

**FREEPORT PROJECT REVIEW BOARD MINUTES  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
WEDNESDAY, FEBRUARY 8, 2017  
6:00 p.m.**

PRESENT: Clifford Goodall (Chairperson), GERALYN Campanelli, Jim Cram, Henry Gallant (arrived late), Jason Thyen, Dale Whitmore and Donna Larson (Town Planner). Adam Troidl was excused.

CALL TO ORDER: Mr. Goodall called the meeting to order at 6:03 p.m. followed by the Pledge of Allegiance.

ITEM I: Approval of the minutes from the Wednesday, December 14, 2016 Project Review Board meeting.

Mr. Whitmore / Mr. Cram moved to waive the reading of the minutes from the December 14, 2016 Project Review Board meeting and accept them as printed. Vote: 4 Ayes / 0 Nays / 1 Abstention (Thyen)

ITEM II: Informational Exchange

Ms. Larson noted that the update on Staff Approvals will be done later in the meeting.

ITEM III: Reviews

**Antonia's Pizzeria – Generator**

*The applicant is seeking approval of a Design Review Certificate to add a generator on the street side of their property at 193 Lower Main Street. Design Review District I – Class C. Tax Assessor Map 23, Lot 56. Antonia's Pizzeria, applicant; A&S Properties, owner; Doug Sawyer, Generators of Maine, representative.*

Mr. Goodall gave an introduction to the project explaining that the applicant is proposing a Kohler generator in front of the building. Design Review is required.

Doug Sawyer, representative, summarized the proposal. The generator would be in the front as that is where the gas and electric come in. Other areas on the site did not work for various reasons and existing site features. It would be installed under the existing Antonia's sign. Some existing bushes would be removed and some new plantings are proposed. The exhaust would come out of the top, with air intake on the side and end.

Ms. Campanelli asked if the bushes would block the sign. Mr. Sawyer said that the landscaper said that they could be trimmed to the desired size. The thought was that 4-6 trees would be sufficient. Mr. Goodall clarified that they would be arborvitae. Mr. Sawyer stated that there would be three in front and then probably some on the end. Mr. Cram noted that the front of the building would not be the Town's first desired location (for the generator). Mr. Sawyer stated that the applicant felt they would rather have it here than to lose the parking space. Mr. Goodall asked if the applicant read the staff report and was aware of the performance guarantee. Mr. Sawyer stated yes. Mr. Cram asked about the loss of the parking space and if it would create a hardship. Mr. Sawyer noted that would be an issue if they had to run the gas to the back. They did walk around the site and there is parking, a porch, dumpster and shed; those areas would not work. There are HVAC units near the dumpster, a retention pond and there are elevation issues. There is also an outdoor staircase and they need to maintain a path for dumpster access. There are setback requirements from the building for the generator.

**Design Review Ordinance: Chapter 22 Section VII.C.**

**1. Scale of the Building.**

*The scale of the main building will not be altered. The generator will be relatively small and size with dimensions of 89.8 inches in length; 32.9 inches in width; and 45.5 inches in height. Based upon this information, the Board finds that this standard has been met.*

**2. Height.**

*The scale of the main building will not be altered. The generator will be relatively small in size with dimensions of 89.8 inches in length; 32.9 inches in width; and 45.5 inches in height. Based upon this information, the Board finds that this standard has been met.*

**3. Proportion of Building's Front Facade.**

*The generator will be installed in front of an existing solid section of façade. It will be smaller in height than the abutting structure. Based upon this information, the Board finds that this standard has been met.*

**4. Rhythm of Solids to Voids in Front Facades.**

*The generator will be installed in front of an existing solid section of façade. It will be smaller in height than the abutting structure. It will not affect the rhythm or solids to voids of the structure. Based upon this information, the Board finds that this standard has been met.*

**5. Proportions of Opening within the Facility.**

*No new openings on the existing facade are proposed. Based upon this information, the Board finds that this standard has been met.*

**6. Roof Shapes.**

*The roof shape of the existing structure will not be altered. Based upon this information, the Board finds that this standard has been met.*

**7. Relationship of Facade Materials.**

*The façade of the existing building will not be altered. Based upon this information, the Board finds that this standard has been met.*

**8. Rhythm of Spaces to Building on Streets.**

*The generator will be relatively small in size with dimensions of 89.8 inches in length; 32.9 inches in width; and 45.5 inches in height. It will be located in front of the building and be screened from the road. Based upon this information, the Board finds that this standard has been met.*

**9. Site Features.**

*The generator is proposed for the Main Street side, close to an existing emergency exit. Three existing shrubs will be removed. The unit will be tanish in color with dimensions of 89.8 inches in length; 32.9 inches in width; and 45.5 inches in height. Once in place, and when weather permits, the plan includes the installation of four evergreen shrubs on the street side of the generator, to help screen the appearance from the road. This location is closest to the entrance of the electricity and gas services and where they enter the site. Based upon this information, the Board finds that this standard has been met.*

