



TOWN OF FREEPORT
Planning Department
30 Main St.
Freeport, ME 04032

Request for Proposal
Design Review Ordinance Update

Date of Issue: Monday, April 1, 2024
Due Date: Thursday, May 2, 2024 by 12:00 pm

General Information

Purpose of the RFP: The Town of Freeport is seeking proposals from interested professional services/consulting firms to assist the Town with updating its [Design Review Ordinance](#). The consultant would draft proposed amendments to the Design Review Ordinance, and/or draft a completely new ordinance, to include: clear and prescriptive standards; standards that would consider modern day technologies, materials and Code requirements; an efficient and streamlined review processes; and, an update the Design Review District(s) map (as applicable).

The desired outcome for this update is increased predictability for Town Board members and applicants based on clear, objective review standards. The Design Review Ordinance (“Ordinance”) was originally created in 1983 in response to sudden growth and redevelopment in Downtown Freeport. The purpose of the Ordinance “...is to promote the educational, cultural, economic and general welfare of the Town of Freeport, to provide for the protection and preservation of buildings, structures and places of historic value, and to promote design which is compatible with the present character of Freeport, pursuant to the provisions of Title 30-A M.R.S. Section 3001 as amended.” Until recently, the Design Review Ordinance has remained relatively similar since its original adoption, with the exception of a second District that was added in 2007. Overall, many in the Community feel that the Ordinance has been largely effective in retaining the historic charm of a downtown New England Village.

The purpose of this proposed project would be to assist the Town in updating the current Design Review Ordinance. This would include assisting the Planning Board to lead important community conversations on items such as, but not limited to: performance standards, acceptable building and site design features, district boundaries, and demolition practices. Using the information from those important community conversations—and from the recently completed Downtown Vision Plan (as it aligns with our current [Comprehensive Plan](#)), the consultant would draft proposed amendments to the Design Review Ordinance to include: clear and prescriptive standards using a combination of text and graphics; standards that would consider modern day technologies, materials and Code requirements; an efficient and streamlined review processes; and, an update the Design Review District(s) map (as applicable).

Firms will be evaluated based on the selection process and evaluation criteria described in this Request for Proposal (RFP). Upon completing an interview process and a check of references, the Town will enter into an agreement with the qualified and selected firm to render the services described herein.

Background on Current Ordinance and Other Regulatory Documents

Background: The Design Review Ordinance regulates a specific area in downtown Freeport and is broken into two districts – District I and District II (Refer to Exhibit A, of the [Design Review Ordinance](#)). From a regulatory perspective, the Design Review Ordinance functions as an overlay district and includes the following underlying zoning districts: Village Commercial I, Village Commercial II, Village Commercial IV, Village Mixed Use I, Village Mixed Use II, portions of Village I and a few parcels in the Medium Density Residential I District. In some areas, it also overlaps with the Freeport Village Overlay District, which in some cases, also has its own design standards.

The Design Review Ordinance is used by the Project Review Board, who reviews a variety of development projects within the subject geographical area and issues Design Review Certificates to approve projects. Until recently amended in February 2024, almost any exterior building modifications (to a new and/or existing building) which was visible from a public right-of-way required a Design Review Certificate.

History of the Ordinance and related planning efforts:

District I (created 1983) was the original district and is “comprised predominantly of buildings which were constructed before 1930. It includes the National Register of Historic Places - Main Street Historic District, many significant historic buildings representing a variety of architectural styles, other buildings which contribute to the historic setting, and many contemporary buildings.”

District II (created in 2007) “is predominantly residential with a few businesses and is wedged between the National Register of Historic Places - Main Street Historic District and the National Register of Historic Places - Harraseeket Historic District.”

Language in the ordinance loosely borrows language developed by the National Park Service for evaluating properties for National Register of Historic Places eligibility. The Ordinance ranks buildings according to their architectural and historical significance using an A, B, C ranking system with Class A being buildings that are the most architecturally and historically significant and Class C being the least (and including any newly constructed buildings). Although not a historic preservation ordinance, the Ordinance does contain a provision regarding the removal of Class A and B structures (or portions of such structures) and has a waiting and public notice period before removal is allowed.

