Proportion of Building's Front Facade.** The "first impression" a building gives is that of its front facade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

The new addition will maintain the proportions of the building's front façade through the incorporation of some of the same architectural features. The design has been made to use some compatible features while also drawing attention to the outdoor area. The relationship of the height and width is compatible with neighboring properties. Based upon this information, the Board finds that this standard has been met.

4. **Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The applicant will maintain the existing rhythm of solids to voids in the front façade. Although the lower portion of the alley will be enclosed with a fence, the area above will remain partially open

allowing for space between the two abutting buildings. Based upon this information, the Board finds that this standard has been met.

- 5. Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

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

- 6. Roof Shapes.** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

There will be a glazed roof over some of the outdoor seating. The proposed material of the roof will be polycarbonate (glass was previously proposed). The roof will extend over the deck, towards Main Street to cover the outdoor seating on the second level. The roof will be slightly angled to allow for water/snow to properly drain from the roof. Based upon this information, the Board finds that this standard has been met.

- 7. Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

The first level of the proposed addition will remain unchanged. The second level will still provide outdoor seating. There will be a roof over some of the outdoor seating. The proposed material of the roof will be polycarbonate (glass was previously proposed). The front façade of the second level will now have bifold doors which can be closed in inclement weather. The south wall will be tiled with a gas fireplace insert on the inside. The second story façade will consist of mostly glass and metal. The side of the wall facing the Polo building will remain non-combustible as required per Codes. Some windows on the rear façade as proposed to be removed as they would now interfere with the modifications to the interior layout. Based upon this information, the Board finds that this standard has been met.

- 8. Rhythm of Spaces to Building on Streets.** The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street(setback).

The width of the building will be shortened to create an alley between two abutting structures. A gate will be used to enclose the alley area. Based upon this information, the Board finds that this standard has been met.

9. **Site Features.** The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

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

10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

No changes to any previously approved signage are proposed. 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 Design Review Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for David Matero, for exterior alterations to the second story building façade (of a previously approved addition) at Linda Bean’s Maine Kitchen and Topside Tavern at 88 Main Street (Tax Assessor Map 11, Lot 107), to be built substantially as proposed, application dated 08/04/21, finding that it meets the standards of the Freeport Design Review 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 Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The conditions of the December 2020 and April 21, 2021 Project Review Board approvals are still applicable.
- 3) The final parking requirement for the proposed addition be determined as such time that the applicant apply for a building permit from the Freeport Codes Enforcement Officer, with the calculation to be reviewed and approved by the Town Planner.

Nighthawk’s Kitchen – Design Review Certificate	
Property Location:	Assessor Map 7, Lot 1 (200 Lower Main St)
Zoning Information:	Village Commercial 1 (VC-1), Design Review District 1- Class B & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval for a Design Review Certificate and Site Plan Amendment for new signage and a 230 square feet outdoor seating area at their restaurant in Freeport Crossing. (The change of use to restaurant was previously approved under a separate application). Dumpster screening is also proposed

and will be six-foot high, wood, solid board enclosure with steel gate framing. Two new signs are proposed: one on the front façade facing the parking lot and one on the rear façade facing Desert Road. The sign over the main entrance will be approximately two feet in height and nine feet, two inches in length. The sign face will be plexiglass and aluminum powder coated with LED internal illumination. The rear sign will be powder coated aluminum letters with exterior illumination. Cut sheets of the proposed exterior lighting gooseneck fixtures have been included in the submission. There is 230 sf of existing paved area near the restaurant entrance will be used for outdoor seating; cut sheets of outdoor dining fixtures have been included in the submission. Chairs will be red metal and the tables will be gray powder-coated aluminum.

Design Review Ordinance: Chapter 22 Section VII.C.

1. **Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

No changes to the overall size and scale of the building will be altered. Based upon this information, the Board finds that this standard has been met.

2. **Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height or buildings should be visually compatible with the heights of the buildings in the neighborhood.

The height of the building will not increase. Based upon this information, the Board finds that this standard has been met.

3. **Proportion of Building's Front Facade.** The "first impression" a building gives is that of its front facade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

Proportions of the building's front façade will not be altered. Based upon this information, the Board finds that this standard has been met.