**10. Signs.**

*No signage is 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.**

Mr. Whitmore / Mr. Thyen moved to order that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Antonia's at 193 Lower Main Street, for the installation of a generator and screening, to be substantially as proposed, 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 his/her 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 applying for an electrical permit for the generator installation, the applicant establish a performance guarantee in the amount to cover the cost of the proposed plantings, in the amount to of \$1,000 for four trees or \$1,500 for six trees, in a form acceptable to the Town Attorney. The performance guarantee will be retained by the Town and kept in place until such time that the Town determines that the shrubs have been planted as approved and established enough that it appears that they will survive. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee amount, be paid.

Vote: 6 Ayes /0 Nays

#### **Maguire Construction – Conceptual Site Plan**

*The applicant is presenting conceptual site plans for a new 6,300 s.f. building and associated site improvements at their property on US Route One (South). The building will be used for office for a construction company and workshop space. Tax Assessor Map 23, Lot 66-1. Maguire Construction, applicant and owner; Tom Farmer, Landscape Architect, representative.*

Mr. Goodall gave an introduction to the project. The building would be 6,300 s.f. with an office complex in the middle, a woodworking shop on one end and a paint shop on the other. On the other end of the office would be a smaller barn like structure which would be for vehicle maintenance. The entrance comes in with pavement in the rear and room for trucks and deliveries. This is a relocated facility from Yarmouth. The lot which is being developed is an odd shape with a large area on one side and rectangular portion on the other side. They are only proposing to develop on one side. The curvature of the lot is due to the Old County Road location and where it used to tie into Route One. The building would have barn colors and a metal roof. This is a conceptual plan and they would be back with final plans including landscaping at a future meeting. Mr. Goodall asked if there were any conflicts from Board members; there were none.

Tom Farmer, representative, introduced Tanner Maguire as the applicant's son. He presented an aerial photo of the site. This is an old lodge and cabin site which used to have a loop road, so there are still two access points on to Route One. There are some old cabin remnants on site and some wetlands. The wetlands are a lower scrub/shrub type. There are some uplands along Route One and the old road. They have tried to minimize wetland disturbance. Tractor trailers will have access to the site. They are only proposing to use one curb cut and to limit access to one. The property is subdividable and they have been talking to some businesses about that, but there is nothing formal yet. The architecture is

similar to others seen on Route One, with New England house and barn architecture. They have looked at other layouts for the site, but they want to try to keep it close to Route One. This would limit the amount of clearing and/or disturbance and limit stormwater as they are under one acre of disturbed area or of impervious surface.

Mr. Farmer showed the elevations. There would be non-operable doors and windows on the Route One façade due to the woodworking facility. The windows would be higher to keep people from breaking in to the shop area. All of the architectural detail on the workshop area is just detail. They do have three bays of parking on the back side of the building and not facing Route One. Mr. Goodall asked about outside storage. Mr. Farmer noted that if there were any it would be in the rear. There would be a fully enclosed bin for sawdust shavings. Mr. Goodall stated that the Board would like to see how the storage area would be screened for those people travelling south on Route One. This should be included with the final plans. Mr. Goodall noted that the wetland vegetation that is there is thick and high. Mr. Farmer noted that some of that would be retained and acts as significant screening.

Mr. Campanelli asked about the elevation with the three garage doors. Mr. Goodall clarified the location in the submission. Mr. Farmer noted that they would be on the east façade. Mr. Whitmore asked about materials. Mr. Maguire noted that the façade on Route One would be cedar shingles. Details on signage would be worked out. Mr. Whitmore asked about floor drains inside the vehicle maintenance area. Mr. Maguire noted that it is just indoor storage for vehicle and trailer storage. They do not maintain them here. Mr. Troidl asked where the edge of pavement boundary could be. Mr. Farmer noted that it would go to the area of the sawdust storage. Mr. Whitmore asked about solvent waste from the paint shop. Mr. Maguire stated that they have not given a whole lot of thought to that yet. It would be a metal container within the area, but they have not looked at the specifications of the spray booth yet. Mr. Whitmore noted that capacity letters from the water and sewer districts would be required. Mr. Goodall asked that the vent for the paint shop be to the rear. Mr. Maguire said that would be the case, as they want the facility to reflect the high end work that they do. They have talked to the Fire Chief and will talk to the Fire Marshal. Mr. Goodall stated that they should consider a sprinkler system. Mr. Farmer added that the Fire/Rescue response was that the close location to Route One was good. There are public utilities here. They would like to use overhead utilities from Route One. They would like to ask about a 15' buffer waiver in one location, so they could move their building out of the wetland more.