In 2019, the Town engaged Kleinfelder to survey approximately 120 Class A & Class B structures in Design Review District I. The survey included filling out the Town’s survey form and recommending which buildings are architecturally and/or historically significant using a “Contributing” and “Non-contributing” ranking, rather than an A, B, C ranking. Of the approximately 120 buildings that were surveyed, only thirteen (13) were found to no longer be contributing. One intent of the project was that the Town could use the data to reevaluate the boundaries of the Design Review District(s) using current information on the structures.

In July 2022, the Town of Freeport, with the assistance of Freeport Economic Development Corporation (FEDC), completed work on the Downtown Freeport Vision Plan. The plan included about 16 months of work and outlined a vision for future development in downtown Freeport according to six guiding principles: New

England Village Center, Arts & Culture, Walkable & Bikeable, Embrace the Outdoors, Sustainable Growth, and Local Small Business. The plan focused on Freeport’s central commercial core and abutting areas, and although it recognized the importance of our downtown’s connections to other parts of the community, its primary geographical focus included many of the areas of the Design Review District.

The final Downtown Vision Plan included a robust list of goals and implementation strategies. Some of the implementation strategies include supporting a variety of uses in our downtown with a recognition of the importance to include/encourage residential uses (in particular multi-family dwellings and mixed-use developments), clear and predictable land use regulations, and a streamlined review process for projects (both residential and commercial) that currently require municipal review. There is also a desire of the community to encourage projects that are more sustainable and accessible.

In 2023, the Town Council created a Central Core Working Group to “... collaboratively study the processes relating to planning, development and preservation in Freeport’s central core districts, and to make recommendations to the Town Council for actions the Town could take and policies the Town could establish to encourage more predictable and efficient processes that are fair and equitable to new development and to existing residents.” One of the first efforts of this group was to review the existing Design Review Ordinance to see if they could make some changes to “low hanging fruit” to make improvements to the existing Ordinance before it was updated via this RFP process. Most of the recommendations of this group were ultimately adopted by the Town Council in early 2024 and include things such as repealing the Color Overlay District (originally created in 2008), clarification and defining of terms, adding a list of items that no longer required a Design Review Certificate, increased opportunities for Administrative Review and most substantially, a reduction in the geographical boundaries of the Design Review District area.

Other items for consideration: In 2005, the Town of Freeport made changes to the zoning districts abutting the commercial core (Village Commercial I Zoning District) to recapture some of the character of a local town center and allowing commercial uses serving local residents and all residential housing types. In association with this change, a second overlay district ([Freeport Village Overlay District](#)) was created abutting, but not including the Village Commercial I (VC-I) Zoning District. In some cases, the boundaries of the Freeport Village Overlay District overlap with the Design Review Districts. In cases of an overlap, these additional overlay district standards add an additional level of design and site standards, depending on zone and use. *(Note: At the end of this project, the intent is that there will be no more overlapping of overlay districts, leaving one guiding document with regards to building design standards).*

Legal Process for Ordinance Amendments/Adoption

Design Review Ordinance Amendment Process. The current Design Review Ordinance can be viewed in some ways as a “zoning ordinance” and therefore any changes to the Ordinance would require a public hearing and review process by the Freeport Planning Board. Upon a finding by the Planning Board that any proposed amendments are found to be in general harmony with the Town’s current Comprehensive Plan, the Town Council would also have a public hearing and public review process before final action on the proposed amendments would be taken by the Town Council. *(Note: The Town of Freeport is currently working with NorthStar Planning on a Comprehensive Plan Update which will be occurring parallel to this project and on a longer timeline. Any proposed changes to the Ordinance will need to be found to be in general harmony with the current Comprehensive Plan in effect at such time that the amendments are considered, and due to a faster timeline of this project, that plan is expected to be the 2011 Comprehensive Plan).*

Project Details

Project Budget

The Town of Freeport has allocated funding in its municipal budget for general Ordinance work. All proposals shall provide an inclusive, fixed-price fee, with a not-to-exceed amount for the total project. Project proposals will be partially evaluated on cost.

Project Timeline

Although subject to change based upon input from the selected consultant firm, the Town anticipates that the project will be completed within six (6) to eight (8) months of contract execution.

