

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, MARCH 20, 2019

Prior to the meeting, the Board held a site walk of the proposed Falcon Way Subdivision.

PRESENT: Gordon Hamlin, Ford Reiche (Vice Chair), Suzanne Watson, Drew Wing and Caroline Pelletier

EXCUSED: Geralyn Campanelli (Chair), Guy Blanchard and Adam Troidl

CALL TO ORDER: Acting Chair Reiche called the meeting to order at 6:02 p.m. He noted that Chair Campanelli and two other Board members are excused this evening but there is a quorum in attendance.

ITEM I: Informational Exchange

a) Update on Staff Approvals

Ms. Pelletier pointed out that a couple of items have come in pertaining to tonight's applications

The Board also has a couple of other things that were mentioned at the last meeting. The Conservation Commission Ordinance (Chapter 35) Section VII talks about the Land Bank Fund. There is also a map from the Conservation Trust Website showing the village. She will provide updated copies of the Zoning Ordinance amendments. For tonight, the Board has the updated Commercial I District section.

Staff approval was done for signage at Under Armour. They are going in where Cole-Haan formerly was located. We also have a sign replacement for Remedies of Maine which is going in where Wicked Whoopies used to be at 32 Main Street. Replacement signs were approved for the Blue Lobster which is going in at 100 Main Street where Crabtree and Evelyn used to be.

The Town is offering its annual training for Board and Committee members. Chairs or any members can go. It will take place on April 9 from 6-7:15 p.m. with the Town Manager, Town Attorney and the Town Clerk. If any member would like to go, let Ms. Pelletier know and she can get Johanna Hanselman to put them on the list.

ITEM II: Approval of the minutes from the Wednesday, January 16, 2019 Project Review Board meeting.

MOVED AND SECONDED: To approve the January 16, 2019 Minutes as written. (Wing & Hamlin) **VOTE:** (4 Ayes)
(3 Excused-Campanelli, Blanchard & Troidl)

Acting Chair Reiche noted that the Minutes from February 20, 2019 will be available at the next meeting.

ITEM III: Reviews

Falcon Way Subdivision – Village Open Space Subdivision

The applicant is presenting conceptual plans for a residential Village Open Space Subdivision on Falcon Way. Four lots, a road extension of Falcon Way and 46,317 s.f. of open space are proposed. Zoning District: Village I (V-I) & Freeport Village Overlay District. Tax Assessor Map 20, Lot 13E. John Libby, John Libby Construction, Inc., applicant and owner; Adrienne Fine, PE, Terradyn Consultants, representative.

Acting Chair Reiche advised that the Board did a site walk tonight and after a presentation, the possible action by the Board tonight is acceptance of concept review.

Adrienne Fine mentioned that she feels many of the Board's questions were addressed at the site walk. This is a four-lot subdivision at the end of Falcon Way. They will be 20,000 sq. ft. lots because they will be served by septic systems. The remaining space will be open space which is in the steeper area down towards the brook and gully. Since the last time

she was here, Falcon Way was modified slightly. Before they were looking at the Village Overlay Standards but after discussions with Ms. Pelletier, they found that Section III from those standards were not applicable so they were able to go back to the standard Subdivision Road dimensions. It is an 18-foot gravel road with 2-foot gravel shoulders on both sides. One of the waivers they are asking for is that the road can be a gravel road because the existing beginning portion of Falcon Way is gravel and it gains access from Frost Brook which is also gravel. They are looking into paving the apron on Frost Brook as recommended but other than that, they are proposing the surface to be gravel. They will have public water within the roadway and will provide stormwater treatment as discussed on site with some ditching along the sides of the road. She looked at the letter from the abutter and feels that most of the concerns about stormwater and ditching will be addressed with the construction of this road and the improvements at the beginning of the road. Discussed before was the connectivity off the end of the roadway and that has changed a bit and it is not required in the Subdivision Ordinance in the same way as in the Village standards. She is asking to request a waiver from that future connectivity off the end of the road. The Board saw the flag at the end of the road and they are going to do stormwater off the end of that which is a natural low area. Beyond that it is not this property and is fairly steep so they would like to ask for a waiver and not have to provide an easement or right-of-way off the end of that. She requested conceptual approval tonight and offered to answer questions.

Acting Chair Reiche mentioned that at the last meeting Ms. Fine presented the proposal and the Board wanted to defer accepting the concept review until it had the benefit of the site walk. There were no questions provided by the public. Acting Chair Reiche pointed out that the Board has three motions which it could possibly entertain and separate motions with respect to the two waivers. The first one is having a gravel surface on the road and it is an extension of an already gravel road.

Mr. Hamlin wondered if in the motion the Board should mention extending Frost Brook Road and have them pave a portion of that coming off Route One and incorporate it in there. Ms. Fine advised that based on the recommendation from Public Works, they agreed to pave the beginning of Frost Brook Road within the Town right-of-way and 10-feet past the right-of-way.

MOVED AND SECONDED: Accept the proposed waiver as stated in the Staff Report regarding the gravel road and in addition, the developer extends on Frost Brook Road the pavement off of Route One consistent with a letter from the Town dated March 13, 2019. (Hamlin & Wing) **VOTE:** (4 Ayes) (3 Excused-Campanelli, Blanchard & Troidl).

Be it ordered that the Freeport Project Review Board approve a waiver of Article 11.5.C.2.j.2.c of the Freeport Subdivision Ordinance to allow the subdivision road to have a gravel surface, as in due to the nature and size of the proposed development, the fact that the road is existing and accessed via another private gravel road, the plans include road improvements and an extension, the road will be maintained as a private road with a private maintenance agreement, the Board finds that the proposed road should provide safe and adequate access to the development.