4. **Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The rhythm of solids to voids in the front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

5. **Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and

sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

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

6. **Roof Shapes.** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

No change to the existing roof shape is proposed. Based upon this information, the Board finds that this standard has been met.

7. **Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

No changes to any facade materials is be proposed. Based upon this information, the Board finds that this standard has been met.

8. **Rhythm of Spaces to Building on Streets.** The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

The rhythm of spaces to building on streets will not be altered. Based upon this information, the Board finds that this standard has been met.

9. **Site Features.** The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

There is 230 sf of existing paved area near the restaurant entrance will be used for outdoor seating; cut sheets of outdoor dining fixtures have been included in the submission. Chairs will be red metal and the tables will be gray powder-coated aluminum. Dumpster screening is also proposed and will be six-foot high, wood, solid board enclosure with steel gate framing. Based upon this information, the Board finds that this standard has been met.

10. In addition to the requirements of the Freeport Sign Ordinance, **signs** in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style

of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

Two new signs are proposed: one on the front façade facing the parking lot and one on the rear façade facing Desert Road. The sign over the main entrance will be approximately two feet in height and nine feet, two inches in length. The sign face will be plexiglass and aluminum powder coated with LED internal illumination. The rear sign will be powder coated aluminum letters with exterior illumination. Cut sheets of the proposed exterior lighting gooseneck fixtures have been included in the submission. 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 Design Review Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate WS Freeport Properties, LLC, for outdoor seating, a dumpster enclosure and new signage at 200 Lower Main Street (Tax Assessor Map 7, Lot 1), to be built substantially as proposed, application dated 08/04/21, finding that it meets the standards of the Freeport Design Review 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 Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to installation of signage, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer.

Foiled Hair Salon – Change of Use and Design Review Certificate	
Property Location:	Assessor Map 11, Lot 124 (32 Main Street)
Zoning Information:	Village Commercial 1 (VC-1), Design Review District 1- Class B & Color Overlay District
Review Type(s):	Change of Use and Design Review Certificate
Waivers Requested:	None

The applicant is seeking approval for a Change of Use and Design Review Certificate at 32 Main Street. The use will be changed from Retail (Grand Gourmet) to Business & Professional Office (beauty salon). The other uses on the site are residential (2 units), retail, and restaurant. This parcel is in the Village Commercial I District and the Freeport Design Review District.

The building is existing and no exterior modifications to the building or site plan are proposed. There are six parking spaces on-site and any additional required parking will need to be provided through the lease parking pool. The total number of spaces required for all of the uses is 9.4 spaces; 1.15 spaces are required for this use. The applicant will need to obtain approval from the Freeport Sewer District for capacity to serve the project; this will be required before a building permit can be issued and is a proposed condition of approval.

Proposed signage has been included in the submission and is all replacing existing signs. The background of the signs will be white Dibond and the lettering will be black, as shown in the submission. There will be two

replacement sign panels (2.75 sf each) on the existing ground sign and one wall mounted sign (17.3 sf) on the Grove Street façade. No new signage lighting is proposed. Landscaping is existing and no changes are proposed.

Since this is a commercial use, per Town of Freeport, Chapter 28, Solid Waste Disposal Ordinance, the applicant will be required to sort their cardboard from their other waste and contract with a private waste hauler for waste disposal. Dumpsters are existing on-site.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

- 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 an existing structure and existing site improvements. No changes to any site features 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 parcel is in the Village Commercial I District and the Design Review District I. No changes to the exterior of the building or to the site are proposed. 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

Vehicular access to the site remains unchanged and it to a small parking areas with access from Grove Street. 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.

Parking is required in accordance with Section 514 of the Freeport Zoning Ordinance. There are six parking spaces on-site and any additional required parking will need to be provided through the lease parking pool. The total number of spaces required for all of the uses is 9.4 spaces; 1.15 spaces of which are required for this use. 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.

No changes to the site are proposed. Based upon the size and nature of the development, information on surface water drainage was not submitted. 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 building is connected to public utilities. Obtaining a capacity letter from the Freeport Sewer District has been added as a condition of approval. 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.