Mr. Goodall asked about the abutting property. Mr. Farmer stated that it is the Fogg property and there is a residence. Mr. Goodall noted that there are waiver requests. He asked about utilities. Ms. Larson quoted the standard from Section 602, noting that they should be underground where determined feasible by the Board. This is under F.1.f – Utilities. It would not really be a waiver, but more of a determination of feasibility. In Subdivision, it is different and there is a waiver required. Mr. Goodall noted some inconsistencies in the Ordinance language. Ms. Larson clarified that the standard is under 602 criteria. Mr. Goodall noted that it says wherever feasible, they should be underground and in a location harmonious with neighboring sites and this property. Mr. Farmer noted that it would be 15-18 feet away from the building. Mr. Goodall noted that the neighboring properties would be far away. Mr. Whitmore noted that this would be foolish to require for 18 feet. Mr. Goodall asked if a transformer would be required. Mr. Farmer noted that they would need to talk to Central Maine Power (CMP), but it may be needed as they would use 220 in the building. Mr. Goodall noted that it would then need to be in the 15 feet. Mr. Farmer noted, or on the corner of the building. Mr. Cram asked what the applicant's customers do. The applicant stated typically underground unless there is a long driveway. Mr. Goodall stated that this is supposed to be an attractive area into Freeport. He thinks that it is feasible to put this

underground. Mr. Farmer noted that he would look to see if it is harmonious with other nearby properties and if they have them overhead or underground. Mr. Goodall asked about the timeline. Mr. Farmer noted that they need 60-90 days for the DEP Tier 1 Permit and they understand that they need that before they return. Mr. Goodall suggested that they table this one issue to another meeting to be reviewed. He also asked if they provide more information for the 15' buffer waiver (near the driveway) when they come back. Mr. Goodall asked the Board if they wanted a sitewalk. Mr. Cram noted that people could look on their own.

Mr. Whitmore/ Mr. Cram moved to order that the Freeport Project Review Board table the setback issue and the underground utility issue until the March meeting. Vote: 5 Ayes / 0 Nays

Mr. Goodall stated that this is a really good design and would be a nice addition to the area.

### **Regional School Unit #5 – Site Plan Amendment – Concept Review**

*The applicant is presenting conceptual plans for a Site Plan Amendment at Freeport High School. The applicant is proposing a track and turf field sports complex with associated site improvements, lighting, parking lot reconfiguration, relocation of the softball field and an event parking plan. Tax Assessor Map 11, Lot 24. Regional School Unit #5, applicant and owner; Pat Carroll, Carroll Associates, representative.*

Mr. Goodall explained that this is a conceptual discussion for the purposes of the applicant, neighbors, Board and public to discuss it and see if there are problems or issues with it and that could be addressed by the applicant or other parts of Town government. The Board typically does not vote on conceptual plans unless there is a request for a waiver in which case the Board could act on that. There has been some discussion on the Board's ability to grant waivers. After his initial review, he had some concerns about the Board's ability to grant waivers and he needed to raise the issue so people would be aware and could weigh in. Unfortunately it is an issue that is not easily resolved. The Town Attorney is here and did submit a letter also noting that it is a complicated issue. Since the issue has been waivers and there is the issue of appeals, after presentations are made, the Board will deliberate on the various items including waivers and if the Board thinks they have the authority to grant waivers. If the Board is unsure, then the Board would discuss the waivers, how they then might proceed and how the issues might be dealt with. This is just a permitting Board and if the Ordinance needs to be amended, then the process for that would begin with the Planning Board and then to the Town Council. The Board will proceed in that line and the Board will allow people to speak on it, beginning with the RSU, then comments and questions and then to a vote.

There are a number of issues which this Board has nothing to do about – like if it is a good idea or if it's too expensive. This Board does not have the authority to discuss these issues and if it comes up he will note it as such. The other issue which may come up is whether or not the track has an odorous or toxic matter and if it should not be constructed. He quoted Section 516 of the Freeport Zoning Ordinance pertaining to odor. A discuss about the track, what it may omit and how it may impact participants is not germane , as this Board would not take it up until the boundary line in which case it would need to be shown as a nuisance or hazard.

Mr. Goodall asked if any Board members felt that they have a conflict or bias and if there was any relation to the applicants, representatives or parties involved. There were none. Mr. Goodall asked if any Board members live on the road that serves the project. There were none. Mr. Goodall asked if any Board members had publically taken an opinion on the project. Mr. Thyen noted that he volunteered on the "no" campaign. He would ask for the Board to vote on if he needs to recuse. Mr. Gallant noted that

he has a bias and would recuse. Mr. Whitmore noted that he made a lot of comments on the project's Facebook page and the comments were not necessarily in favor. He was not part of an organized group. Mr. Campanelli noted that she has a 6<sup>th</sup> grader at the Middle School but she is neutral on the issue. Mr. Goodall quoted the Board's Rules of Order and Procedure pertaining to member disqualifications.