MOVED AND SECONDED: To waive Article 11.5.C.2.i.8 as written in the Staff Report. (Wing & Watson) **VOTE:** (4 Ayes) (3 Excused--Campanelli, Blanchard & Troidl).

Be it ordered that the Freeport Project Review Board approve a waiver of Article 11.5.C.2.i.8 pertaining to connectivity off the end of the road as the Board finds that due to the proximity of the parcel to the railroad and Frost Gully Brook, and the area that contains steep slopes, wetlands, and a flood plain, the Board finds that future subdivision of the abutting land is unlikely and a future road connection or continuation of pedestrian traffic or utilities to the abutting street is unlikely.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board finds that the review of the Site Inventory Map and Conceptual Plan for the Falcon Way Subdivision (Tax Assessor Map 20, Lot 13E), is complete, as based upon plans dated 12/17/18 and revised through 2/28/19. The Board finds

that the appropriate areas have been determined for development and for open space as the open space will be provided with the land area on the parcel that is shown as a secondary conservation area on the "village Open Space Map dated 08/03/05 included as Addendum 2" to the Zoning Ordinance and the remainder will be provided with a fee in lieu of open space. (Reiche & Hamlin) **VOTE:** (4 Ayes) (3 Excused--Campanelli, Blanchard & Troidl).

Bristol Subdivision Amendment - PUBLIC HEARING

The applicant is presenting plans for a one-lot amendment to the previously approved Bristol Subdivision on the end of Bristol Road. No open space is required. An extension of Bristol Road is proposed. Zoning District: Medium Density Residential II (MDR-II). Tax Assessor Map 23, Lot 87-4. Aaron and Christina Francis, applicant and owners; John Schwanda PLS, Owen Haskell, Inc., representative.

Ms. Pelletier explained that she provided a corrected staff report for Board members. There were a couple of typos in the Findings for Bristol Road and she updated a reference to a letter for one of the later items.

Acting Chair Reiche explained that the applicant is requesting an amendment to a subdivision which has been approved and amended three or four times over the past 20 years and the Board is being asked to waive a full subdivision application as well as approve a division of one lot. Mr. Pelletier felt Acting Chair Reiche summed this up pretty well. This one has been before the Board and built out previously. They had submitted previous plans with topography and wetlands and their surveyor, John Schwanda provided more information. The road is existing and if you look at the end of the road, they are showing an extension of the right-of-way which they need to do to legally provide adequate frontage for both lots. They are not proposing to extend the surface of the road because the right-of-way area will only provide access to the new lot. They are proposing to put the driveway in that area. While it is pretty straight forward, she explained that when you have an old subdivision and you come back and amend it, if you are only adding one lot, you don't have to provide the open space. Although this has been to the Board a few times, when she went through the file, she did not see any record of a previous determination from the Maine Historic Preservation Commission, the Department of Inland Fisheries and Wildlife, or the Maine Natural Areas Program. John Schwanda could not find that in his files. Ms. Pelletier suggested that they get those letters. Also, the waiver requested is Article 5.6 would allow John Schwanda who is a professional surveyor by the State of Maine to prepare the plan. They are typically done by a landscape architect or engineer. Sometimes in other really small cases such as a simple split, a land surveyor has done it.

Acting Chair Reiche explained that because this is an amendment to an existing subdivision, this is a public hearing so perhaps there are members of the public here tonight. The way the Board will proceed is that it will hear the presenter, the Board will ask some questions and then will vote to open a public hearing and take comments from anyone in the public who wants to speak.

John Schwanda, professional land surveyor with Owen Haskell, noted that Ms. Pelletier summed up this application pretty well. It is a single lot that the Francis Family owns. It is much larger than any other lot in that subdivision and he is not sure why they didn't divide it in the first place, but they didn't. There is plenty of area and they got a good soils test. It is a very simple lot split. He offered to answer questions. He explained how he got frontage for the new lot. The only place for a driveway is off the end. The Homeowner's Association Agreement will take care of the road maintenance agreement.

MOVED AND SECONDED: To open the public hearing. (Wing & Hamlin) **VOTE:** (4 Ayes) (3 Excused--Campanelli, Blanchard & Troidl).

There were no public comments provided.

MOVED AND SECONDED: To close the public hearing. (Wing & Watson) **VOTE:** (4 Ayes) (3 Excused--Campanelli, Blanchard & Troidl).

Proposed Findings of Fact:

11.1 Pollution

The entire parcel is in Flood Zone C – Area of Minimal Flooding based upon the most current FEMA Flood Insurance Rate Maps. The lot will have a private septic system. A passing test pit is shown on the new lot six and the soils work was completed by Mark Cenci Geologic. A copy of his Preliminary Wastewater Disposal Investigation, dated 03/07/19 has been included in the submission. A brook has been identified on the plan and Department of Environmental Setbacks will be maintained. This lot previously reflected 150 setback from the brook which has been maintained on the new lot 6. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

The lot will be served by a private well. All of the other lots in the development are existing and have private wells. A note stating “within one year of the date of purchase, each lot owner shall be guaranteed by the subdivider access to a supply of portable water of at least 350 gallons/day, or the purchase price will be refunded” is on the final plan. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

The lot will be served by a private well and will not be connected to the public water system and therefore have no burden on the public utility. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion.