Scope of Services

The Town of Freeport desires to engage an outside firm to assist in updating/rewriting the Town's Design Review Ordinance, with the following tasks expected:

Task 1 – The first step of this process will be for the consultant to review and assess the current Design Review Ordinance, the standards of the applicable underlying Zoning Districts, and review of the [Freeport Village Design Guidelines](#) for the Freeport Village Overlay District (a portion of which overlaps with the Design Review Districts). An understanding of the Freeport Downtown Vision Plan will also be required to understand the types of uses and buildings our community wants to see and encourage downtown. A high-level review of the current Comprehensive Plan will also be required as that is the guiding policy document for which any recommended Ordinance amendments will need to be in general harmony with.

Task 2 – Lead public discussions with the Planning Board, key stakeholders, and the community to review the current Ordinance to evaluate areas in which the municipality must retain oversight and identify opportunities for streamlined regulation through clear and prescriptive standards. We will also need to revisit the discussion of the Design Review District boundaries to confirm that recent amendments are appropriate, and/or propose further changes to the regulated area.

Special consideration should be given to our recently completed Freeport Downtown Vision Plan and the types of uses we want to see and encourage in Downtown Freeport. For example, we know that multi-family residential or mixed-use development projects will need to be of a certain size and scale to be economically viable and we need general consensus of what types/sizes of building and site design will be acceptable to our community. We also want to encourage sustainability and accessibility.

Task 3 – This step will include providing draft Ordinance amendments (and/or entirely new Ordinance) that translate these discussions into clear standards for our community and developers to understand what can be built. Specific emphasis will need to be given to standards for building massing, height and scale. Part of the update will include guidance on materials selections, including identifying appropriate alternative materials that are realistic given current mandated building codes. The updated Ordinance is expected to include prescriptive standards, with a combination of text and graphics, in a user-friendly format, with a clear and simplified municipal review process in cases where review is required. If District boundaries are proposed to be amended, the preparation and presentation of an amended map will also be included in this phase. A final electronic version of the updated/new Ordinance and map will need to be provided to the Town.

Task 4 – With the draft of the updated Ordinance complete, the consultant will complete an analysis (in a written format) of underlying Zoning Districts (including the Freeport Village Design Guidelines for the Freeport Village Overlay District) to identify areas of conflict or potential conflict that the Town should review and

consider for future amendments. The analysis will be used as a roadmap for the Planning Board and Town Council as they work toward a fully integrated approach to regulating development in and around the downtown district.

Project Meetings: The consultant is expected to meet regularly with staff and the Planning Board to discuss project status and progress. (The Planning Board currently meets once per month but will meet more frequently as required for successful completion of this project within the allotted time frame). The public process of Planning Board meetings and/or workshops will be used to get feedback from both the Planning Board and general community. The consultant will also attend formal public hearings by the Freeport Planning Board and Freeport Town Council until successful plan recommendation and adoption.

It is expected that attendance at five public meetings will be required (in-person attendance preferred):

- o A project kickoff meeting/workshop with the Planning Board & Project Review Board
- o One initial public meeting with the Planning Board and property owners within the District
- o A meeting to present the initial proposed amendments to the Planning Board and the public
- o A Planning Board public hearing on the proposed amendments.
- o A Town Council public hearing on the proposed amendments

In addition to regular meetings with the Planning Board as noted above, the consultant will seek additional input and feedback from Town Staff and key Stakeholder Groups as appropriate (Freeport Historical Society, Freeport Economic Development Corporation and the Central Core Working Group). This will be achieved by small group discussions with staff, representation from the Planning Board and identified stakeholder groups. This is envisioned to include a couple of daytime meetings, either virtual or in-person, to be agreed upon by the consultant and the Town.

Public Engagement and Communications: Public participation will be essential to updating the Ordinance in a way that is generally accepted by the Planning Board and Community. The selected consultant will be expected to prepare materials for review, discussion, and input at public meetings, including graphics, photos etc. However, meeting notices, any required legal ads, and abutter notices will be posted and circulated by staff as required per State law, municipal rules and ordinances, and the Rules of Order and Procedure of the Freeport Planning Board.