Mr. Cram noted that the Board is voting on the standards, not whether or not they like the project. Mr. Goodall stated that yes; it is whether or not it does or does not meet the standards of the Ordinance. He again referenced the Board's Rules of Order and Procedure and stated that the Board should address conflicts of interest early in the review process. Mr. Thyen asked the Board to vote on whether or not he should recuse. Mr. Goodall asked about those in favor for Mr. Thyen to be disqualified due to his active participation in the "no" campaign. Mr. Cram noted that Mr. Thyen has demonstrated consistently that he is neutral. Mr. Goodall clarified that the Board would have to vote if the Board member did not voluntarily remove themselves. It is about a perception of a bias. Mr. Whitmore noted that when the Board members take the oath, one of the things brought up is the Ordinance and people have their own opinions but they still have to look at the standards that are set. Mr. Goodall gave an example of a court case when someone signed a petition for something and the court kicked it back; in this case the Board member put out "no" signs and there is more of a bias. It has nothing to do with character. Mr. Thyen does not want to taint anything in case there is an appeal. Mr. Thyen stated he would voluntarily recuse. Mr. Whitmore noted that there was a Facebook page and he commented on it. It was "grass not turf" and he was not pro. He did not say vote no, but he did not agree with the numbers that were produced. Mr. Whitmore recused himself from the review of the item. Mr. Gallant was also going to recuse. Mr. Thyen, Mr. Whitmore and Mr. Gallant all recused themselves and stepped down and joined the public. Mr. Gallant clarified that he does not think that the financials are correct, the useful life is about 8 years and then there are disposal issues. Mr. Goodall does think it is appropriate for Mr. Gallant to recuse.

Mr. Goodall noted that there is a quorum requirement of four, but there is a rule of necessity to proceed with less than a quorum. He asked if there was an objection from the applicant to proceed with three members. There was no objection from the applicant or the public.

Mr. Goodall asked if the applicant or the public wanted to object to the remaining members participating. There were no comments.

John Simoneau noted that he is here representing the school district. He introduced the applicant's team and gave an introduction to the project including the history and the timeline of trying to have the facility open in 2017. They have already started the permitting process with the Department of Environmental Protection (DEP) in addition to the Town, understanding that the Town likes that permit in hand before granting its approval. The project includes the track, field and lighting. Things such as bleachers, lighting, and public announcement (PA) are not funded but they would like to include as options in case funding permits and donors come forward. The intended use summary was included in the packets. The biggest bump would be varsity football being played here and they would like it to be a Friday night lights experience. Soccer and field hockey are played here, but they would like them under the lights. Soccer would be a 6pm start. Varsity football would be a 7pm game which would run until about 9-9:30 pm. They understand the need to work with the Ordinance and community. They would continue practice on the fields and may need the use of lights for some portion of that. In the spring, they would hold some track meets, generally in the afternoon and not under the lights. The lacrosse games would move to 6pm instead of 4pm to allow for more attendance and be under the lights. Lighting use should be minimal for practice due to sunset times in the spring. There are some other

event possibilities and they might host post season or regional track meets every 4-6 years. Part of the project is to also allow the Town to use the facility for a few events a year; with approval and within the guidelines. The guidelines would outline use, scheduling, parking and other considerations. This is based off similar documents in other communities. They did have a meeting with the community and have gotten some feedback which they would incorporate into the document.

Mr. Goodall noted that some important issues raised, like parking and circulation, are not for the Project Review Board. The Ordinance has parking requirements for high schools. Based upon the requirement, parking is described as an accessory use. The standard needs to be met for general operations and this is an accessory use. There is no requirement for an accessory use. As long as the requirement is met, this is all part of an accessory function some of which these issues could be discussed with Traffic and Parking. Ms. Campanelli noted that the Town Engineer wanted the Project Review Board to look at the accessibility. Mr. Goodall stated that accessibility for events and signage would be frosting on the cake and not part of the minimum package that the Board has to review. Mr. Goodall noted that this is traffic over an existing system to an existing high school which meets the current standards. This is not for the Board to deal with when the minimum is otherwise met.

