

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, JANUARY 15, 2020
6 p.m.

Attending: Chair Geralyn Campanelli, Guy Blanchard, Gordon Hamlin, Ford Reiche, Adam Troidl, Suzanne Watson, Drew Wing and Interim Planner, Caroline Pelletier

CALL TO ORDER: Chair Campanelli called the meeting to order at 6:05 p.m.

ITEM I: Informational Exchange

a) Update on Staff Approvals

Ms. Pelletier mentioned an application behind the Stonewood Office Building for Powers Engineering on Route One South. They recently added an addition on the back and did some minor modifications in the rear. They decided to make some changes to a walkway to better illuminate the pathway. It was staff approved. The other one she does not have the plan but they came in today. On Lower Main Street if you are travelling south, there is Kennebec Savings Bank. They are putting in a generator in a tucked in landscaped area on the side. It will not be seen from a Design Review perspective but it did amend their site plan. She signed off on that.

Chair Campanelli advised that the Working Group had its first meeting tonight before this meeting. They discussed the Design Review Ordinance and our districts with the Planning Board and Project Review Board. They will be meeting again in two weeks and she will let the Board know how it goes.

ITEM II: Approval of the minutes from the Wednesday, October 16, 2019 and Wednesday, December 18, 2019 Project Review Board meetings.

Chair Campanelli explained that three Board members will not be voting on the October 16 Minutes and two people will not be voting on the December 18 Minutes since they were not present at those meetings.

MOVED AND SECONDED: To approve the Minutes from October 16, 2019 as printed. (Blanchard & Troidl) **VOTE:** (4 Ayes-Blanchard, Reiche, Troidl, Wing) (3 Excused-Campanelli, Hamlin, Watson) (0 Nays)

MOVED AND SECONDED: To approve the Minutes from December 18, 2019 as printed. (Watson & Hamlin) **VOTE:** (5 Ayes) Campanelli, Blanchard, Hamlin, Reiche, Watson) (2 Excused-Troidl, Wing) (0 Nays)

ITEM III: Reviews

St. Jude Catholic Church – Exterior Alterations

The applicant is seeking approval of a Design Review Certificate for exterior alterations at the Catholic Church at 134 Main Street. New siding, new trim and an entrance enclosure to a basement entrance is proposed. Design Review District I – Class C property. Tax Assessor Map 13, Lot 21. Roman Catholic Diocese of Portland, applicant and owner; Alan Hinkley, representative.

Ms. Pelletier explained that this is a small addition so it does not trigger a whole site plan amendment. It is in the Design Review District and is visible from the public right-of-way. They are proposing to replace the siding. Going down School Street there is a half foundation on the side of the building that is not enclosed. It was part of the original plan but she never saw an enclosure looking through the file. The church is having drainage issues in there. They are proposing to cover that and add an exterior door which would be a single story. They would use the existing footprint and add a small

overhang. The roof would come up and be beneath the windows on the side of the façade. We talked at the last meeting wanting to include whatever we have in the historic property file in the Board's packets. The Board didn't see anything for this building because it is a Class C and those buildings were not inventoried. The applicant is here and he can go into the details.

Alan Hinkley from the Catholic Diocese advised that the drainage in this area has been compromised. This is a stairwell to provide access out of the church. They tried to have it cleaned out but the lines collapsed. Their thinking is to put a roof over it and prevent it from flooding when it rains. They are also having paint issues constantly and they want to remove the wood siding and put Hardy Board clapboards on with PVC trim. The building will look the same as it does now. Ms. Watson asked if it would be the same color. Mr. Hinkley advised that it is white now with gray trim and they like the color. They don't have the funds to replace the windows so they will stay the same.

Chair Campanelli asked if adding the roof over the stairwell would cover up some of the windows. Mr. Hinkley feels confident he should be able to get the pitch in even though it will be tight. There is no intent to change the height of the windows. The pitch is low.

Design Review Ordinance: Chapter 22 Section VII.C.

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

Along the School Street façade, there is an existing partial foundation at the side entrance to the basement. The applicant is proposing to enclose this area. The enclosure will be added on top of the existing portion of the concrete foundation. The footprint will remain the same, except for a slight roof overhang towards the road. The overall scale of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The enclosure will be added on top of the existing portion of the concrete foundation. The roof of the enclosure will have a 2.5"-3" pitch with the top of the roof to be just below the bottom of the existing windows on the main level. The height of the main portion of the church will not be altered. Based upon this information, the Board finds that this standard has been met.

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

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

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

The enclosed will have an entrance door where there is currently an opening in the foundation. The rhythm of solids to voids will be maintained. Based upon this information, the Board finds that this standard has been met.

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

The new door will be of standard size and rectangular in shape. Based upon this information, the Board finds that this standard has been met.

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

The roof of the enclosure will have a 2.5"-3" pitch with the top of the roof to be just below the bottom of the existing windows on the main level. The roof will be sided with asphalt shingles.

No changes to the roof shape of the main portion of the building are proposed. Based upon this information, the Board finds that this standard has been met.

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

The new entrance door on the exterior will have half glass with paneling on the bottom. The door will have a metal exterior and polyurethane core. A new full cut-off lighting fixture will be added over the door. The exterior of the enclosure will have Hardy Board clapboard style (4" exposure) and PVC trim; both to match the style and widths of the remainder of the building. The applicant would also like approval to replace all of the siding and trim on the building (currently sided in wood). Based upon this information, the Board finds that this standard has been met.

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

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

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

The enclosure will be added on top of the existing portion of the concrete foundation. The footprint will remain the same, except for a slight roof overhang towards the road. Otherwise, no changes to any site features are proposed. Based upon this information, the Board finds that this standard has been met.

- 10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building,**

size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

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

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

MOVED AND SECONDED: To approve the motion as written and read in the Staff Report. (Troidl & Blanchard)
VOTE: (7 Ayes) (0 Nays)

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for the Roman Catholic Diocese of Portland (Tax Assessor Map 13, Lot 21), for exterior building alterations at the Catholic Church at 134 Main Street, to be substantially as proposed, application dated 12/18/19, 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 any work on the building, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.

Arts and Cultural Alliance of Freeport – Exterior Alterations

The applicant is presenting conceptual plans for exterior alterations at the existing church at 40 Main Street. A new entrance and deck with ramp are proposed. The applicant is requesting to demolish the existing ramp. A four-month notice of demolition is required per Section VIII.A.2 of the Freeport Design Review Ordinance. The Board will only be reviewing and commenting on the Design Review aspects of the application. Design Review District I – Class A. Tax Assessor Map 11, Lot 122. Arts & Cultural Alliance of Freeport, applicant; First Parish of Freeport, owner; Paul Lewandowski, Paul Designs Project, representative.

Mr. Hamlin disclosed that he has participated in fundraising for this project and is still actively involved. He would like to participate if the Board agrees and feels he can look at it objectively. The Board did not have opposition to Mr. Hamlin participating in the review. Mr. Reiche disclosed that he contributed to the project but feels it does not have the risk of appearing improper. Board members agreed. Chair Campanelli noted that this is a small town and there is a lot of cross connection but we feel it is important to disclose this information.