Deliverables

This project will result in an updated Design Review Ordinance to be used by the general public, staff, developers and the Project Review Board when they review applications for development. The proposed Ordinance amendments shall be in a written and graphic format designed to clearly inform users as to preferred building and site features and to discourage treatments and building design that would compromise the integrity and charm of Downtown Freeport.

The consultant will provide an electronic copy of the updated/new Ordinance and map, including a print and web-ready file, in an editable format that will allow for future revisions. All guideline materials, digital photographs, maps, electronic and paper files prepared under this contract will become property of the Town of Freeport and thereby considered public information.

Project Management

Caroline Pelletier (Town Planner) will be the primary contact for the Town of Freeport and the coordinator between the Planning Board, stakeholders and the selected consultant. Under the guidance of the Town's primary contact, town staff will be available to support this project as needed

to ensure its timely completion.

The Town will provide any existing town resources, data, maps, plans, and documentation to the consultant as requested and within reasonable expectations and costs.

Town staff will coordinate requirements for public meeting notifications and public hearings; take and provide meeting minutes as required; provide technological support for public hybrid meetings held at any municipal buildings; and schedule and coordinate any other requirements of public meetings related to this project.

The Freeport Planning Board will be the “municipal review authority” in the public process as the host for public meetings and for complying with the legal obligations of Title 30-A M.R.S., Chapter 187, §4352. The Planning Board will serve as the liaison between the consultant and the community. The Planning Board will be responsible for making a final recommendation to the Town Council for consideration and final adoption of the Ordinance amendments.

Submission Requirements

Proposal Submission Requirements

All Services to be furnished to the Town shall be performed with equipment, methods, and use of personnel in accordance with pertinent professional standards and with the Occupational and Safety and Health Act requirements of the State of Maine and the United States.

Consultants' response to this RFP must include the following basic information:

1. The name, principals, mailing address, and telephone number;
2. The name, telephone number, and email address for a contact person;
3. The names, titles, mailing address, and telephone numbers for all subcontractors/consultants that will be used on this project; and
4. A not to exceed amount for the completion of the entire project.

Consultants' response to this RFP must include a detailed, step-by-step description of the methodology intended for use in performing the scope of work as defined. This description shall include:

1. *Cover Letter*: Briefly describe the firm, its history, size, and its areas of expertise;
2. *Project Description and Scope of Services*: Describe in detail your understanding of the project, the services your firm will provide, and the methodology that you will use, specifically addressing how the points outlined in the scope of work will be met and designating a project manager(s) for the project;
3. *Statement of Qualifications (SOQ)*: Include the following information:
 - a) Resumes of key personnel including who will be the project lead/manager and any personnel who will participate in the project, including educational background and employment history, not to exceed two pages per person;
 - b) Statement of Availability and location of key personnel assigned to work on the plan;
 - c) Statement of the firm's experience developing Design Guidelines. Particular interest will be given to key personnel that meet or exceed professional requirements in accordance with the Secretary of the Interior's Professional Qualification Standards which may be found here: <https://www.nps.gov/articles/sec-standards-prof-quals.htm>.
 - d) Past Experience with similar projects for other clients, during the past five (5) years;
 - e) Example of Work: This can be provided in a digital pdf format on a flash drive and should include a sample of one (1) complete copy of a sample from the project your firm has completed within the past five (5) years that is most similar to this project. The sample should demonstrate the ability to develop prescriptive/visual design guidelines in an Ordinance form.
4. *Task and Schedule Matrix*: Provide a matrix/spreadsheet that identifies project tasks and milestones; estimated date for completing each task; and personnel and their hours planned for each task.
5. *Budget*: Include an overall project budget broken down by identified project tasks 1-4. Consultants may add additional tasks if warranted and, in such case, should include a budget value.
6. *References*: Please provide three references for contacts that have completed similar project(s) with your firm and worked with the individual(s) noted as project manager(s) for this proposal.
7. *Conflict(s) of Interest* – The submitting firm shall declare and provide details of any actual, potential or perceived conflict(s) of interest.