Pat Carroll, Carroll Associates, noted that they have been working on this project for about 15 years. This is a pretty good plan. He explained the site including the new high school with parking, bus loop and re-work of Snow Road. The track is over the existing game field and is about 120 feet from the property line and the existing softball field is about 20 feet from the property line. It would be an 8 lane track with a turf field that would accommodate all sports. The advantage of the turf is there is not down time due to weather and it would be used even about 20 minutes after a rain event. It would have room for things such as pole vault, jump areas, and room for discus and javelin. The idea is to have all of the track facilities under one umbrella. They will maintain all of the Morse Street School parking and may need to move a small section of the playground. They had test pits and borings done on the site. There is high ground water and ledge on some of the site and clay on other parts. They are going to minimize ledge removal but will need to create a level platform for the track, so the end would be about 8 feet in the air, with a retaining wall along Snow Road with a maximum height of 10 feet. Now people park in that area and access the site, but now it will be harder as there will be a wall and fencing system. The facility will be open to the public when not in use by the school. There will be gates for access. The idea is that this really will be a facility for the community. The major spectator area will be on the high school side of the track. There will be a press box. The larger area would have about 750 seats. There is a site for a concession stand and restroom facility, which would be needed with a large crowd. Restrooms inside of the school could also be accessed via an outside door if needed and was designed for that use. Until the concession/restroom building is constructed, they may need to bring in portable toilets to be placed in that area. They do show ticket booths which is also the reason for the fencing; so they can charge for events.

There is a perimeter sidewalk outside of the fence (eastern side). That would connect to the sidewalk from the Town lot near the baseball field and which is used by spectators coming to the site. There are parking lots nearby owned by LLBean and they will be having discussions with them about the use of their nearby lots for certain events. They will be relocating a softball field and need to reconfigure some existing parking which will improve the maneuvering in the lot. There will be a sign to recognize donors. Mr. Carroll asked what level of detail they need on the concession building to have it be part of the approval. Ms. Larson noted that this is not in the Design Review District. Approvals are good for two years, so if it were in that time it could be included, otherwise it would be an amendment. The Board would want to see elevations. Mr. Carroll noted that they also show a shed relocation and a proposing a

three bay garage, with access off of the Morse Street driveway. They show another 250 seats on the other side of the field. Some of these things are not funded, and are more of placeholders.

There are four lights proposed by a company that does about 90% of the field lighting in the country. This is an issue as they are big and bright. They are shielded, but not full cut off. They are highly directional in their placement. They do not meet the height standards of the Ordinance. They could not just turn off some lights as it would create dark spots on the field. The proposal that is funded is for HID lights.

Mr. Carroll showed the property line and existing conditions on a plan. The activities are being pulled further away from the property line than it is now. He noted the location of the stormwater pond and retaining wall. Mr. Goodall asked about Snow Road parking. Mr. Carroll noted that the road was narrowed during the high school project and there is no parking on Snow Road. He showed what the pedestrian access would be from the high school. Mr. Ouellette noted that there is no parking on all of Snow Road. Mr. Carroll noted that there has been an issue of parking in the snow dump. That is not part of their parking plan and more of an enforcement issue with the Town. Mr. Carroll showed nearby parking opportunities and how pedestrians would access the site. Mr. Carroll noted that they did talk to the Town Planner about going to the Traffic and Parking Committee to discuss these issues. Ms. Campanelli asked about Elm Street for access. Mr. Carroll stated that is not part of the plan, but Justin's Way would be proposed. They do not want to encourage people to use Elm Street. They need to look at how to manage and bring people to the site. Mr. Goodall would rather not get in to that.

Mr. Carroll stated that the whole site is being collected and treated prior to discharge. There is a major treatment pond on the site and an area of bioretention areas and rain gardens. Plans have been submitted to DEP and they have gotten comments.

Mr. Goodall asked for Mr. Carroll to show the location of residential structures within 200 feet. Mr. Carroll showed the area of about 15-20 residences and the Holbrook Street condos. They will retain existing buffers. CMP does own the property near the softball field. There is an existing athletic field in this location. Mr. Goodall asked for clarification on that field. Mr. Carroll noted that the upper field is a total redevelopment and the lower field is a field hockey field which is grass and the intent is for the softball field to be relocated with the majority of the field in the existing area; the left field area will be extended out. There is an area of grade change and wetland impact which is part of the DEP permit. There is about 100 feet between the softball field and the property line. Mr. Goodall stated that the Board may need to consider if this is a new project then, or an amendment. Mr. Carroll stated that his understanding was that this is all redevelopment. After internal discussion and talks with neighbors, the decision was made that more of a buffer was needed on the north side and they will meet with neighbors to see what they need and incorporate that in to the final plans. Mr. Goodall summarized the standards of the Overlay District for buffering and the Board has the ability to approve other plantings if the parties agree. Mr. Carroll stated that there is a pretty adequate buffer along the softball field with minimal disturbance, but they are happy to meet with the condo neighbors are well. There is no lighting proposed for this area. They will be removing a little bit of pavement from the existing parking that is being reconfigured.

Ms. Campanelli asked about the lighting and asked if they look at this since it was an urban area. She asked if they looked at more lights at lower heights. Mr. Carroll stated that this is the best solution. If they went to lower lights, they may not be able to light the center of the field. They did send the plan back to them to look at the levels at the property line and it cannot be done with HID lights. Ms.