Ms. Pelletier had zoning lessons to start this project off. Before the Board is a strict Design Review-only application, a conceptual presentation for the Arts and Cultural Alliance of Freeport. They are proposing to use the space in the existing church on Main Street and will be part of a much larger project. They will require a change in use from the Board which will come to the Board as a separate application. When they originally submitted to come to the Board, it was important for them to come and get some feedback on the Design Review components of the project. When they brought plans in, there was a question raised about some setback issues on the property. In the VC-I setbacks are somewhat regulated by building materials or addition to building materials. They came in with one plan and discovered that based upon the materials they were showing, they had another 15 feet of setback which they didn't need. They came up with Plan B which is the plan before the Board tonight. They want to get feedback should the Board not like Plan B or they should change their mind on Plan B which is masonry construction, zero setback. Their plans could change and they need to get some setback relief, there is nothing the Board can do about that. They would need to go to the Board of Appeals. In the Zoning Ordinance it says if an application requires approval from the Board of Appeals, the Board of Appeals must make their decision first before the Project Review Board can get in to the Site Plan aspect of the

project which is why we will not talk about the Site Plan tonight. We will stick to Design Review and give the applicant some feedback and they can decide how to go forward with the design of their project. She asked the Board to keep this in mind and not get into the Site Plan stuff. That will be discussed later. She noted that the Board did have data inventory sheets in the Staff Report. This is a Class A property in the Design Review District. As you are aware, Class A or B buildings or any portion thereof, has a four-month notice period before they can be demolished. This has been discussed before and in this case, we have a ramp/deck on the front which she assumes is not of original construction. Unfortunately, the Ordinance does not make a distinction. After tonight, depending how the conversation goes, the Board might see the applicant back to make formal application and start that public notification process for the demolition request. Just be aware that that is another step in the process and the Board might see them to get the clock ticking on the demolition portion of it. The Board is not taking any action tonight. It is just to get some constructive feedback.

Jim Cram of Church Road in South Freeport explained that he is representing Arts and Cultural Alliance in Freeport. He introduced other ACAF members, Ed Bradley, Scott Miller and from the church, Eric Smith and Mike Hill so both parties are represented. Paul Lewandowski, architect, will be doing the presentation after his introduction. Mr. Cram noted that both the church and ACAF are excited about this opportunity they have to preserve this wonderful structure which has graced Main Street for 125 years. They are excited that their two organizations, both community based, have come to an agreement to make the continued use of the building satisfy both of their requirements. They have been collaborating for almost a year to work through the issues that have to happen on the inside of the building, change of use, adding more bathrooms, and adding a stage so the building can be used by lots of people. The 200-seat auditorium is a great size for community needs. As they made the inside changes, they learned that they were required by code to have an additional egress out of the building. They came up with a plan for the inside but for the outside, this seems to be the best solution. It is the pressure treated handicap ramp that they are talking about demolishing. They explored having ramps that ran across the front of the building but the problem is that the handicap parking space is located there and it is necessary that the handicap ramp come to that point. The Town put it in for good reason because it is the turning lane that goes to The Gap and this is where it needs to be. He complimented Ms. Pelletier for being so patient, polite and persistent with details.

Paul Lewandowski, architect explained that he worked with ACAF on this project. While he submitted images to the Board, he wanted to describe the project to the Board so it would understand a little more. He displayed photographs and identified the area they would be impacting with this ramp and new entrance addition. They are proposing to add a new entrance. An art gallery and meeting space will be on the side of the church so there was a desire to have a new entrance that would be off the street and have a public presence. In looking at safety, they realized the need for an additional egress out of that space was necessary. Their intention is to build a slightly more diminutive version of the existing entrance as the entrance in that section with the same roof line and some of the same detailing but further back. There is an existing set of stained glass windows and the plan is to remove those two windows and use them on the interior as a decorative element and then construct the new entrance there which would take up the same space as those two windows but would obviously be an entrance that would go down to the deck level. The deck itself is meant to be a gathering space as well as a place during intermission where people will come out of the facility or a free function area. They see it as a more public space. It was the only accessible means of egress to the facility so they will maintain that function with a ramp as well as an additional stair. The issues Caroline alluded to are really the materials they choose to use and how they build the stair. They are about 8 or 9 feet from the property line which would require them to have masonry construction. Combustible construction requires a 15-foot setback. Their original intention was to match the wing walls on the existing entrance and use those as the guards and protection around the deck. On the front they are still intending to do that keeping the height the same and adding a railing on top so that it would meet the 42-inch guard rail requirements. On the side they are presenting building the wall out of stone. There are some existing low stonewalls on the site now and they would be matching those with this piece. Conceivable, the ramp behind it would also need to be built out of most likely concrete slab so that it would be masonry. Their other option is to seek a variance and see if they can build it inward and clad it in the same shingle as the rest of the church. No other changes anywhere to the church are proposed. He is aware there have been questions about the railings that exist on the main entrance. Once they concluded on a type of railing for the addition of the ramp and deck, they will replace those with a

matching railing. For the inside railing they are looking at a simple painted pipe rail and want to keep it as simple as possible. He displayed a photo showing from the street, that they are continuing those shingles and stonework on the side. That is what they would like to do.

Mr. Blanchard wanted to be clear about the proximity to the property line. He asked if it requires the entire wall to be stone? Mr. Lewandowski referred to the Site Plan and explained where the 15-foot setback is located. They are trying to align the ramp with the property line and pointed out where the walkway exists that connects from Main Street back down to the parking lot behind. It is a pedestrian way at this point. They are currently looking at about just under 8 feet where the new wall would be to the property line. They are short by 7 feet. The Ordinance is written that anything in that side setback would have to be masonry construction. They are fine on the front. There is landscaping and some space in between the steps that go to the lower level of the church. He pointed out where the handicap parking spot is located.

Mr. Reiche asked if this would be the primary entrance to the performance space. Mr. Lewandowski advised that the performance entrance would maintain the same entrance that the church is currently using on the street. He pointed out where the entrance is located for someone that needs to use the ramp. He displayed the floor plan for Board members.

Mr. Blanchard asked Ms. Pelletier if the Ordinance requires that the entire ramp be made of masonry construction. Ms. Pelletier noted that the applicant is still working on getting a survey done so it is based on the approximate property line. The drawing in the Board's packet actually shows the property line extending slightly into a little bit of the deck and steps. Mr. Lewandowski advised that section they are assuming would need to be a concrete ramp and concrete part of the deck. Ms. Pelletier advised that anything within that 15 feet has to be entirely masonry construction. It is a standard that has been in place for a long time. One of the challenges if they need to go to the Board of Appeals, they would need a variance and would need to meet the hardship criteria which is a separate challenge. Mr. Blanchard advised that when he looked at A-6 rendering in his packet, he found the presence of the stone to be jarring when one is looking at the building because that is not a material one finds on the building. Mr. Lewandowski advised that it is only in the low site walls now. He feels the stone works better with the shingles. Mr. Blanchard mentioned that for him, ideally a brick base with shingles on the side because it is connecting to the building and is a continuation of that building exterior. Mr. Lewandowski pointed out that that they would have to prove that it is a hardship and it may be a cost hardship. Mr. Reiche noted that that does not work!