Based upon the size and nature of the development, information on stormwater management was not submitted. The applicant should follow the Department of Environmental Protection’s Best Management Practices for Erosion Control during construction. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

The private road was previously approved and constructed. The road is maintained per the provisions included in the existing association documents which appear to include any numbered lots in the development. No changes to this document are proposed. Although the applicant will extend the right of way for frontage, only the driveway for lot six will be contained within this area and will be maintained individually by the owner(s) of the lot. Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

The lot will have a private septic system. A passing test pit is shown on the new lot six and the soils work was completed by Mark Cenci Geologic. A copy of his Preliminary Wastewater Disposal Investigation, dated 03/07/19 has been included in the submission. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

In accordance with the Freeport Solid Waste Disposal Ordinance, each lot owner will need to either contract with a private waste hauler or bring household waste to the landfill. Based upon this information, the Board finds that this standard has been met.

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline

There was no record of a previous determination from the Maine Historic Preservation Commission about historic resources on the site. The applicant has contacted them for review and approval and this is a condition of approval. Obtaining letters from the Department of Inland Fisheries and Wildlife and the Maine Department of Agriculture, Conservation and Forestry regarding the potential of any resources on the site have also been requested and added as conditions of approval. The subdivision is existing and therefore the new lot will not adversely affect the scenic or natural beauty of the area. Based upon this information, the Board finds that this

standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

The parcel is located in the Medium Density Residential II (MDR-II) Zoning District. This is an application to amend a lot in a subdivision approved prior to April 9, 2002, and therefore per Section 504.A.2.2 of the Freeport Zoning Ordinance, since the amendment will not create two or more additional lots, open space is not required and the space and bulk standards of the Medium Density Residential II (MDR-II) Zoning District (Section 405 of the Freeport Zoning Ordinance) would apply. The plan complies with the space standards and open space requirements of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

The recording plat and submission was prepared by John Schwanda a State of Maine Professional Land Surveyor with Owen Haskell Inc. Based upon the size and nature of the development, and the fact that no new no shared/public improvements proposed, information on financial capacity was not required. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

This parcel is not located within the watershed of a great pond or lake, nor is it within the Shoreland Zone. The locations of wetlands have been shown on the plan. A brook has been identified on the plan. This brook serves as one of the property lines for lot six. The building envelope for lot six has a 150-foot setback from the brook. Based upon this information, the Board finds that this standard has been met.

11.12 Impact on Ground Water Quality or Quantity

The existing and new lots will have private wells and septic systems. The proposal will not adversely impact the quality or quantity of groundwater. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

All of the land is in “Zone C” — areas of minimal flooding – on the FEMA Flood Insurance Rate Maps (FIRM). Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

The locations of wetlands have been shown on the plan. Wetlands were delineated with the previous applications. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A brook has been identified on the plan and Department of Environmental Protection setbacks will be maintained. This lot previously reflected a 150-foot setback from the brook which has been maintained on the new lot 6. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

Based upon the size and nature of the development, information on stormwater management was not submitted. The applicant should follow the Department of Environmental Protection’s Best Management Practices for Erosion Control during construction. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

No spaghetti lots are proposed with this development. Based upon this information, the Board finds that this standard has been met.

11.18 Phosphorus Impacts on Great Ponds

The development is not within the watershed of a great pond. Based upon this information, the Board finds that this standard has been met.

11.19 Impacts on Adjoining Municipalities

The development is entirely within the boundaries of the Town of Freeport and does not cross any municipal boundaries. 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 Subdivision Ordinance.

MOVED AND SECONDED: To approve the waiver for Article 5.6 to allow the plan to be prepared by a professional land surveyor, John Schwanda of Owen Haskell, Inc. (Wing & Watson) (4 Ayes) (3 Excused--Campanelli, Blanchard & Troidl).

Be it ordered that the Freeport Project Review Board approve a waiver of Article 5.6 of the Freeport Subdivision Ordinance to allow the conceptual sketch plan to be prepared by a professional land surveyor, in that the plan was prepared by John Schwanda a State of Maine Professional Land Surveyor with Owen Haskell Inc., the fact that the previous versions of the plan were also prepared by a PLS, and due to the size and nature of the project, the Board feels that it has the information required to be able to adequately review the application for its compliance with the standards of the Freeport Subdivision Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision amendment for Aaron and Christine Francis, for a one lot amendment in the previously approved Bristol Subdivision (Tax Assessor Map 23, Lot 87-4), subdivision recording plan dated 03/13/19, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision 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) The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
- 3) Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- 4) The applicant obtain copies of written sign-offs from the Maine Historic Preservation Commission, the Department of Inland Fisheries and Wildlife and the Maine Department of Agriculture, Conservation and Forestry, with copies to be submitted to the Freeport Planning Department prior to the sale of the new lot six. (Watson & Gordon) **VOTE:** (4 Ayes) (3 Excused--Campanelli, Blanchard & Troidl).

Casco Bay Ford – Site Plan

The applicant is presenting final site plans for Casco Bay Ford for a new 7,200 s.f. building and associated site improvements on Lot 2 of the recently approved CF Cousins River Subdivision on Route One. Zoning District: Commercial I (C-I). Tax Assessor Map 25, portion of Lot 2. CF Cousins River, LLC, applicant and owner; Jason Vafiades, Atlantic Resource Consultants, LLC., representative.

Acting Chair Reiche explained that the Board had a site walk back in December.