Proposed signage has been included in the submission and is all replacing existing signs. The background of the signs will be white Dibond and the lettering will be black, as shown in the submission. There will be two replacement sign panels (2.75 sf each) on the existing ground sign and one wall mounted sign (17.3 sf) on the Grove Street façade. No new signage lighting is 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.

Since this is a commercial use, per Town of Freeport, Chapter 28, Solid Waste Disposal Ordinance, the applicant will be required to sort their cardboard from their other waste and contract with a private waste hauler for waste disposal. There are existing dumpsters on the site. 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 exterior lighting is proposed. 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 new landscaping is 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) The project will not result in water pollution, erosion or sedimentation to surface waters;
 - (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 - (3) The project will conserve shoreland vegetation;
 - (4) The project will conserve points of public access to waters;
 - (5) The project will adequately provide for the disposal of all wastewater;
 - (6) The project will protect archaeological and historic resources;
 - (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

This parcel is not within the Shoreland Zone or the Marine Waterfront District. The building will be connected to public utilities, with obtaining a capacity letter from the Freeport Sewer District being a condition of approval. 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 Project Review Board approve the printed Findings of Fact and a change of use for Foiled – Gabriella Cortellino at 32 Main Street, to be built substantially as proposed, application dated 08/03/2021, finding that it meets the standards 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 Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a Building Permit from the Freeport Codes Enforcement Officer.
- 3) Prior to installation of the sign, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer.
- 4) Prior to applying for a building permit, the applicant obtain a written capacity letter from the Freeport Sewer District with a copy to be forwarded to the Freeport Planning Department.

Denney Block- Extension of Approved Building Plans 56 Main Street	
Property Location:	Tax Assessor Map 11, Lot 109 (56 Main Street)
Zoning Information:	Village Commercial I, Design Review District I – Class B and C, & Color Overlay District
Review Type(s):	Extension of approvals (Design Review Certificate and Site Plan Amendment)
Waivers Requested:	None

Background: The applicant is requesting an extension, Design Review Certificates and a Site Plan Amendment for a previously approved three-story building plan for a redevelopment project at 56 & 58 Main Street. The approval consisted of removal of a portion of an existing structure and the construction of an addition between two existing structures. The applicant received approval from the Freeport Town Council in May 2015 for a Contract Zone for the property.

Process: Section 602.C.1.r of the Freeport Zoning Ordinance allows the Board to grant an extension of past approvals, if the request is made prior to the date of the approval expiration. The last approval for the Site Plan Amendment is set to expire 10/16/2021, and the project has not yet begun construction. The same conditions of approval and previously approved Findings of Fact would be applicable and should be referenced in any action by the Board on the extension request.

Section XIII.D of the Freeport Design Review Ordinance has the following provision: “A Design Certificate, secured under the provisions of this Ordinance, shall expire if the work is not commenced within two (2) years of the date on which it is granted. An extension of one (1) year may be granted by the Board provided the extension is applied for before the approval expires.” The Design Review Certificate for the demolition request is set to expire on 09/18/2021 and the Design Review Certificate for the new structure is set to expire on 10/16/2021.

Proposed Motion: Be it ordered that the Freeport Project Review grant an extension of the previously approved Design Review Certificate and Site Plan Amendment for Denney Block Freeport LLC, at 56 Main Street (Tax Assessor Map 11, Lot 109), for demolition of a portion of an existing structure and construction of a building addition and associated site improvements, to be substantially as proposed, application dated 08/04/2021, finding that no municipal ordinances affecting the approvals have changed and therefore the application would still meets the standards of the Freeport Design Review Ordinance and 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 Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Any conditions of approval from the 09/18/19 and 10/16/19 Project Review Board approvals are still applicable.
- 3) The one year extensions of the Design Review Certificates will expire on 9/18/2022 and 10/16/2022. The extension of the Site Plan Amendment will expire on 10/16/2023.

Goodfire Brewing & Mr. Tuna- Change of Use and Site Plan Amendment	
Property Location:	Tax Assessor Map 25, Lot 5 (117 US Route One)
Zoning Information:	Commercial 1 (C-1)
Review Type(s):	Change of Use and Site Plan Amendment
Waivers Requested:	None

Background: The applicant is presenting conceptual plans for Change of Use and Site Plan Amendment. The use will change from restaurant (formerly Conundrum and El Jefe) to restaurant and Artisan Food and Beverage. The parcel is on the corner of South Freeport Road and US Route One. There is currently vehicular access from Route One and via an easement over the abutting property. The lot is uniquely shaped and is somewhat triangular. The current building and site features appear to be partially non-conforming with regards to current Zoning standards. Exterior building modifications are also proposed.