Chair Campanelli asked if the ramp require the four-month demolition. Ms. Pelletier pointed out that the four months would really hold the applicant up in this case. Mr. Cram advised that they intend to apply for that right of way. Ms. Pelletier mentioned they still have some survey work and other plan work so they talked about a timeline. It will not hold them up. She explained what the Board is providing tonight to the applicant. Mr. Lewandowski asked the Board for its reaction to the concept of creating a slightly smaller version of the entrance canopy as their new canopy. The brackets will be simpler but they obviously are trying to maintain the prominence of the entrance as the primary entrance. Functionally it works very well in terms of diverting water off of a very large roof.

Mr. Troidl feels it is a successful design and it will give new life to an older building. He has seen churches in this state and across the country that are not in use anymore and end up falling in disrepair. He likes the stone wall. Mr. Blanchard feels the stone wall doesn't tie into the building but the height approaches the height where your eyes are drawn. Mr. Lewandowski mentioned that the stone wall could be lowered with a railing of some sort but there aren't any railings on the building now. Chair Campanelli mentioned that it would have to wrapped around that corner. She is conflicted about that. She likes it and likes that they carried the pattern over but wonders if it takes on more importance than it should if it is not going to be a main entrance. Walking up to that door she wonders if she should go in that door or the other set of doors. She does like that they created a space before you go in or for intermission, you can go out there. Mr. Lewandowski advised that if someone did come in that entrance, they could get to the rest of the facility. They would be connected by corridors. It is further back on the site and not right on the sidewalk. Ms. Watson mentioned that they could use nicely done signage. Mr. Lewandowski advised that they do plan to have some signage and have talked about

the gallery having some signage, perhaps temporary when there is an opening. Ms. Watson mentioned the Chocolate Church and how there is a likeness here. Mr. Troidl feels they could not anchor the main entrance better than the big tower will draw people. Mr. Blanchard feels it is an outstanding project and hugely important for the Town. He does not feel the building needs more ornamentation. If we are creating an entrance here, it needs to be one that blends in. Use the shingles and echo the flare that you see on the roof and have a gable entry there that does not mimic the front and still pays homage to that style of architecture. Once we start to do this, it is starting to be a little like fake historicism here. What are we adding here? It isn't what the building had. It is taking it further than the original intent of the architect by adding this ornamentation. He cautioned about what they are doing with that entrance. Mr. Lewandowski explained the other data and styles that they looked at but they started to become more prominent than the main entrance. In this case, what they are proposing seemed like the better solution as a way of creating an entry that had some importance to it but wasn't primary. It is not an easy design problem trying to create an entrance.

Ed Bradley mentioned there is a function issue here. On the main entrance side there is music and theatre and there is an element to this meeting house consortium that is focused on that as well as fundraising and all that goes in making this happen. On the other side is the visual arts and they want to be sure in recognition of all they are putting into the project that there side of the building has some significance, too. He thinks that is why it is mirrored from a functional point of view. He has no opinion on all the aesthetics because he does not get those things but in the functional discussions now for eight months, in part the second door and how it is designed is to give a co-equal significance to the two functions the project is going to serve to the community.

Mr. Troidl asked about the door head and window head on that elevation because it is lower along this side. Mr. Lewandowski, advised that they would be the same height. The idea is to keep the opening of the two windows and remove the lower piece, have the trim be identical and then whatever door and fixed sidelight they put in. A half leaf that is operable is desirable as well in the event they had to bring in a large piece of art, they would have that opportunity.

Chair Campanelli asked if this is part of the Main Street Historic District. Mr. Troidl advised that it is in the federal register that the Board looked at. Ms. Pelletier advised that we don't have different municipal standards for buildings within that national designated area.

Chair Campanelli mentioned that the applicants came for feedback and asked for additional comments or directions. She mentioned that she is sorry for the restrictions on the setback. She understands that is a design issue but the Board cannot really do anything about that. Mr. Reiche asked Ms. Pelletier to review the standards for the Board of Appeals to look at this. He recalled that it is a tough standard to meet. Ms. Pelletier agreed. She explained that for commercial it is pretty hard. The only way to go is to request a variance and prove hardship. The State has weighed in through case lots in other interpretations. Hardship means you have no other use of that property. It is a hard test to demonstrate that you can meet but, you can always ask. Mr. Lewandowski agreed it would be hard to prove because they are demonstrating today that they can achieve use and meet the Ordinance.

Mr. Cram asked Mr. Blanchard if there are any historic precedents that would allow them to go with fire treated shingles over a concrete base. Ms. Pelletier did not feel this is something the Board can weigh in on. It is the job of the Codes Enforcement Officer who has to enforce the Zoning Ordinance. The applicant could reach back out to the Codes Enforcement Officer for an interpretation on that. Mr. Cram added that historic buildings do get some exceptions such as a beautiful railing on a stairwell. Mr. Blanchard noted he has his preferences but the applicant does not have to change the design based on one person on the Board. They received positive feedback from other Board members so they should feel free to proceed.

Granite Park Subdivision – Open Space Subdivision – PUBLIC HEARING

The applicant is seeking final approval for a five lot, Open Space Subdivision. Two of the lots/units are existing and are located on Wood Thrush Lane. A new road off US Route One is proposed for the three additional units. Open space is

required. Zoning District: Medium Density B (MD-B). Tax Assessor Map 20, Lots 4 & 4-1. Granite Park, LLC., applicant and owner; Norm Chamberlain, Walsh Engineering Associates, Inc., representative.

Ms. Pelletier noted that the Board has some updated materials for this application. This subdivision is located on North Main Street just outside of the village. It is a minor subdivision and they came for conceptual review twice and the Board did a site walk. They are here tonight with final plans. The layout has been tweaked a bit but remains relatively unchanged. They still have one existing driveway serving two dwellings. The proposed new road would be paved with three house lots off of that. In looking at the plan, the Board will find that the shape of the two lots on Wood Thrush Lane changed. They needed to change the shape in order to be able to meet setbacks and get their road frontage which they are now proposing to get from U.S. Route One. Wood Thrush Lane is shown now as a shared driveway easement. They will have utilities, they show passing test pits, they already obtained an entrance permit from the Freeport Public Works Department for the proposed entrance. They worked on storm water plans with the Town Engineer. He reviewed the plans and gave feedback. He did suggest the standard Stormwater Maintenance Agreement as a condition of approval. Due to this being a minor, it is the final review but it is also the time the Board does a public hearing. As the Board knows, reviewing projects at the staff level is an ongoing project and we often have last minute changes.

When we looked over the Recording Plan, the Ordinance is very specific on what needs to be on there. One of the things under State Law Municipal Ordinance is the Flood Plain. The shape of the Flood Plain came back very uniquely because that is how it appeared on the flood maps. Due to standards in place, the applicant needed to do some additional research to accurately reflect the real flood plain following the stream. Based upon the way it came back, it did result in the need for them to update the calculations for stormwater treatment. It resulted in the need for them to tweak their plan to accurately show the flood plain. They did update the calculations. It didn't require any changes to their stormwater but they did need to update the plan set. The e-mail in front of the Board from Adam Bliss does sign off on the stormwater but that is why the Board has a last-minute change in front of it tonight.