Jason Vafiades, Representative of Atlantic Resource Consultants LLC. noted he is representing CF Cousins River, LLC. He displayed a plan and noted that before the Board is a Casco Bay Ford Site Plan Application which is on Lot 2 of the

previously approved CF Cousins River Subdivision. This lot is off the road. In walking the site, the primary conversation was what you could see from Route One based on the building and the elevations. He and Ms. Pelletier have gone back and forth recently on the scenic view. He submitted pictures and noted there is some really thick vegetation that exists. They will buffer with extra plantings but will fit them in where necessary. He pointed out where they moved the building in 20 feet past the wetlands and tucked it behind the natural screen vegetation. There is one garage bay which is allowed by code that will be visible from Route One. They feel they put that building in there as best they can with frontage facing the proper direction. Also discussed was increasing the landscape plantings on the northeastern corner of the parking lot and berm to provide extra screening from Route One. If approved, they will build the roadway out 50 feet past the second entrance to Hopewell. After these are constructed, they plan to go to DEP for master plan approval for site location as discussed.

Mr. Vafiades displayed the most south facing façade of the building showing the overhang, floor to ceiling windows and the one garage door. Acting Chair Reiche noted he is trying to get oriented on how it was changed. Mr. Vafiades advised that they did not rotate the building, they kept the rotation but pushed it back towards the back of the property.

Acting Chair Reiche mentioned that in driving by the site he can't convince himself that it is not highly visible from Route One. The doors will be white and the building will be dark so it tends to be really visible. He can't tell from the landscaping plan and the vegetation that is there if it is going to be visible or not.

Mike Cianchette explained that if you really wanted to see the building, you could if you were in the right spot and looked back there but in most spots, you won't have much of that sight line. He noted that this subdivision has been discussed quite a bit and this is not one of the prime retail Route One frontage sites. It is not intended to be a retail store like the existing site in Yarmouth. This is driven along the commercial usage side, the trades, the delivery vans, folks who have a work need for a vehicle, plow, bed or some other implement for their job that will be utilizing this versus more passenger consumer driven in Yarmouth.

Acting chair Reiche understands that the applicant wants to get approval and get on with their project but for him, it would be helpful to have an independent landscape architect meet with them and get a sense of what is visible and what is not. They are in a zone where there is a lot of discussion in our Ordinance about not being visible. The Board can come back to it, but it would be helpful to hear from someone who is expert.

Mr. Hamlin asked if the overhead doors are going to be white. Mr. Cianchette advised that they have not yet purchased anything. They do not have any approvals. They are not in love with white doors. In Yarmouth most of the doors in the rear of the building are glass for solar gain in the winter and also present a cleaner appearance. That could be a workable application here but the question becomes how much glass do you want and how much do you want a back-lit door? Mr. Hamlin noted he went on line to see what Harbor Blue would look like which is the color of the siding and personally thought it was appropriate but to have a contrast with white doors it seemed like there would be visibility from Route One. The roof color is not identified. Mr. Cianchette explained that they don't want too many colors standing out but feels a gray application would not be inappropriate. It is hard to orient a relatively large site with a lot of things going on where it is, they have strong confidence that the visibility from Route One will be minimal particularly with all the plantings.

Ms. Watson asked if it is really necessary to have all five doors? Mr. Cianchette explained that operationally the answer is yes because commercial vehicles or people who may have dump trucks, etc. this gives them the ability to actually drive that vehicle in and not have to back a 60 plus foot vehicle out of the garage which presents not only safety issues but operational complications. The doors are aligned to provide drive-through access within the building.

Acting Chair Reiche asked if the uses permitted with Site Plan Review, are truck facility and auto sales (up to 30 vehicles outside storage) will the applicants be okay with that? Mr. Cianchette explained that before purchasing the land, they discussed this same question. Truck facilities and sales of commercial vehicles does not have the storage unit in terms inventory versus auto sales which talks more about passenger consumer driven vehicles. From the very beginning the

idea that this was a truck facility and didn't have that 30-unit kind of cap. Obviously, the truck facility is only permitted once you are 300 feet off of Route One.

Mr. Cianchette mentioned that Mr. Vafiades noted that they would be happy to have a different color selection on the doors to try to reduce the amount of contrast that appears in these drawings. They haven't specified them yet because it would be premature to do so. If the whiteness versus the dark siding of the building is a concern for the Board, they certainly would be amenable to finding a darker colored door.

Mr. Hamlin asked them to comment on the exterior lighting. Mr. Cianchette explained that it is not meant to be showcase lighting. They are proposing safety lighting. The poles will have standard LED full cut-off so the light does not go out and around. It is directed straight down to the parking lot for safety. The building mounted lights are LED full cut-off wall packs. Mr. Hamlin asked why the lights on the poles are going to be at 20 feet and on the building, they are going to be at 15? Mr. Cianchette explained that their preference is to have fewer poles on the site to provide security and things of that nature. This meets the Lighting Ordinance as presented.

Acting Chair Reiche clarified that there will not be a flag pole on the property. He cannot become comfortable that this is going to be as blocked from the view from Route One as it needs to be. He suggested tabling this to next month to get a landscape architect to work with the applicant. Mr. Vafiades asked what Acting Chair Reiche is looking for.

Acting Chair Reiche explained that the building is supposed to blend in with the other buildings that will be around it and the environment and particularly not be visible from Route One. He is not concerned about glimpses. He does not feel the Board has the expertise to read the applicants' landscape plan and understand whether there is a 10-year wait involved. Mr. Vafiades mentioned that if they took photographs from different spots on Route One and asked if the Board is looking for perspectives? Acting Chair Reiche noted that it would be very helpful to the Board, just some way for the Board to react other than on faith but faith is fine as well. The Board has nothing to go on.

Mr. Vafiades pointed out that if this was Scarborough, they would do a composite and show the building elevations and the landscaping in front of the building but it doesn't really give the whole perspective. He is trying to prep Mr. Cianchette on how this gets done. It can be an expensive process.