Campanelli noted her concerns from the sitewalk, of the height and brightness of the lights. A representative from the school noted that the height shines the lights angled down. If they were shorter, there would be more light trespass as they are flattened out.

Mr. Cram would like to see a graphic of that as he felt that the light on the field was not as objectionable. Mr. Carroll noted that the plans were going to be peer reviewed by Larry Bartlett who has done reviews for the Town. Ms. Larson confirmed that was being done. A representative from the school noted that the lighting plan looks at a flat plain location where the Ordinance would take into consideration landscape buffering.

Mr. Goodall noted that the conceptual plans discuss noise and all of the reference is to a PA system. The Ordinance just notes noise, regardless of the source. There is a PA system and people with full attendance cheering and generating noise. A waiver was not requested and he is not sure if this is something that the Board could do without more study of the people generated noise. Freeport does not have a good noise ordinance and it is really a steady state noise ordinance for 24 hours per day. He cautions the school to consider the noise generated by people as it will be a real impact that everyone will want to consider. Mr. Carroll noted that there is an acoustic consultant onboard. There is currently not a PA system in the budget. There is a portable one used now which will continued to be used. The speakers would be located near the bleachers. Mr. Goodall noted that it would be helpful if that could be addressed and how the averaging works. Mr. Carroll stated that the intent also would be that the consultant would help in the selection and mounting design to keep the sound as minimal as possible.

As far as waivers, lighting would be requested. They think they can meet the buffer ordinance and will research sound more and at this point the PA system is not in the project. Mr. Goodall noted that the application noted a waiver for an 18 foot parking stall. Mr. Carroll stated that is not requested. A waiver was previously issued for buffering which is why they did not request it again. Mr. Goodall noted that was different as it was a redevelopment and the Board accepted the buffer as status quo.

Andrew Johnston, Atlantic Resource Consultants, the key components to this are the solid base for the track and drainage of the facility. He explained how the drainage of the complex and track would work. There would also be a shallow depression on the site which would actually be a stormwater pond. There would very rarely be water in it. These fields tend to produce less run off than a grass field due their extensive drainage design. Mr. Goodall clarified that everything on site drains to the field and there is no underground storage tanks. He asked if the tuft material would degrade and enter into the groundwater system. Mr. Johnston stated not with this fill. There was an accepted study done with the other type of field fill and the only issue raised was with the older type of rubber field and the only potential for pollution raised was from zinc from the tires. Mr. Goodall asked if the reports take water samples. Mr. Johnston stated no. There are DEP BMP's that need to be used in the design, and these are known to remove some things in the water and thereby improving the quality.

Mr. Goodall asked about the garage facility. He understands it may be three bays with some machinery and asked for clarification. The representative from the school stated it would store equipment that the athletes would use on the field such as pads, or hurdles, etc. They already have a space for equipment maintenance on the site. Mr. Goodall noted that there are some screening requirements of the Freeport Village Overlay District (FVOD) which could apply for certain cases. The representative noted that dumpsters are existing and are screened. They are not sure if they will need to add a transformer. Mr. Goodall noted that it won't be a service area, but the standard notes that chain link fence would be prohibited, so they would need to use something else to screen, if needed.

Rod Regier, resident of South Street, hopes the project can be expedited but encouraged to Board to look closely at the lighting plans. He noted that there is a long practice of the Board to minimize night time glow from lights in parking lots. The solution for Shaw's, who had issues, was to go back to the designer and review the requirement and reduce the lumens and go to many more shorter poles. There are surely other options to 80 foot poles. Some will shine down, but others will shine across the field. He hopes that an elevation of the 80 foot poles will be developed so people can see what they look like and to see what the effect of the night sky will be when this is set up. He hopes as a matter of fairness, that we are accountable to the same standards as other businesses throughout the years.

An abutter asked that the Board consider the neighborhood impacts with the following concerns: lights, timing of use, high levels of sound and timing and frequency, runoff from the field. She is concerned that the run-off from Nike Grind has not been studied. They have concerns for ledge removal. Traffic and parking is a concern. The RSU did test lights this fall and the light and sound were an issue. Traffic was also an issue at this event and no parking signs on their property were taken down. They have concerns and this is beyond a normal use threshold. Aimee Petrin, Snow Road, showed her proximity to the site. Her property will be lower than the field.