Norm Chamberlain of Walsh Engineering explained that the flood maps are horribly inaccurate when trying to put those lines on the ground and they were asked to try to reflect what is actually happening. They have a large ravine so they modelled the culvert under the railroad as a pipe and reran the calculations and created the line that is shown on the plan as the 100-year flood line. It doesn't meet FEMA requirements. It is totally within the wetlands and open space area so it really doesn't make much difference but the line is now on the plan. While it made more land available for development, but not enough to create a sixth lot so they didn't change anything that way. He has plans if the Board wants to look at them but it is the same plan the Board looked at back in November. Everything on the ground is the same. The only thing changed are the property lines to make everything work the way staff commented.

MOVED AND SECONDED: To open the Public Hearing. (Wing & Blanchard) **VOTE:** (7 Ayes) (0 Nays)

No public comments were provided.

MOVED AND SECONDED: To close the Public Hearing. (Blanchard & Watson) **VOTE:** (7 Ayes) (0 Nays)

Ms. Pelletier provided numbers that needed to be inserted in the proposed motion. She advised that the applicant submitted legal documents for the open space and the road maintenance. The Ordinance requires that those be reviewed and approved by the Town Attorney. They are being reviewed but she has not gotten final word from the Town Attorney whether any changes are needed or not so there is a condition that prior to any site work they receive final approval from the Town Attorney and make any required changes.

Proposed Findings of Fact:

11.1 Pollution

A. State Standard

Pollution. The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

This parcel is not within the Shoreland Zone. The location of a brook on the property has been shown on the plan. There are areas of flood plain on the property, which are identified as FEMA Zone A, with the boundaries shown on the recording plan. No development is proposed within those areas. Each lot will have a septic system and well which will be permitted and installed in accordance with municipal and state regulations. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

A. State Standard

Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

Each lot will have a private well. In accordance with Article 11.2.C.1.b of the Freeport Subdivision Ordinance, "Within one (1) year of the date of purchase, each lot owner shall be guaranteed by the subdivider access to a supply of potable water of at least three hundred and fifty (350) gallons/day, or the purchase price shall be refunded." A note indicating such has been added to the plan. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

A. State Standard

Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

The lots will not be served by the Public Water System. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion.

A. State Standard

Erosion. The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

The submission did include an erosion control plan which has been reviewed and approved by the Town Engineer. His comments are included in a memo dated 01/08/2020. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

A. State Standards

Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

Minimal traffic is expected to be generated from the development. Wood Thrush Lane is considered a "driveway" per Article 3.2 of the Freeport Subdivision Ordinance and no road improvements are proposed to the existing driveway. The lots on Wood Thrush will have legal road frontage on US Route One. Wood Thrush is shown as a shared driveway easement.

A new road off US Route One is proposed for the three additional units and the road design has been reviewed by the Town Engineer for its compliance with the road design standards of the Subdivision Ordinance (Article 11.5). In a memo dated 1/8/2020 (attached), the Engineer states that the road design is in general compliance with the applicable standards of the Ordinance. The Board also had a discussion at the November meeting about the driveway proposed for lot three and determined that they do not consider the proposed driveway location to be entering onto the turnaround. The road name of "Artemis Way" has been approved by the Town's E911 Addressing Officer (see letter dated 1/2/2020) and has been shown on the plan.

An entrance permit from the Freeport Department of Public Works has already been obtained.

Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

A. State Standards

Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

Each lot will have a septic system which will be permitted and installed in accordance with municipal and state regulations. The locations of existing systems are shown on the lots located on Wood Thrush Lane. The location of proposed leach fields and the passing test pits are shown on lots one, two and three. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

A. State Standard

Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

Each lot owner will be required to contact with a private waste hauler in accordance with Freeport Solid Waste Disposal Ordinance. 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

A. State Standard

Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

Wetlands were delineated most recently by Mark Hampton Associates and shown on the plan. No wetland impact is proposed for the development. No significant vernal pools have been identified on the site. In a letter dated 4/23/19, Kristen Puryear from the Maine Natural Areas Program states "...there are no rare

botanical features documented specifically within the project area.” In a letter dated 5/1/19, Becca Settele from the Maine Department of Inland Fisheries and Wildlife states “Our Department has not mapped any Essential Habitats that would be directly affected by your project.” Based upon this information, the Board finds that this standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

A. State Standard

Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

This parcel is in the Medium Density B Zoning District. The proposed subdivision amendment complies with space and bulk standards of the Freeport Zoning Ordinance and the open space requirements of the Freeport Subdivision Ordinance. 264,013 sf of open space is proposed; 263,452 sf is required. The open space will be retained by the Homeowners Association. Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

A. State Standard

Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section.

The plan set was prepared by Thomas Greer, PE with Walsh Engineering Associates, Inc. The recording plan was prepared by Stuart Davis, PLS. Wetlands were delineated most recently by Mark Hampton Associates and shown on the plan. In an email dated 12/03/19, James M. Whelan Vice President Business Loan Officer at Saco & Biddeford Savings Institution states that the applicant has the funds to complete the subdivision. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

A. State Standard

Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B¹, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

This parcel is not located within the watershed of a great pond or lake. The location of wetlands has been shown on the plans. Wetlands were delineated by Mark Hampton Associates and the location of wetlands are shown on the plan. Based upon this information, the Board finds that this standard has been met.

11.12 Impact on Ground Water Quality or Quantity

A. State Standard

Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The submission did include stormwater management and erosion control plans which have been reviewed and approved by the Town Engineer. His comments are included in a memo dated 01/08/2020. Each lot will have a private well. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

A. State Standard

Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps, Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement at least one foot above the 100-year flood elevation.

There are areas of flood plain on the property, which are identified as FEMA Zone A, with the boundaries shown on the recording plan. No development is proposed within those areas. Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

A. State Standard

Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

Wetlands were delineated most recently by Mark Hampton Associates and shown on the plan. No wetland impact is proposed for the development. No significant vernal pools have been identified on the site. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A. State Standard

River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

The location of a brook is shown on the plan and the required 75-foot setback is noted. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

A. State Standard

Storm water. The proposed subdivision will provide for adequate storm water management.

This parcel is located in the Frost Gully Brook Watershed which is a watershed of an Urban Impaired Stream. Since the Town of Freeport has delegated capacity for stormwater permitting from the DEP, the Town Engineer conducted the review and stormwater permitting (DEP Chapter 500 Stormwater Permit) for the project. His comments are included in a memo dated 01/08/2020. He concludes that the project has been designed in compliance with the DEP permitting requirements and municipal ordinances. A Maintenance

Agreement for a Stormwater Management System is a recommended condition of approval. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

A. State Standard

Spaghetti lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

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

A. State Standard

Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

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

A. State Standard

Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

This development is not within or does not border an adjoining municipality. 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 Granite Hill Subdivision as written and read in the Staff Report with the following modifications: The recording plan dated 08/30/19 revised now through 01/09/20. Under C. the TBD amount for the Performance Guarantee is in the amount of \$211,328.00 and the administrative fee is set at \$4,226.50. The rest of the motion is as written and read. (Wing & Watson) **VOTE:** (7 Ayes) (0 Nays)

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision amendment, for Granite Park LLC, for a 5-Lot open space, residential subdivision on Wood Thrush Lane /US Route One (Tax Assessor Map 20, Lots 4 & 4-1) recording plan dated 08/30/19 revised now through 01/09/20 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. Prior to any site work, including but not limited to clearing of the site, the applicant do the following:

- A. 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.
 - B. Pay a Pavement Maintenance Impact Fee to the Town of Freeport, to be based upon the road length (Artemis Way) and the current impact fee effective at such time that the fee is paid. Applicants for building permits will also be required to pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at such time.
 - C. Establish a performance guarantee in the amount of \$211,328.00 to cover the cost of all site work associated with the project, in a form acceptable to the Town Attorney. The performance guarantee, in accordance with Article 12.9 of the Freeport Subdivision Ordinance, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc., along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount of \$4,226.50 be paid.
 - D. Establish an inspection account, in the amount of \$TBD, for inspection of the site improvements by the Town Engineer.
 - E. The developer have a pre-construction meeting with the Town Engineer.
 - F. Final legal documents be reviewed and approved to the satisfaction of the Town Attorney.
3. 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.
 4. 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.