Access: Access to the site is currently from US Route One via a large gravel driveway/parking area and with another entrance from South Freeport Road to a gravel parking lot to the rear of the structure. The applicant is proposing to remove the gravel from the area in the front and redevelop that portion of the site. Access would be to the rear of the property and via South Freeport Road. Since portions of the roads are under State regulations, the applicant did reach out to the State of Maine Department of Transportation for some feedback. Permitting from the Town of Freeport Department of Public Works will may also be required; details on permitting for the entrance changes should be worked out before returning for final review. An area of pavement will also be removed from the North end of the building which was used as part of the access to the rear. The Town Engineer has requested that a traffic analysis be included with the final submission.

Parking: Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which “shall be based upon a parking analysis submitted by the applicant.” This will need to be included with the final submission. Since changes to the rear parking area are proposed, all parking stall dimensions will need to comply with Section 514.D.9 Off-street Parking and Loading of the Freeport Zoning Ordinance. The applicant will also need to demonstrate that the ADA parking requirements per Section 514 will be met.

Stormwater: The property is located in a threatened watershed. Stormwater treatment will be required per Section 529 of the Freeport Zoning Ordinance. The applicant has communicated with the Town Engineer regarding stormwater treatment and should obtain approval of stormwater management and erosion control plans before returning for final approval.

Utilities: A Capacity letter from the Freeport Sewer District will need to be included with the final submission. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. The final submission should include information regarding solid waste disposal, including dumpster locations and any screening.

Signs: Information on signage should be included with the final submission. Signs will need to be located entirely on private property as they are not allowed in the right-of-way.

Lighting: The applicant will need to provide information for the Board to determine if the lighting standards have been met. All lighting fixtures are required to be full cut-off.

Other propose changes: Site and building renderings have been included in the submission. Exterior building improvements are proposed; additional clarification will need to be provided as to the actual extent of the proposed improvements. Areas of enclosed outdoor seating are also proposed; additional clarification as to surface materials, screening, etc will need to be provided. When the applicant returns for final approval, the plans will need to meet the submission requirements of Section 602.D.4 of the Freeport Zoning Ordinance.

Other Standards: Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. The site plan shows the area of the 15-foot setbacks and a conceptual landscaping/buffer plan. Does the Board have any feedback for the applicant?

Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. This Section does contain standards for building design, signage, access and landscaping. Does the Board feel that the standards of Section 527 have been addressed, or will they need additional information? One thing that should be addressed is how the redevelopment plan will meet the requirement for pedestrian access connecting to abutting properties.

The Board will discuss if they want to adopt a remote participation policy. Following is the policy recently adopted by the Town Council:

REMOTE PARTICIPATION POLICY

Freeport Town Council

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods unless technically not possible and when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily

available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.



MEMORANDUM

TO: Caroline Pelletier, Town Planner
FROM: Adam S. Bliss, P.E., Town Engineer *ASB*
DATE: August 19, 2021
SUBJECT: Desert of Maine, Mini-Golf Course
95 Desert Road
Map 22, Lots 8
RR-1 Zone / NBO District

I received the following information for review from the Applicant and their consultant, Harriman.

- Response letter dated August 18, 2021
- Site Plans (drawings), Mini-Golf Parking, dated 8/18/2021
- Traffic Assessment, August 12, 2021
- Cost Estimate, August 18, 2021
- Stormwater Management Plan, August 4, 2021

I have reviewed the technical engineering components of the project for compliance with Town Ordinances and generally accepted engineering standards.

Technical Engineering Review

1. The Applicant's response to comments dated August 18, 2021, has addressed Staff's prior comments.
2. The Erosion Control Plan generally complies with Section 602 of the Zoning Ordinance.
3. The stormwater design for the project complies with Section 529 of the Zoning Ordinance. As required, the post development peak flows for the 2-, 10-, and 25-year storm events are below pre-development levels at the analysis points. Two Bioretention Ponds are proposed to provide stormwater quality and quantity treatment.
4. This approval relates to the application and plans submitted through the Town's Project Review Board (PRB) application process. The Applicant is responsible for communicating all changes to plans and applications outside of PRB approval.