Ethel Wilkerson, representing the Elm Street neighborhood, said there are some positive impacts for the community but some negative impacts to her and her neighbors. There have been some differences in the presented facility uses and the guidelines for the site. Tonight 38 were presented; the use guidelines include middle school games, other activities and unspecified community and RSU events. The potential use is much broader and much beyond varsity high school football games, but the rules in place would allow for more creating more noise, traffic, and light pollution. She would like clarity on the expected use versus the current high school games. There are no maximums in the guidelines and they need to address the peak season issues. She has traffic and parking issues and knows that those would be for the Traffic and Parking Committee. She asks that a lighting waiver not be granted for spill over and height until the Board knows about the use and frequency more as the spillover locations are closest to the nearby residences. There is an existing tree buffer, but some of the white pines near the condos are starting to decline in health and if they are removed the screening would be affected. The crowd noise would increase with use. The current use guidelines include many uses including pre, post and during games and may include music. There would be a lot of noise and she does not want to listen to pregame music. She did submit comments in writing (letter dated 02/06/17). The white pines noted, are on the property line. Pat Carroll stated that their opinion is that they are not on their property. Mr. Goodall stated that either way it would need to be addressed.

Dave Weinberg, Unit 6 in the abutting condos, acknowledged all of the work done on the planning for this project. As the abutter, he noted that when there are soccer games, there is a sound blast gun when a goal is made and it does disrupt him when he is on calls at home. He also hears music when that is played and the Friday night lights do intrude into his unit. He wants to know how light and sound will be addressed. When discussions started, there was talk of toxicity and it would not be discussed until it hit the boundary, but this is the boundary, so he questioned when it would be discussed.

Kathleen Meade went to the walk in Falmouth and found the lighting atrocious. There are other lighting options and there are some that are 22 feet in height. She would like the Board to say no to the waiver and look at other lighting. LED makes much more sense and they are more controllable. It needs to be looked at for the sake of the neighborhood and light pollution. There are lots of other businesses in

town that have gone through these issues and resolved them. She also agrees with other comments made. The lighting display was atrocious.

Mr. Goodall noted that no one had suggested an operation limit, but that is something the Board has the ability to address. Ms. Meade said that the time frames discussed are crazy, as the lights would be on beyond when the games end. Yarmouth has lights out at 8pm, and this is something that the neighborhood would like to see. Mr. Goodall noted that times were approximate, and if there was overtime the lights could be on until closer to 10pm. Ms. Meade suggested that games need to start earlier and parents can get there. Football in Maine is typically a Saturday afternoon and not a Friday night.

Mr. Goodall explained the process. After a conceptual meet, the applicant decides what they are going to do next. On each of those steps, the public has the right to participate. A final plan would then come back to the Project Review Board and then would have up to 60 days to make a decision. This Board's rules always allow the public to participate. A public hearing would be a little more formal.

Mr. Goodall noted that he wrote a memo that said that the Board did not have the right to grant waivers of the standards of the Zoning Ordinance. He asked the Town Attorney for his opinion and he has written a letter which was given to the Board today. Mr. Goodall thought that the Board would take action on their authority to grant waivers but the issue is more complicated as now there is a question as to which ones. Phil Saucier, Town Attorney, noted that the waiver request is now lighting. He sees a distinction in the lighting provision which the courts do not see as a zoning provision which would apply to a specific zone. In Section 521, there is a waiver provision and gives authority; there is a standard and it is up to the Board. He concludes that it is not a completely clear question, but the Board does have the ability to waive the lighting standard. He would suggest that maybe the Board just have a conversation about it now as it is not clear if the Board can actually vote without a quorum and the Board should wait until they have the fourth member present. Whether or not they want to waive it, is a question for the Board.

Mr. Goodall and the Board agreed for Mr. Troidl to be present before voting.

Ms. Larson added that she will be asking the lighting expert about LED and how it would change things and what about lower lights, the impact, how they may work and other options. She will see what else she can get on lighting to give the Board more information. If there are more things the Board wants her to find out about, the Board can let her know. He is working for the Board. Ms. Campanelli said that he should look at Falmouth. They need to think outside the box and look at the urban environment. Ms. Larson noted that Mr. Bartlett could also come to the meeting and maybe it could just focus on lighting and the options. Mr. Cram thinks that would be helpful. He does not feel that he is ready to vote on a lighting waiver today. He asked about buffering and hours. Mr. Goodall noted that the Board could grant a conditional approval with the hours. Ms. Campanelli stated that she was surprised about the number of the events under the lights and to do it for everything seems like a lot. They should re-evaluate that and the timing. Mr. Cram asked about the usage. A neighbor noted that 38 was just high school games and then there would be middle school games and other practices and events.

Michelle Richardson, RSU 5 Board Chair, stated that as it relates to the usage, all of the varsity sports for the high school would be played on the field and with lights if needed/possible. The middle school teams are not indented to all be playing on the field and with the lights; maybe once a year or on a limited basis.. There would not be the capacity for everyone to play under the lights. Ms. Wilkerson

noted her analysis was based off of what the guidelines would allow. Ms. Richardson noted that there is the ability to tighten up the guidelines and they can work on that.