Ms. Pelletier provided comments. She wanted agreement that the four Board members feel the building is visible from Route One because it sets a different bar. Photo simulations which Mr. Vafiades is trying to describe are really helpful if they are done right and they are not helpful if they are not done right. It is hard to get it proportioned. If that is what the Board feels they need, that's what they need to do or is the Board feeling more like you want us to get an independent review of the landscape by a peer review on behalf of the Town to comment whether or not they feel those plants will adequately screen at some point in time? These are just two different options for the Board to consider.

Mr. Hamlin asked what would be the cost differences and the timeframe because he understands the applicants want to get moving. He feels this is an important issue and also relating to the landscaping, in the winter time when there are vehicles up there and you operate from 7 a.m. to 7 p.m., six days a week, he would be concerned about the impact of headlights and movement on the site as well. Mr. Vafiades went back to the aerial and explained that there is a big ridge up there and from the pictures taken in the winter, one cannot see through there. He encouraged the Board to go and park in the parking lot and look through. He is confident the Board will not be able to see any of the flagging in there. He is confident headlights will not be a big concern. He mentioned that this is the best site for this use. They are tucking it in and getting a lot of screening.

Acting Chair Reiche responded to Ms. Pelletier's question. He does not have a strong preference. He would like whatever is most cost efficient and otherwise for these folks to help the Board get to a level of understanding that he needs at least. Mr. Vafiades explained that it is usually about \$1,200 to have a perspective done and they usually take the architect's drawings and hand draw the landscaping and put the elevations on. They would do it from a perspective from Route One. Acting Chair Reiche advised that he has had the occasion to use a landscape architect a lot in the past

year and in his mind, it would not be super expensive to bring in a peer review landscape architect. He suggested they look at the Ordinance and give the Board a letter that says “we know what the Ordinance is looking for and you have it in this plan.” Mr. Vafiades noted he has no problem with that. Acting Chair Reiche appreciated his cooperation.

Mr. Cianchette asked the Board if they have any other concerns beyond the colors of the doors and the roof. Mr. Hamlin noted he would like to see that. Others agreed and Acting Chair Reiche mentioned the contrast to the doors to the building are in the same package with the buffering. Mr. Wing feels the Board will talk about the details in the building and the applicants will probably have samples at future meetings to look at and discuss. He mentioned one criteria here in the Ordinance that states “metal siding installed in one direction is not permitted on the façade more than 12 feet tall more than 50 feet long. He would like to look at the interpretation of that and if it would be an issue with what is being proposed or not. It is something the applicants should be aware of if they are trying to get everything lined up for the next meeting. Acting Chair Reiche noted this appears on page 192 and some of these standards are triggered only if you are visible from Route One.

Ms. Pelletier noted that stormwater permitting triggered at this point was a DEP Chapter 500 Storm Water Permit. We have delegated capacity from the DEP so the Town Engineer does that review on behalf of the DEP to the same standards. He did sign off on the project saying that they are addressing the standards. However, he wanted time to really go through and look at all the fine notes they had on the plan to make sure they cover all the regulations so they can work with Adam Bliss. We can keep him going to tidy that up. That was a proposed condition. We did request that they obtain a letter from the Sewer District updated. She heard back from the Sewer District today. The person who can do that has been out on vacation but will be doing that within the next week just to give the correct reference.

One thing they did not include with this application was signage. They did show some possible signage but did not include any signage. They are aware that they would need to bring it back at a later date. If the applicants have since figured it out, they could include next time. We did have a peer review done and there were concerns raised during the subdivision process and the Site Plan Review process about materials they may have on the site. They provided information saying they would store those materials inside. We did send the complete package to Drumlin Environmental who did a peer review on behalf of the Town to look at any environmental concerns. One specific concern is the neighbors on Shady Ledge Lane that have wells and septic. This property that the applicants are proposing to develop is public utilities but those properties aren't. There is a letter from Matt Reynolds who did the peer review explaining different features on the site, drainage, proximity to wells, how they are going to store, etc. In the end, he does not feel this would pose a threat to Shady Ledge Lane wells and septic.

Acting Chair Reiche noted that the Board also has to address in a motion whether the applicant will use natural landscaping or buffering on the side line. She explained there is a standard in the commercial district for landscaping and buffering. The question is does the Board feel that the use of plantings is providing adequate buffering in the front and side setbacks of the developed area compared to what is there as opposed to using a stockade fence. Mr. Wing asked if the Board could ask the peer reviewer to weigh an opinion on that as well. Acting Chair Reiche agreed.

Mr. Hamlin asked if it made sense to do another site walk in this time frame to see where the building has been relocated and the orientation? Mr. Vafiades explained that as long as this is tabled, another site walk would be fine with them. Mr. Wing asked if the Board is going to do another site walk, would it be acceptable to ask them to stake the corners of the building and put up balloons in contrast, not in addition to a peer review but rather than a peer review or is Acting Chair Reiche more comfortable with a peer review? Acting Chair Reiche advised that he is more comfortable with a peer review because the Board also has to interpret the landscape plan and he can't tell what a 6-foot tree of a certain variety is going to do. Mr. Wing does not feel he needs to do another site walk and with the peer review he does not feel an additional site walk is necessary from his perspective. Mr. Hamlin and Ms. Watson advised that they would like to do another site walk. Ms. Watson noted there are some Board members missing tonight. Acting Chair Reiche advised that he would like to do a site walk right before the next meeting. Mr. Cianchette agreed that would be fine but it does not give them much time to react and come up with a viable solution to the extent that any issues are identified.