Chair Campanelli advised the Board that there are Mylars to sign at the end of the meeting

The Beacon Residences – Commercial Open Space Subdivision

The applicant will be presenting final plans for a Commercial Open Space Subdivision at 6 & 8 Desert Road. The Board may take action on the final plans. 144 units (in six residential buildings), 5 garage buildings, a clubhouse with pool and associated site improvements are proposed. A new road is proposed. Open space is required. Site Plan Review and Subdivision review are required. Zoning District: Commercial IV (C-IV). Tax Assessor Map 22, Lots 24 & 24B. Ben Devine, Devine Capital LLC, applicant; L.L. Bean, Inc, owner; Kylie Mason, Sebago Technics, representative.

Mr. Wing recused himself based on some early professional involvement on land use regarding this parcel. He excused himself from the rest of the meeting as well but noted he would sign the Mylar. Ms. Pelletier advised the Board that it has a white binder to put the application materials in. She was unable to mail it easily. The Board will possibly have to keep those materials. In addition, there are colored renderings in front of the Board that can be added to that binder. Also, in front of the Board are two e-mails she received today about the project. That is everything new that has been received regarding this agenda item since the Board's packet went out. Mr. Reiche advised that the colored renderings are dated today so they would be different from the ones in their packets. Ms. Pelletier noted that in the packets the Board had pictures so these renderings are new today.

Mr. Pelletier advised that this is the largest project she has seen since she has been here. She worked with the applicant and they submitted for final approval. Due to the size and all the requirements of the Ordinance and the holiday, it was not possible to get every loose end tied up. While the Board has it for final approval, there are outstanding items still that need to be addressed. She feels the Board is not ready to take final action tonight but it is the Board's decision, not hers. There are still some outstanding items that need to be resolved. However, it is a big project and we talked a lot

about traffic at the last meeting so she thought it was a good opportunity to talk about some of the other site features that the Board may not have gotten to go in depth on and also some of the changes that the applicants made because the Board gave a lot of constructive feedback at the last meeting. In terms of process, this is the first commercial open space subdivision we've seen under the new standard that requires conceptual review, preliminary review with public hearings, both of which have been completed. They are here for final review. Because it is multi-family, it requires Site Plan Review in compliance with Section 602 of the Ordinance.

Ms. Pelletier advised that the Board has already granted two waivers previously for this project. One was for parking stall dimension. They have a reduction from 9 x 18 ½ down to 9 x 18. They also have a reduction in the separation between this new proposed road entrance and the abutting DOT Testing Lab entrance. Those were already granted. A couple of things to still work out with the application. The applicant did request some monumentation waivers. They might ask for that in a couple of different spots as well. She is anticipating this once they work out some stuff with the road. This is something the Board can give feedback on. In addition, we can ask the Town Engineer to weigh in on that and the applicants can comment on why they requested that. One of the bigger things to still resolve is kind of a tough situation in the Ordinance. The Ordinance is written for traditional subdivisions where someone comes in and installs a road that is in a right-of-way and that is how the lots get their frontage. Typically, in Freeport that road remains privately owned. In this case, the applicant has the road coming in, they are proposing to retain it, they don't need it for frontage because they get their frontage on U.S. Route One so they don't want to put it in a right-of-way. If someone lives at the end of their street, putting it in the right-of-way it will give them those rights so they always have access to their property. In this case, they are going to retain it all under ownership of one. Having it in a right-of-way creates challenges for them because a right-of-way creates new setback lines. The applicants have been working closely with Staff and the Codes Enforcement Officer about the specific requirements of road, access, easement and right-of-way. It is something that was not able to be resolved before this meeting. She feels it ultimately will involve some legal interpretation. It is not going to result in a change in physically what the Board sees before it today. If for some reason they have to put in a 50-foot right-of-way, it could result in the shifting of buildings but they will not move the whole road. She instructed the Board to know that that conversation is going on behind the scenes and still does need to be resolved. The applicant is aware of it. Sometimes these things come up later in the process when they get into deep engineering of the plans. They would need a driveway entrance permit to put their new road in. We did have a lot of discussion on traffic at the last meeting. The Board did request a peer review. There were concerns raised by Town Staff, Town Engineer and the Police Chief. The Police Chief still has concerns about traffic in the Desert Road, Hunter Road area. Ms. Pelletier talked to the Town Engineer today. He talked to MDOT to follow up on the status of some projects out there. In the news yesterday, MDOT did note their scoping plan for the next couple of years and bridge replacement was on that list, specifically the bridge going over Desert Road. We know it is on their work plan and part of their funding is a grant. We anticipate there will be some sort of bike/ped improvements with that project and expect there will be some ramp improvements. Until we get closer, there is not a guarantee. It is a large project and still needs to be funded. Everything is pointing in the direction that we will see some improvement out there. The plan is 2021/2022 before that bridge gets done but there are still some unknowns. It looks favorable and the fact that we will see some improvements, hopefully they will alleviate some of the traffic challenges we all face down there on a daily basis.

The Board asked for a peer review of the traffic and had specific questions in terms of the Ordinance. That was included in the Traffic Study attached to the Staff Report on the table. Before the plans even got sent to the Traffic Engineer on behalf of the Town, they did remove that parking we talked about near the clubhouse. They did review the traffic rates out there. They were able to obtain 2019 traffic data. We discussed acceleration and deceleration. The Peer Review states that based upon the annual daily traffic counts near the entrance to this development, those would not be warranted under Municipal standards or other standards that are out there. Their conclusion is that it appears to meet the standards of the Ordinance. He did make a couple of comments about pedestrian circulation and improvements. At our last meeting we also talked about pedestrian circulation on the site and gave the applicants some feedback on how to better connect the proposed sidewalk to the internal circulation on the site. The Board will see that incorporated into the Plan. One of the important things for the Board to give the applicants feedback on is Section 527 of the Ordinance which is the performance standards in the Commercial District. There is a standard in there to provide pedestrian connections with abutting properties. In this case, the applicants are proposing a sidewalk in the right-of-way. She

believes it is shown as 5 feet in width. They did meet with the Freeport Town Council about this. It is up to the Council but they do show it in there and that is how they are demonstrating that they would meet that pedestrian connection. Knowing that they have gone to the Council and the Council perceived this as a favorable improvement for the community. They will work out the details in the final design and maintenance with Town Staff and the Council. She asked the Board if it feels they have demonstrated that they will meet that standard in the Ordinance with regard to 527 in general pedestrian and vehicular circulation. That is something to give them feedback on.