Performance Guarantee

The Applicant submitted a cost estimate as required to meet the Town of Freeport Zoning Ordinance standards. I find the amount acceptable for the establishment of a performance guarantee and escrow inspection amounts.

Stormwater Maintenance Agreement

I recommend the Applicant record a new local stormwater maintenance agreement at the Cumberland County Registry of Deeds.

Pre-construction Meeting

The Town requires a pre-construction meeting between the Contractor, Desert of Maine, and Town Engineer before any earthwork construction. I request a minimum 72-hour notification period.

Traffic Analysis

The Applicant submitted a Traffic Assessment for the proposed 18-hole mini-golf course. The methodology, analysis, and conclusions are satisfactory. The result is the proposed mini-golf course addresses the peak hour traffic standard within Section 602.D.4.p of the Zoning Ordinance and will not require a Traffic Movement Permit from the Maine DOT. The Applicant will be responsible for monitoring site circulation, vehicle access, and traffic generated from their site to ensure that existing and future uses do not create adverse traffic conditions. That is, the sum of the individual uses permitted over time should not create traffic congestion or nuisances. It should be noted the sum of the uses are unlikely to trigger a traffic movement permit; however, careful monitoring should be integrated into the facility plan.

1. **Historic Property Name(s):** Daniel Cummings House
2. **Street Address:** 174 Lower Main Street
3. **Tax Parcel:** 8-4A
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Federal, Central Hall
6. **Stories:** 2
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** Gable and shed dormers, bay windows, rear ell
8. **Windows:** Undersized 6/6 vinyl replacements, fixed side and fan lights, two oversized modern bay windows flanking entrance
9. **Roof Configuration and Materials:** Side gable, asphalt shingle
10. **Chimneys:** Interior ends (brick), exterior (brick sheathed in clapboard)
11. **Exterior Wall Materials:** Clapboards
12. **Foundation:** Granite
13. **Outbuildings and Barns:** Connected New England barn (historically mixed use)
14. **Alterations:** Converted to retail store in the 1970s; installation of ell dormers, bay window insertion on main and side elevations, windows installed at barn
15. **Site Features:** Building added to the south of house c.1970; stone retaining wall with gardens, mature oak trees, paved surface parking lot
16. **Significant Architectural Elements of Style:** Elliptical fan light above entry door with side lights, five-ranked façade, deep eaves and cornice

Historical Data

17. **Construction Date:** c.1805
18. **Architect/Builder (If Known):** Daniel Cummings
19. **Significant Person:** Edmund B. Mallet, Jr.
20. **Historic Context:** House was built by Daniel Cummings, a housewright. Later was owned by Edmund B. Mallet, Jr., a prominent businessman in Freeport. Mallet, after inheriting a fortune from his uncle, founded a variety of businesses in Freeport in the late nineteenth century, including a shoe factory, general store, saw mill, grist mill, blacksmith shop, and brick yard. He employed as many as 250 to

300 people. Mallet later served four terms in the Maine House of Representatives. He purchased 174 Lower Main Street in 1909. It is a good example of the Federal style, with fenestration alterations.

1. **Historic Property Name(s):** Daniel Cummings House
2. **Street Address:** 174 Lower Main Street
3. **Tax Parcel:** 8-4A
4. **Survey Date:** 5/23/2019

Photos





1. **Historic Property Name(s):** True Estes House
2. **Street Address:** 32-34 Main Street
3. **Tax Parcel:** 11-124
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Greek Revival, Double House
6. **Stories:** 2
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** Rear ell
8. **Windows:** 1/1 vinyl replacements, fixed vinyl storefront on first floor of façade
9. **Roof Configuration and Materials:** Side gable, asphalt shingles
10. **Chimneys:** None (removed)
11. **Exterior Wall Materials:** Wood clapboards
12. **Foundation:** Brick
13. **Outbuildings and Barns:** None
14. **Alterations:** Replacement doors and windows, first floor windows on façade widened, chimneys removed, ell has been expanded
15. **Site Features:** Paved walkway along south side of building to rear, small shrubs and flowering plants line walkway, large shade tree at southwest corner
16. **Significant Architectural Elements of Style:** Wide eaves and cornice, cornice returns, wide trim below cornice, corner pilasters, simple lintels above windows