Ms. Watson mentioned that the next meeting will be held earlier in the month. Ms. Pelletier noted it will be hard to schedule a site walk and get the abutter notification done and get feedback and come back. Ultimately, she does not know that it would get you much further at the end of the day. She feels the Board could do it prior to the meeting with you guys addressing the outstanding items for the additional information the Board needed. Hopefully it will all work out and worse case, it could be tabled but best case if something came up, you could always look at a condition as well. This gives different options. Acting Chair Reiche asked how it would work with a condition. Ms. Pelletier explained that say the Board went to the site and said they need darker doors so they blend in, when the Board came back, it could tack it on as a condition. There is nothing to say the Board can't add conditions. The Board has been very clear on what else it needs from them. Acting Chair Reiche noted that the Board could also delegate it to Ms. Pelletier for approval after the fact. She said yes, if the Board wanted to say have staff review your door color like in other cases.

MOVED To table this with the request that the applicants bring the Board information to understand the buffering issue and a peer reviewer landscape architect would be the most efficient way to do it. (Reiche) (no second)

To be clear Mr. Vafiades mentioned that the Board does not want them to hire anyone. It will be coordinated through Ms. Pelletier and the Board will pick someone. Acting Chair Reiche advised that this is what the Board does but it is someone who will work with the applicants and review the plan and then get a letter to Ms. Pelletier. Acting Chair Reiche noted the Board will coordinate it and the applicants will make it work.

Mr. Hamlin mentioned that when the Board does the site walk, it would be helpful to have the corners of the building flagged and put helium balloons. Mr. Vafiades agreed and mentioned that the stakes are still there from the old location but he will re-stake the new position.

Erin Clough, an abutter on Shady Ledge Lane asked when the next scheduled meeting will take place. Ms. Pelletier advised it will be held on April 10. Ms. Clough is glad that the Board is asking for a peer review because she is really concerned about the visibility from Route One. She still doesn't think the building is not in keeping with the character of the Master Plan for Route One development. She is happy the Board is pushing on the number of doors and feels they could do with less doors on that building. She questioned the Town Planner's interpretation of the Ordinance because it is trucks not cars that they can store more than 30. She feels that is a sketchy skirting of the Ordinance and it slid by. She asked if the lights would run all night long? Mr. Vafiades advised that there will be security lights on the building.

Keith McBride, Executive Director of FEDC pointed out that the interpretation of overhead doors has changed. When you read it, the idea of visibility is one that references only the orientation of the building. It is not the standard. The standard isn't that overhead doors must not be visible. There was a building that was permitted behind the Cooper dealership and see that there are doors that are visible from Route One. The standard is adequate screening or orientation of the building. The question that needs to be looked at here is not whether or not from a certain site line from a certain vantage point in a timely season when the trees are bare, you can see overhead doors. The question is whether or not 300 feet back from the road across a grove of trees with a building in the way is adequately or not screened. If the answer to that question is no, the Board could say to the developer "what else could you do to provide additional screening, could you put fencing along the edge of your property line, could you do some more planting when you look at your landscaping?" The idea of maintaining absolute zero visibility is more stringent than what the Ordinance language intends. In the past it was looked at that way but we seem to be looking at it differently now. The consistency is important especially when it comes to someone in his position who has to talk to developers and walk them through what the requirements are on Route One South. It is becoming a very busy service area. The projects going on there were primarily not anticipated when the Route One Master Plan was done many years ago. It has turned into a service area and those businesses need very much so overhead doors. The Planning Board is taking a look at whether or not it should be in the Ordinance and is considering banning it altogether. He feels the Board does have the information it needs to make a decision on whether or not the design presented tonight meets that standard, whether or not there is adequate screening and whether or not the orientation of the building is well enough. If there has been a shift in the way we are interpreting it, that is a message that he is going to have to pass along to developers and he will

work with staff to see if that is how we are going to be doing it going forward. He encouraged the Board to take a look at it in those terms as well because that is how it has been done in the past.

Andrew Arsenault lives on Route One South and walks by quite a bit. He is not opposed to what they are proposing since they bought it and paid for it. He understands there are rules and regulations but one of the things he would like to see as he drives down Route One is not to see so much landscaping that he can't see into the property. The Hardware Store is right next to him and they provided so much screening that one can't see their store when you are driving up Route One but he can look right at it from his property. He feels their screening is on the wrong side. It should be buffering him and not buffering the public from the building. These people have a right to be seen. It seems silly to hide them in the woods. He provided some history on Route One South. He urged the Board to find some happy medium and not hide these people in the woods.

MOVED AND SECONDED: To table this for one month with the assignment of a peer review landscape architect to work with the applicant and to come up with a recommendation for the Board on the proposal and work with the applicant to make it work. (Reiche & Watson) **VOTE** (4 Ayes) (3 Excused- Campanelli, Blanchard and Troidl)

HopeWell Health Center – Site Plan

The applicant is presenting final site plans for HopeWell Health Center for a new 8,540 s.f. building and associated site improvements on Lot 4 of the recently approved CF Cousins River Subdivision on Route One. Zoning District: Commercial I (C-I). Tax Assessor Map 25, portion of Lot 2. CF Cousins River, LLC, applicant and owner; Jason Vafiades, Atlantic Resource Consultants, LLC., representative.