Project Timeline

RFP Released	Monday, April 1, 2024
Deadline for submitting questions to Town Planner	Monday, April 15, 2024 at 12:00 pm
Town Planner responses to questions	Tuesday, April 23, 2024 at 12:00 pm
Proposals from Consultants Due	Thursday, May 2, 2024 at 12:00 pm
Selection Committee Review of Submissions	Week of May 6, 2024
Interviewed with preferred consultants	Week of May 13, 2024
Selection of preferred consultant and recommendation to Town Manager	Week of May 20, 2024
Execute Contract	May/June 2024
Work Begins	June 2024

Questions regarding this Request for Proposal should be directed to Caroline Pelletier, Town Planner, via email at cpelletier@freeportmaine.com. Questions must be submitted in writing and be received no later than Monday, April 15, 2024 at 12:00 pm. All changes or amendments will be in writing and posted to the Town's website at <https://www.freeportmaine.com/rfps> by Tuesday, April 23, 2024 at 12:00 pm.

Completed "Design Review Ordinance Update" proposals must be submitted in a **sealed envelope** with the RFP title "Design Review Ordinance Update" clearly noted on the outside of the sealed envelope. Please mail/deliver to the Town of Freeport, Attention: Caroline Pelletier, Town Planner 30 Main Street, Freeport, Maine 04032 by 12:00pm (noon) on Thursday, May 2, 2024. The proposal must be signed by the proposer with their full name and address and include two paper copies and a pdf copy (provided on a flash drive) in a sealed envelope. Any proposal received after the deadline stated above and/or incomplete/illegible proposals will not be considered. Email proposals will not be accepted.

Consultant Selection

Selection Criteria

There will be a project team to review submitted proposals and create a short list of selected consultants. A team including, but not limited to, two members of the Planning Board, two members of the Project Review Board, two members of the Town Council, the Town Planner, and at least one other member of Town staff will conduct interviews with the short list consultants. The group will make a recommendation to the Town Manager for the award of the contract.

The proposer's assigned staff person who will lead the project shall be present at the interview. The team will want to learn about the proposed scope of services; the approach to achieve the desired project outcome; the personnel that will work on the project; any components of the project that will be outsourced; in-house technical capabilities of the proposer; and details on how they will comply with the aggressive project schedule and make sure the project stays on track. The Town reserves the right to seek additional information from the consultant and/or their references. Each responding consultant will be ranked according to their proposal and their qualifications based on experience, results, and other information furnished.

The interview team will use the following criteria in evaluating the proposals:

1. Successful experience completing similar projects.
2. Resumes of the personnel who will be assigned to this project, including relevant experience.
3. Qualifications to execute the scope of work, including cost of services.
4. The timeliness of the proposed schedule and the ability of the consultant team to complete the work as scheduled based on current and projected workload.
5. The quality of oral presentation and of submitted examples with an emphasis on demonstrated ability to provide graphical representations of Ordinance standards.
6. The quality of references.
7. Other applicable factors as the Town determines necessary or appropriate.

Acceptance / Rejection

The Town of Freeport reserves the right to reject any or all submissions, to waive technical or legal deficiencies, to proceed or not with any proposal or process, negotiate such terms and conditions of any proposal, agreement, lease, or other contract that may be in the best interest of the Town, and to terminate or amend this process at any time.

Proposals may be held by the Town for a period not to exceed thirty (30) days from the date of the opening of proposals for the purpose of reviewing proposals and investigating the qualifications of the proposers prior to the award of a contract.

The Town of Freeport is an equal opportunity employer and seeks to recruit and support a broadly-diverse community. All qualified consultants/firms are encouraged to apply and will receive consideration without regard to race, color, ancestry, national origin, sex, sexual orientation (including gender identity and expression), physical or mental disability, religion, age, genetic predisposition, or any other class protected by law.

Contract Agreement

The selected consultant will provide the Town of Freeport an Agreement for Services describing the Scope of Work to be performed, the schedule for completion of the work, compensation schedule, and other pertinent provisions, subject to review and approval by the Town Manager. Upon approval, the consultant agrees to the following:

- 1) Enter into a written contract with the Town of Freeport
- 2) Produce evidence satisfactory to the Town that it and its subcontractors/consultants, if any, have secured public liability, automobile, and workers' compensation coverage
- 3) Create a working schedule for the scope of services and deliverables
- 4) Coordinate and work with the Freeport Planning Department towards the successful completion of the project.
- 5) Comply with invoicing, billing and payment requirements of the Town of Freeport