Ms. Pelletier advised that the Board did not get into a lot of the site details such as lighting, dumpsters, they show a sign but they don't have the details yet, some screening that is proposed. That is all stuff if the Board has comments on, it could give feedback to the applicants. They are still working with the utilities. They do have the signoff from the Sewer District but the Sewer District has requested some conditions which Staff will work with the Sewer District on. They have worked with Maine Water and received a signoff on the water design. The Fire Chief needs to sign off on the hydrants. Those are some of the outstanding things they have been working on since the packets went out. She suggested that the Board not take final action tonight but wait for some of those other loose ends to get caught up. They do require a Site Location of Development Permit from DEP and Adam Bliss did review the project for compliance with the Municipal ordinances with regard to storm water. He had a couple of minor suggestions but overall felt it is a good plan. At the last meeting, the Board decided as a condition that they could submit for final approval without that Site Location of Development. She feels it is important for the applicant to clarify does it mean that the Board is okay taking action on the final plan without that permit in play. It takes a long time to get that permit. If for some reason the Board goes that route, the applicant is aware that if the DEP requires changes to their plan, it could result in having to come back to the Project Review Board.

Mr. Reiche mention he is unclear about the issue of the 5-foot pedestrian easement. Is this complicated because they are putting it in the 5-foot right-of-way? Ms. Pelletier did not know if she would call it complicated. It is complicated by the fact that it is out of the Board's purview. The Board looks at development on private property not the public right-of-way. At the same time, we do have that private property standard and she asked if the Board is okay with that. Does the Board feel like a 5-foot sidewalk in the public way is well meeting that section of 527 and the internal connection with the abutting properties?

Frank Dougherty of Divine Capital displayed a plan and noted he wanted to highlight what has changed. Since he saw the Board last, they rotated the clubhouse and moved the parking off the main drive. They redesigned all their roads to be 24 feet wide so there is no need for waivers. They modified some various aspects such as ADA sidewalk in response to Staff comments. He pointed to where they put a sidewalk along the right-of-way to make it better for folks to take a walk. They met with the Town Council last week and they endorsed this concept because his request was: can we build it at no cost to the Town and can we maintain it at no cost to the Town. They said, fine, we have no problem with that. He plans to meet with the Complete Streets Committee on February 4th to see if they have any comments as well. The reason they are putting it in there is because it is part of the bigger puzzle of pedestrian connectivity when the DOT project is done so they are hoping to get each person to put their leg in this so when DOT comes along, we will have a nice connection for both. The final comment he has relates to traffic and we have talked a lot about that. The standard we have in the Ordinance is that we were not allowed to degrade the nearest intersection, and for them it is Hunter Road. The standard scope is A to F. Like school A is good and F, you don't want to go there. Hunter Road is level C which is adequate and will not below level C with their project. Per the Ordinance they are meeting the obligations in terms of their project as it relays to traffic impact to the nearest intersection. From a development perspective, they are looking forward to getting their approval, building their project and advocating with the Town and the neighbors to DOT to fix that problem. They made that commitment before and will stick with it.

With regard to coordination with Maine Water and the Fire Chief, he spoke to them today and they are comfortable with the design. They have asked for a couple of notes that they can actually sign off on. They expect it to occur in the next couple of weeks. Caroline mentioned there are a couple of small things such as screening that they have to work through and the right-of-way issue they will be talking about as well. He offered to answer questions.

Chair Campanelli asked if Mr. Dougherty had a lighting plan. He replied that it is one of the outstanding items. They did have one but failed to submit it with this application. They will submit one as part of the supplemental information they will submit in a couple of weeks. Mr. Troidl mentioned that Freeport does not have a commercial subdivision ordinance but in Mr. Dougherty's dealings elsewhere, he wouldn't have a right-of-way for a road that is internal. Mr. Dougherty agreed that this is the first commercial subdivision and we will all work through it. When the next one comes along, it will be an easier path. Mr. Troidl asked if he would have records for easements for power and sewer and all that stuff required for utilities? Mr. Dougherty advised that they would.

Ms. Watson asked if this development is intended in part for elderly as well as young residents. Mr. Dougherty advised that it is open to anyone. Ms. Watson asked if there will be elevators involved. Mr. Dougherty advised that elevators will not be installed since they are not required for code compliance. First floor units will be available for anyone who cannot use stairs easily. Chair Campanelli asked if signage would be provided in their next submission. Mr. Dougherty advised that they did submit some signage and look forward to working with Staff to give them further detail. He pointed out where a small monument sign is planned and there will be address signs for each building. He advised that this is under the Board's purview under Safe Sight Distance at the Intersection.

Chair Campanelli asked if they are working on the Open Space Plan. Mr. Dougherty mentioned they have an open space plan on the drawings and a covenant they are working through with their attorneys and the Town Council to identify what can and cannot occur in the open space and it will be a deeded covenant that will run with the land. Ms. Pelletier advised that it has been circulated to the Town Attorney as well as however the road will be maintained. We will make sure it is included and reviewed. It is another outstanding item that is being worked on.

Mr. Reiche noted it was pointed out that screening is another unresolved item with Staff and asked Mr. Dougherty to clarify where that stands. Mr. Dougherty explained there was a question about suitable dumpster screening and they haven't had time to talk about that detail. They do it all the time and will add some plantings to make the Town comfortable. They are okay. They have some landscape screening on the drawings but haven't talked about whether it is suitable. Mr. Reiche noted that his interest was on screening along the highway. One of the plans shows where the snow storage area is and it looks like it is going to overlay where the plantings are. Having a pool, etc. right at the highway, he would like to think it is going to be heavily landscaped. Mr. Dougherty offered to take a look at that. Obviously, they tried to not have plantings where they dump the snow. If they damage the curb when they push the snow up there, they repair curbing throughout all their projects in the spring. They are comfortable with the location for the snow storage as it relates to that issue. They do it all the time.

Mr. Blanchard advised that there doesn't appear to be any screening between the furthest east building along Desert Road and the adjacent parcel. He suggested adding some. Mr. Dougherty agreed to look at that.

Chair Campanelli pointed out that there are members of the public here. While it is not a night for a public hearing, the Board does allow public comment. She advised that this would be a good time to come up and state your name and where you live but please keep it limited.

Lynn Espy, Development Director of the Maine Coast Waldorf School and a 23-year Freeport resident expressed concerns about the increased traffic the proposed development could bring to an already heavily-travelled area. She apologized for being late to the game but it is because our community does not read the *Brunswick Times Record*. Their biggest concern is Exit 20 for families coming from the South. She had questions about the Traffic Study that was conducted. They want to keep the drive to their school safe.

Chair Campanelli advised the public that this project went before the Planning Board twice because they have a zoning change to develop this project and they also went before the Town Council. This is kind of the final, final step. He is aware that without a local newspaper, this information does not get out so she can appreciate that members of the public found out late. The applicant did a Traffic Study and the Board asked for a peer review for the traffic and that peer review is also in the information on the table. There has been a process and it has been going on for a while.