Jason Vafiades pointed out that the Board did the site visit for HopeWell on the same day as Casco Bay Ford. There was not a lot of concern on this site. The stormwater will go into the catch basins, go into chambers and gets filtered through a sand layer and then goes out in an under drain to the wetlands. There will not be a pond associated with this site. Mr. Cianchette explained that the major concern for the Board was that the back of the building was facing Route One and the architect revised it and added more windows to that façade to make it look more villagey. Recognizing some of the comments regarding how the Ordinance dictates parking, they tweaked the perspective tenant's space plan since they came in with a concept plan. The right elevation in this rendering is the side facing Route One looking to the north. If you are coming down southbound on Route One that is the side of the building you will see. In the prior application the roof line was a little different. It was relatively plain. It was more of a dog house and the architect got a little aggressive with the roof pitch. It won't be that tall and there is a dog house proposed on the side of the building. The reasons for that is that the use on that side of the building was for the isolation float tanks which are intended to be isolating so having operable windows defeats the purpose. Facing north on Route One in a winter in Maine on that side of the building can get really cold quickly particularly if you are stripping down and getting into a tank. We want to have a building that runs efficiently for economical and environmental reasons but also meets the needs of the tenant. With all that said, we were able to rework some things. We have design features that breaks it up. Some of the landscaping and site work will dress it up as well. It should be a handsome building that Freeport will be proud of. We tried to take some cues from the Mercy Building in Yarmouth.

Erin Clough asked if the lighting fixtures will be similar to the ones proposed at Casco Bay Ford. Mr. Cianchette advised that they were.

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

a. Preservation of Landscape

The site is currently undeveloped and mostly cleared. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) in regards to signage, building design, vehicular access, pedestrian access and the front landscaped setback. Based upon this information, the Board finds that this standard has been met.

b. Relation of Proposed Buildings to the Environment

The parcel is not within the Freeport Design Review Districts. The scale of the building has been minimized on the visible facades through the use of architectural features, doors and windows and landscape to soften the appearance. Additional windows have been added along the Route One façade and the roof line has been altered to address previous feedback given by the Board. There will be a fire hydrant within the overall development and which will serve this building. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) in regards to signage, building design, vehicular access, pedestrian access and the front landscaped setback. Based upon this information, the Board finds that this standard has been met.

c. Vehicular Access

Access to the site will be from a new entrance off a previously approved private road (that has not yet been constructed) and will be named Headwater Drive. Since the site entrance will be off of a private road, an entrance permit for this driveway will not be required, (Note: Any conditions regarding the subdivision road entrance a would still be valid). The width of the driveway entrances will be 25 feet meeting the minimum width requirements of Section 512.D.10 of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

d. Parking and Circulation:

The applicant is proposing 37 parking spaces; two being ADA and which will be striped and signed accordingly. Per Section 514.B.8 of the Freeport Zoning Ordinance, in the Commercial I District the “parking requirement shall be based upon a parking analysis submitted by the applicant”. This information is shown on Sheet C-101 of the submitted plan set. Based upon this information, the Board finds that this standard has been met.

e. Surface Water Drainage:

The property is not within a watershed of an Urban Impaired Stream. A Chapter 500 stormwater permit from the Maine DEP is required since the proposed site improvements will create more than 1 acre (43,560 square feet) of impervious area. The submission was reviewed by the Town Engineer for its compliance with the Town’s municipal Zoning Ordinance, Chapter 529, and MEDEP Chapter 500 standards. His review comments are included in a memo dated 03/14/19. His review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and is generally in compliance with those rules and the Town’s Zoning Ordinance. There are construction-specific notes and details that will require further review but these can be addressed between the Town Engineer and consultant. Any necessary revisions can be addressed between the permitting and construction phases. This has been added as a proposed condition of approval. Based upon this information, the Board finds that this standard has been met.

f. Utilities:

The building will be served by MaineWater and the Freeport Sewer District. A capacity letter from Maine Water, dated 03/11/19 was submitted. The applicant did obtain a capacity letter from the Freeport Sewer District, however it will need to be updated to reflect the correct lot within the development. This has been added as a condition of approval. Based upon this information, the Board finds that this standard has been met.

g. Advertising Features

No signage has been included with the submission. Any future new ground signs will require review and approval by this Board as a separate application. Based upon this information, the Board finds that this standard has been met.

h. Special Features

Solid waste will be stored inside the building and there will be no outside dumpsters. The applicant is aware that commercial users in Freeport are required to sort their cardboard from other waste per Chapter 28: Town of

Freeport Solid Waste Disposal Ordinance. Based upon this information, the Board finds that this standard has been met.

i. Exterior Lighting:

Information on lighting has been included with the submission with the location of parking lot fixtures being noted on the plan. Full cut-off fixtures are proposed. A photometrics plan has also been submitted and meets the standards of Section 521.A Lighting of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

j. Emergency Vehicle Access

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

k. Landscaping

A landscaping plan prepared by Land Design Solutions, dated January 2019 and revised through 03/12/19, has been included in the submission and shows landscaping along the roadway, in the setbacks and throughout the site. Section 409.D.2 of the Freeport Zoning Ordinance has provisions for landscaping and the Board has reviewed the plans for compliance with that section of the Ordinance. Based upon this information, the Board finds that this standard has been met.

l. Environmental Considerations

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The lot will be connected to the public water and public sewer system. This parcel is not within the Marine Waterfront District or the Shoreland Zone. Letters from the Maine Historic Preservation Commission (dated 02/20/18) and Maine Department of Inland Fisheries and Wildlife (dated 05/17/18), Maine Department of Agriculture, Conservation and Forestry (dated 02/13/18) and US Fish and Wildlife (dated May 17, 2018) were obtained and have been submitted.

The project will be required to file for a Maine Construction General Permit with the Maine Department of Environmental Protection since there will be over one acre of disturbed area. They will also be required to file for a Natural Resources Protection Act Permit with the Maine Department of Environmental Protection and the Army Corps of Engineers due to wetland fill. Obtaining these permits are both conditions of this approval. Based upon this information, the Board finds that this standard has been met.