Historical Data

17. **Construction Date:** c.1850
18. **Architect/Builder (If Known):**
19. **Significant Person:**
20. **Historic Context:** Retains enough integrity to convey the Greek Revival-style. Contributing resource to the National Register-listed Freeport Main Street Historic District.

1. **Historic Property Name(s):** True Estes House
2. **Street Address:** 32-34 Main Street
3. **Tax Parcel:** 11-124
4. **Survey Date:** 5/23/2019

Photos



1. **Historic Property Name(s):** Skillin Building
2. **Street Address:** 58-60 Main Street
3. **Tax Parcel:** 11-110
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Vernacular with Italianate-style elements, Retail Store
6. **Stories:** 2
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** 1-story side ell
8. **Windows:** 1/1 double-hung wood replacements, fixed modern windows on façade
9. **Roof Configuration and Materials:** Gable front, asphalt shingles
10. **Chimneys:** Removed
11. **Exterior Wall Materials:** Wood clapboards
12. **Foundation:** Brick
13. **Outbuildings and Barns:** None
14. **Alterations:** Replacement windows, center window on second story enlarged, third floor window filled in, hoods over windows added, entry recessed
15. **Site Features:** Brick steps and ramp lead to entrance, brick staircase adjacent to south elevation
16. **Significant Architectural Elements of Style:** Deep eaves and cornice, wide trim below cornice, hoods supported by brackets over entry and windows, entablature above first floor windows

Historical Data

17. **Construction Date:** c.1860
18. **Architect/Builder (If Known):**
19. **Significant Person:** Ed Soule's box shop. Ike Skillin used building as a box shop then a funeral parlor.
20. **Historic Context:** Moved to current location from Mill Street c.1920. Supposedly originally a fire house (based on plan from 1890). Shown as post office in historic photo. Despite alterations, the building is still representative of a late-19th-century commercial building. Building was moved within its period of significance and therefore does not affect its integrity.

1. **Historic Property Name(s):** Skillin Building
2. **Street Address:** 58/60 Main Street
3. **Tax Parcel:** 11-110
4. **Survey Date:** 5/23/2019

Photos



1. **Historic Property Name(s):** Knights of Pythias (KOP) Hall
2. **Street Address:** 66 Main Street
3. **Tax Parcel:** 11-109
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Italianate, Meeting Hall
6. **Stories:** 2
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** Small addition on north is covered with hipped roof and used as secondary entrance from a modern ramp
8. **Windows:** Fixed storefront on first floor, modern 1/1 wood and central paired window on second floor
9. **Roof Configuration and Materials:** Gable front, asphalt shingles
10. **Chimneys:** Interior, rear, brick
11. **Exterior Wall Materials:** Clapboard
12. **Foundation:** Brick
13. **Outbuildings and Barns:** None
14. **Alterations:** Converted to retail store c.1982, entry added on north elevation, window in gable filled in
15. **Site Features:** No vegetation, building is entered directly from sidewalk, modern pipe rail and posts at north, building is sited just south of a modern shopping plaza
16. **Significant Architectural Elements of Style:** Hood over entry supported by brackets, entablature over tall and narrow windows supported by small brackets, deep eaves, cornice returns, dentiled belt course above first floor windows, vertical members of storefront window surrounds run full height of first story

Historical Data

17. **Construction Date:** 1888
18. **Architect/Builder (If Known):** Forbes Shea, Dahlgren Construction
19. **Significant Person:**
20. **Historic Context:** The KOP is a fraternal organization founded in Washington D.C. 1864. It is unknown how long the KOP were active in the building. Relatively intact example of a non-residential Italianate building.

1. **Historic Property Name(s):** Knights of Pythias Hall
2. **Street Address:** 66 Main Street
3. **Tax Parcel:** 11-109
4. **Survey Date:** 5/23/2019

Photos