John Manganello advised that two of his children are attending the Maine Coast Waldorf School and they reside on Dune Drive. He stated that he does not feel strongly for or against this project. If it is approved, he feels we should prioritize safety and community building. He shared personal stories about living and commuting on Desert Road. He feels that Desert Road is in desperate need of a sidewalk or expanded bike path from the east side of I-295 to Webster Road, stop lights or a redesign at the Interstate on and off ramps and a crosswalk at Waldorf. He read his prepared notes into the public record.

Dale Inman of 37 Hunter Road mentioned he has a couple of concerns. One is with the water run-off from the site and his main concern is that it goes underneath the railroad tracks and dumps into his backyard. Mr. Dougherty explained that the review with DEP is ongoing and they will reach out to them and get an update. The criteria for design is that they don't increase runoff from the site either in rain or volume. He appreciated Mr. Inman's concern. Mr. Inman's last concern is about the traffic. He heard in the explanation about the traffic survey that was done, that they did the survey and used averages to look at the traffic counts. He is not sure it is a valid methodology for Desert Road since they have two peak periods. One is in the morning and the other is around three o'clock when school is out and buses are coming and employees are leaving L.L. Bean. He admitted that a lot of the L.L. Bean employees are very gracious. When they see people waiting at Hunter Road, they slow down and create a gap so you can shoot out. He fears that with another 200 cars that will not be the case anymore. He feels we need to build in some breaks somehow so people can move.

Dr. John Kurucz of 27 Hawk Hill which is off Desert Road advised that he walks his 8-year twins across Desert Road to get to school. His concerns are associated with traffic and safety. While it maybe the current plan does meet the standards under the Ordinance, he feels it is wrong to say "we will figure this out later" when we know there is already a big problem at the highway interchange.

Scott Shea of 78 Desert Road advised that he has been a Freeport resident for 25 years. He explained that it was a few years ago we were looking at the Hunter Fields project and we were close to making a deal which would have given a private company ownership of the fields. It was pretty much a done deal until some people got wind of what was happening. We had local residents get together and purchase that land for the Town's benefit. When you look at it now and what it provided to our community, it is something we own and are proud of. It is used by families year-round. He wishes communications were better. This is the first time he is hearing first hand about the plan. It seems like there are a lot of unanswered questions but at the same time, it seems like we are rushing to put it through and approve it and get answers after the fact. That scares him. He is not sure why the rush. Other communities talk about how nice the Town of Freeport is and a development like this he would hope would fit into that. He does not have a vision of what the picture was showing and after listening to all the questions raised, it doesn't appear that we know exactly but it does sound like we are going to find out. If we don't take the time, we could be setting our town up for a lot of problems. He feels the impact on our school system and impact on our transportation and safety are key issues that need to be looked at. If it means going back and having a commercial Ordinance designed by the Town before we let this project go forward then great but once precedence is set, what will stop another commercial development coming in saying "hey, you just did this for this developer." He cautioned the Board about moving way too fast.

Dan Walker advised that he and his family have lived here for 13 years and send both of their children to the Maine Coast Waldorf School. He is an attorney and does this type of work and appears before Planning Boards from time to time. He apologized that they did not get notice of this in due time. Now they know and now they are here and they have issues. He had questions about the Traffic Study and heard from the developers that they will take into account the two exit ramps there even though our Ordinance does not necessarily require it. He suggested that it be looked at. He supports the folks that spoke before him around what is the mitigation going to be along Desert Road. It sounds like DOT is going to redesign that but it would be nice if it happened before this development went into place. He asked if a sidewalk will be extended down there, will there be a bike path, will lights be installed in various places along there that would mitigate? From a traffic perspective they want to make sure it is handled appropriately.

Melissa Gormley of Webster Road advised that she has lived there for 35 years. She is sorry there is not an elevation of the proposed buildings. We have heard a lot about traffic but her issue is about the aesthetics of this if all six buildings look like the one that was featured in *The Forecaster*. She believes that Freeport has design guidelines that don't apply to commercial subdivisions at this point. She feels Freeport has been amazing in its look. She thinks we can do better design-wise. This felt cookie cutter to her and thinks as a town we can do better with a project like this.

Ms. Pelletier had reduced versions of the elevations if members of the public would like to look at them. She mentioned she would need them back at the end for her public record.

Keith McBride, FEDC Executive Director mentioned that the traffic issue here is a tricky one. He thanked the Board for asking for a peer review on that. At this point we have had a traffic study completely be a licensed engineer done with traffic counts over multiple periods of time to try to get the most accurate information. It was examined by our Staff, which was examined by the applicant, which was then examined by a peer review which was again examined by Staff and the result of that is something we already know that we have a real problem at Exit 20. It is unfair to this developer to make that their responsibility to fix especially in light of the fact that there will be ample opportunity for this community to comment directly to MDOT on what we want to see happen at Exit 20. He encouraged everyone in the room with traffic speed and safety concerns at Exit 20 to please take part in those discussions, especially if they are interested in potential pedestrian and bike improvements. A safer community is a stronger community. That is our opportunity to really make a difference at Exit 20. It is not here unfortunately. He urged residents to stay in the loop when those conversations are happening. He applauded the turnout tonight but hopes we will have one multiple times bigger turnout when it is time to tell MDOT how strong we feel about what needs to be fixed at that intersection.

Michael Fenderson, Freeport resident and teacher at the Maine Coast Waldorf School advised that he is here to educate himself about the project. He mentioned that he did not see a deceleration or an acceleration lane being put in on this project. He wondered about setbacks and the availability of space to do so. He drives it everyday and has seen people in the ditches 50 feet away from the highway making mistakes, etc. There is no development there now so imagine when we see another group of cars coming in and out of there. The idea of a deceleration or acceleration lane would be part of a positive direction for that area. If that is a possibility for the future, he feels it could really help a lot.

Chair Campanelli noted that MDOT has decided to rebuild these bridges. They had a public meeting with the Freeport and Yarmouth groups because they are looking at three bridges, one in Yarmouth and Exit 20 and 22 in Freeport. There is a group from both municipalities that will be meeting with MDOT and representing them. There is a lot of bike/ped focus. There is a lot of safety concerns with both bridges. She believes this is just getting going and no meetings have happened. They will have a public hearing when they get further along in design and everyone can participate. It is important to get as many people out as possible to express concerns and hopes. We asked for a 5-foot sidewalk which is a requirement in Section 527 with the hopes that it would connect eventually to the bridge and people can either get to the BREEZ, downtown or the train. We do look at those things within our ability within the Ordinance. We can't affect any change with the school. Her son went there three years so she knows what the traffic is like but that is another issue. She encouraged residents to contact the Complete Streets Committee regarding traffic and sidewalks because that is under their purview. She also encouraged them to reach out to their Councilor. It is important that they hear your comments as well. This Board is kind of restricted with what it does here.

Ms. Pelletier explained that the Board did get two letters today. One of them asked if we could require a Traffic Impact Study. We have a Traffic Impact Study as part of this submission and have since had a peer review. The other one was a request for a school impact study. As you know, under subdivision the standards are set by State Law, the Performance Standards are set by the community. In the Site Plan Review in 602 of the Zoning Ordinance is set by the municipality neither of which have a standard for schools. She feels it is a fair question for community interest that maybe the applicant could comment on their demographics and if they look at impact to the school system.