MOVED AND SECONDED: That the Board accept the proposed motion that is ordered by the Freeport Review Board as written in the recommendation. (Watson & Wing) **VOTE:** (4 Ayes) (3 Excused-Campanelli, Blanchard and Troidl)

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan for CF Cousins River LLC, for a new building and associated site improvements for a HopeWell Health Services (business and professional office), on US Route One (Tax Assessor Map 25, portion of Lot 2), more specifically referred to as Lot 4 in the recently approved CF Cousins River Subdivision, to be substantially as proposed, site plan dated January February 25, 2019, revised through 03/13/19, 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 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 any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, or a building permit being applied for, the applicant do the following:

- a. . Plans be revised and reviewed and approved by the Town Engineer specifically addressing his comments pertaining to construction notes on the plan, included in a memo dated March 13, 2019.
- b. 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, with yearly stormwater reporting to the Town of Freeport being required.
- c. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$360,917.00 and in a form acceptable to the Town Attorney. The performance guarantee shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount \$7,218.00, be paid.
- d. Establish an inspection account, in the amount of \$3,000.00, for inspection of the site improvements by the Town Engineer.
- e. The developer have a pre-construction meeting with the Town Engineer.
- f. At the time that a building permit is applied for, the applicant pay a Pavement Maintenance Impact fee to the Town of Freeport based upon the size of the proposed structures and the impact fees effective at such time.
- g. The applicant obtain an updated written capacity letter from the Freeport Sewer District with a copy being forwarded to the Freeport Planning Department.
- h. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
- i. The applicant obtain approval for a Natural Resources Protection Act Permit from the Maine Department of Environmental Protection and the Army Corps of Engineers due to wetland fill.
- 4) The conditions of approval from the October 17, 2018 Project Review Board approval for the CF Cousins River Subdivision are still applicable.
- 5) Fire hydrants be installed as previously approved and shown on the approved plan set for the CF Cousins River Subdivision, approved by the Freeport Project Review Board on October 17, 2018.

Acting Chair Reiche asked if the public had any comments to share. There were none shared.

ITEM IV: Review of annual update to the Freeport Town Council

Ms. Pelletier explained at the last meeting the Board discussed whether or not it wanted to workshop with the Town Council. The Board decided it would not do that, instead they were going to provide a written letter. Chair Campanelli provided some of her ideas. Mr. Blanchard provided a brief update on changes or where the Board was on Design Review. In the Board's packet was a one-page letter summarizing the past fiscal year with where the Board has been. All Board members were here for half of the fiscal year and this incorporates everything the Board did. She is looking for any changes to the letter or is the Board okay with it. Once the Board is okay with it, it will be sent to the Council. Ms. Watson advised that the letter looked fine to her. Acting Chair Reiche agreed particularly the last paragraph that talked about the work by Mr. Hamlin and Mr. Blanchard. Mr. Hamlin and Mr. Wing agreed. Ms. Pelletier advised that the letter would be sent to the Council tomorrow.

ITEM V: Continued discussion on possible updates to the Freeport Design Review Ordinance (specifically regarding a survey of buildings/structures within the Districts).

Ms. Pelletier advised that the Board has been having discussions about updates to the Design Review Ordinance. Mr. Hamlin and Mr. Blanchard have been working with Donna Larson on those changes. They have come up with a summary outline as to where the conversation and project can go forward. That was sent to the Board in an e-mail and a paper copy was included in the Board's packets. One component of that that the Board has talked about is doing an updated survey of buildings in the Freeport Design Review District. Also attached was a recommended form which Mr. Blanchard

came up with and felt was appropriate and meets the things the Board was looking for. There is also the standard State form. There is currently \$7,000 in this year's fiscal budget. At the end of June, that money will go away and we don't know if we will get it back or not because we are not through the budget process. The thought was to see if the Board is ready to move forward with sending out rfps for the historical inventory of it. She spoke to Mr. Blanchard and his thought was that in the ideal world, he would like to see where we are going with the Ordinance and then do the historic inventory update. That being said, we have the opportunity and we have the funding and he doesn't want us to miss that chance. The money needs to be spent in the fiscal year and if we get the rfp out, we will be able to move forward. Discussion followed. The Board decided to move forward with having the survey of the Design Review District conducted. The Board would prefer to use the form that Mr. Blanchard created. Ms. Pelletier advised that she plans to put the discussion outline on next month's agenda. The Board has a relatively short agenda and will have time to focus on that.

ITEM VI: Review of draft language from the Planning Board regarding updates to the Vision statement of the Freeport Comprehensive Plan.

Ms. Pelletier explained that the Board has an e-mail from Donna Larson. The Freeport Planning Board is looking to update the Vision statement of the Freeport Comprehensive Plan. They use it often when they make amendments to the Ordinances. For the Zoning Ordinance they need to find it is consistent with the Comprehensive Plan so they have some draft changes here. Ms. Larson is sending it to the Project Review Board as well as other Town committees looking for their input. We can talk about this next month. Ms. Larson is looking for feedback by mid-April. The Planning Board meets on the first Wednesday but we don't want to miss the opportunity to comment. The Chair would like to see it. Acting Chair Reiche indicated that it looks good to him but he would welcome an opportunity to discuss it at the next meeting.

ITEM VII: Persons wishing to address the Board on non-agenda items.
There were none.

ITEM VIII: Adjourn.

MOVED AND SECONDED: To adjourn at 7:32 p.m. (Hamlin & Watson) **VOTE:** (4 Ayes) (3 Excused-Campanelli, Blanchard and Troidl)

Recorded by Sharon Coffin