Mr. Goodall stated that in terms of the lighting, Section 521 is the section of the performance standards town wide for lighting. He quoted Section 521.C, about buffers for light spill. He gave the example of the lights in Falmouth and all of the directions of the lights and how they did wash far out. The test is what is undesirable and it is up to the adjacent property owners and the Board; not the school. This is a standard max of 20 feet which is four times the max and there is no way he would vote for that. He thinks they need to get it resolved in another forum. There is a shielding requirement. There is a boundary requirement and the proposal is double the minimum. There is the ability for the Board to grant a waiver with certain conditions and it would consider the general health and welfare of the neighbors nearby. Section 602 also has lighting standard and notes energy efficiency and minimizing adverse effect and further explains how the standard is to be judged. The School Board has the burden to show that there will be no impact on the abutting properties. There is the issue of glare and each of these lights would have glare. He is not sure who proposed this, as it appears they did not read the Ordinance. He thinks the only choice of the School Board is to change the Ordinance and ask to be exempt from all of this. It is politically resolvable in a politically legislative forum, and this is a quasi judicial board and we cannot change the standards. They do not set the rules, they enforce them. He could not bring himself to grant such a waiver. The Board may meet with the lighting consultant in March and he strongly encouraged the applicant to not continue with this lighting plan in front of the Board but rather go to the Council about lighting. He also raises the issue of funding, as they will not have lighting approvals.

Ms. Richardson stated that his understanding was that there are two separate bond questions. One includes the wiring under the fields and the second question is specifically the poles and the lights. Mr. Goodall stated that they could do this at two applications then. Ms. Richardson stated that is correct. Mr. Carroll noted that they could go out to bid that way too. Mr. Goodall stated they could seek approval and then come back with lighting as an amendment.

Ms. Richardson asked for feedback on the remainder, with the lighting removed. Mr. Goodall thinks that it is well designed for an urban package with the exception of lights and noise. He thinks these issues are resolvable, but at the Planning Board and Council level. He should have them deal with noise and lighting.

A member of the public stated that we can remove the lighting, but they cannot separate the noise from the project. Ms. Campanelli noted that they can set some guidelines that they can set up to help with the noise.

Ms. Larson asked about circulation and parking and she thinks that is something that the Board would have to request. Mr. Goodall asked if they want to refer this and event management to Traffic and Parking for review. Ms. Campanelli stated that they need to have a comprehensive look at this. Ms. Larson noted that part of the issue would be signs and there would be a public education component of this. There is a refinement of the plan proposed and a simplification. It is more of a marketing tool, but the plan needs to be refined and then the circulation plan can be brought to them as this Board does not have the authority to deal with these issues off site. Mr. Carroll noted that the plan submitted was there to begin the conversation and can be revised based upon feedback and they will have a traffic study to go along with it. Ms. Campanelli noted they need to look at accessibility as well. Mr. Carroll

noted that they have some on site, the paths are accessible and they will add some on the Morse Street School side.

Ms. Wilkerson asked where pedestrian safety gets addressed. Mr. Goodall noted at the Traffic and Parking Committee.

Mr. Cram / Ms. Campanelli moved to order that the Project Review Board refer to the Traffic and Parking Committee, traffic and pedestrian access of the new track and field facility for their review and comments to the school. Vote: 4 Ayes / 0 Nays

Mr. Goodall mentioned waiving fees. Ms. Larson noted this is not something we can do.

Aimee Petrin, abutter, questioned the process, if the subject goes to the Planning Board and the Town Council. Mr. Goodall noted that would only be done if an amendment is proposed by the RSU for review. He clarified it would then go to the Planning Board for a Public Hearing and recommendation to the Council, and then the Council would have a hearing and vote.

A neighbor asked about property line discrepancies and the process. Mr. Goodall noted that the land was surveyed for the RSU. Mr. Carroll noted that the line could be flagged in the field. Ms. Larson asked for the address. The abutter noted 36 Justin's Way is where her property is located.

Ms. Richardson asked about process and how the Traffic and Parking review tied in. Mr. Goodall noted that it would be independent, but they might want to do it at the same time. Ms. Larson noted that it might be a condition of this Board's approval.

Ms. Larson noted that the Planning Board meets on the first Wednesday of every month, so she would have to have a formal request pretty soon to pull out the lighting portion and then make a formal amendment request. They would need an updated proposal and work with the Town Engineer, as he is staff for the Traffic and Parking Committee.

Ms. Petrin asked about if the Planning Board would see this Board's comments as there were some good comments made. Ms. Larson noted that she staffs the Board. Mr. Goodall noted that this Board does not attend those meetings so that there is no bias.

Mr. Whitmore rejoined the Board.

Ms. Larson informed the Board that she had done a Staff Approval for the relocation of a gate for the tower access road off of US Route One north.

ITEM IV: Persons wishing to address the Board on non-agenda items.  
None.

ITEM V: Adjourn.  
Meeting adjourned at 9:52pm.

Recorded by Caroline Crean Pelletier