Mr. Dougherty shared data he has from similar projects. One is under construction and partially occupied in Scarborough. A more mature project is in Connecticut and in this case they have roughly 285 units and have 10-15

school-aged children. It is difficult to ascertain whether they are new students coming to the community or they are there because their family sold their house and needed a place to stay. In that instance the number of students is not significant at all. The demographics of their development is newer younger folks right out of college working but not with a large family.

Ms. Pelletier advised that we have heard a lot about traffic and the Board shares a lot of the same concerns the public shares. At the last meeting the Board requested a peer review of the Traffic Study. They did request that one portion of the data be tweaked a little bit although they didn't anticipate it would change the results. Once we get that number adjusted which the applicant has agreed to, she will send it off to the reviewer. She asked if the Board feels it has what it needs from the peer reviewer in regards to traffic or does it need clarification on anything else?

Chair Campanelli pointed out that deceleration and acceleration lanes were reviewed and they did not feel there was enough traffic generated that would warrant that. It was addressed in the peer review. Mr. Fenderson noted that a key point that a few people have made is that they don't go down Desert Road in the summer because school is not in session and neither do a good number of families. He feels this needs to be looked at if the data comes from August 8th and we know what L.L. Bean is like in the rush moments of the day. He doesn't want this group to be under false understanding on what the traffic truly is. You wouldn't take data that wouldn't represent and then try to pass it off as truly representative. He feels the question, is the data accurate should be answered. This extra lane is perhaps the solution for those times. At their school, they put in an extra lane and it made a difference. We don't want to retrofit things when those buildings are standing there. He asked that the data be checked to see if it is accurate.

Mr. Reiche mentioned he read that the peer reviewer read and approved the way the applicant's traffic consultant had standardized the peak traffic, he asked Ms. Pelletier to get clarification on how they addressed it because of the issue that has been raised of school not being in session on August 8. Chair Campanelli feels it is a good question. She questioned if they just reviewed the way Sebago reviewed it or if they really did their own review. Ms. Pelletier advised that they do not go out and do their independent study. They review the information given to them and in this case, it includes the information provided by the applicant and we gave them any resources we had available so they could better understand what is going on at that interchange and Desert Road area.

Mr. Dougherty advised that the Traffic Counts were done in 2019, not 2018. He does not have one on him but will believe the public comment that it was in August but will confirm that. They are comfortable with the approach, the Peer Reviewer is comfortable with the approach and that is as much as he can share with the Board right now. They relied on the DOT data and they do statewide planning. He cannot imagine that they would not consider things such as schools and in-season traffic versus summer. He believes that the DOT data was done at an adequate time of the year.

Mr. Troidl asked if the applicants did their own traffic counts in front of the site or was it all based on DOT data. Mr. Dougherty noted he would have to look at this but they did do traffic counts in front of the site. They did daily traffic and peak hour traffic which is both required for a standardized engineering study. The feedback they got was that it was great that we did our own traffic counts in front of the site but were told to go talk to DOT because they do more comprehensive studies which is why they have two sets of data. Ms. Pelletier advised that they do have a date of August 08, 2018 and then the 2019 data. The traffic data we got from the State actually showed the counts out there in the general area. Mr. Troidl advised that the DOT data is not based on August 8th. Ms. Pelletier feels she has the clarity she needs to go back to the Town Engineer who is very familiar with the traffic and the Traffic Engineer who did the peer review and ask them to clarify for us how that all works together and what does this new information do to the data that was already presented to the Board. Mr. Reiche asked Ms. Pelletier if it emerges that there has not been an adjustment around peak loading around the schools or anything else, let's put it in the works with the Peer Reviewer. Ms. Pelletier advised that they do an adjustment factor but we can get some clarification.

Ms. Pelletier mentioned that we heard comments on the building and although it is not in Design Review, the Board has Section 527 of the Ordinance which does have some appearance standards and the Board has not gotten into. It is

important for the applicant to give them some feedback on the building design specifically looking at the wording in Section 527 and if you feel they are heading in the right direction with their building design towards meeting the standards you have in place. Mr. Blanchard asked if the Board discussed the garages and something to break up that elevation. Ms. Watson noted that the Board did. Mr. Blanchard recalled asking for something to break up that elevation but because it is a garage, he is not sure windows are appropriate. Mr. Dougherty mentioned it has been quite a few months since the conversation but what he walked away with an approach is to put more screening along Desert Road recognizing that it is a garage. He offered to revisit that if the Board wants. Ms. Pelletier offered to read the standard which was changed recently. Mr. Troidl noted that the doors all face away. Mr. Blanchard advised that he is looking at the long monotonous part. Chair Campanelli encouraged Mr. Dougherty to bring an electronic version for the next meeting so members in the audience and television can see what is being proposed. Mr. Dougherty mentioned he would have their design team take another look at the buildings in light of that standard and come prepared to prove to the Board how they are meeting all those changes. Mr. Troidl assumes at the garages there will be foundation plantings but he asked for the elevations that show the buildings as well and how they work together.

Mr. Blanchard mentioned that the applicants are mixing a lot of different types of vinyl on the exterior, horizontal versus shake. He asked them to be more considerate about that will show. He sees it as being choppy. There were some comments about it looking like cheap architecture. A good way to avoid that is to not do things like that, it might even be cheaper if they are not using two different materials. Mr. Dougherty feels that is a great thought but they got the opposite feedback which causes them to end up with that. Mr. Blanchard suggested mixing it up so they are creating vertical divisions in the building through the use of materials. The other comment design-wise is that there are a lot of rounded columns used as decoration. The clubhouse has a pergola with rounded columns and the main entrance has rounded columns. He suggested doing something different such as square posts that might look a little more like it belongs in New England and not Atlanta. Chair Campanelli noted that she would prefer the typology work for this area and not like it is in Florida. This is a really big project for Freeport and we don't have a lot of this subdivision development. To take it down a notch would be a good idea.

Ms. Pelletier suggested that the Board take action to table it to a subsequent meeting. There are timing restrictions in the Ordinance and if the applicant can't come back right away because they need more time to work stuff out, it will make it cleaner. Chair Campanelli asked about granite monument markers. Ms. Pelletier advised that we have certain requirements in the Ordinance for certain places where they need to use 4 x 4 granite markers. We see them along roadways a lot of times because depending on how the road/right-of-way works out, they might want to waiver in more places to have that granite. The applicant can clarify why they are asking for that. Mr. Dougherty advised that they asked for that waiver because they had to put monumentation on the back side of the property line in the wetlands. They were trying to avoid putting a machine through the wetlands to dig a hole for this monument when putting a pin in there would have less disturbance along the way. If the Board wants him to put in a monument, he will but he didn't see a reason for it. Ms. Pelletier advised that Mr. Bliss did not weight in on whether he thinks granite would be appropriate. We can have him weigh in on this. There is pros and cons to both.

BE IT ORDERED: That the Freeport Project Review Board table the review of the Beacon Residences Open Space Subdivision at 6 and 8 Desert Road until a subsequent meeting once the applicant can submit the outstanding required materials for Subdivision and Site Plan Review. (Hamlin & Troidl)

VOTE: (6 Ayes) (1 Recused-Wing) (0 Nays)

ITEM IV: Persons wishing to address the Board on non-agenda items.

There were none.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 8:20 p.m. (Troidl & Hamlin) **VOTE:** (6 Ayes) (1 Recused-Wing) (0 Nays)

