

**MINUTES  
FREEPORT PROJECT REVIEW BOARD  
WEDNESDAY, JUNE 24, 2020  
6 P.M.**

**This meeting was held online/virtually, using Zoom teleconferencing**

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

**Excused:** Tod Yankee

Town Planner Caroline Pelletier explained the process to be followed this evening and mentioned that there are members of the public listening in.

**CALL TO ORDER:** Chair Campanelli called the meeting to order at 6:05 p.m. and thanked everyone for attending.

**ITEM I: Information Exchange**

Mrs. Pelletier explained that we had talked about how there is a discussion about possibly exploring closing portions of Main Street to vehicular traffic on weekends this summer. The Town just had a public meeting and she should hear soon if this will move forward. She has notified people that the Board will not be meeting in August. A number of applications came in today so she urged the Board to rest up for handling at least five items at their July meeting.

**ITEM II: Review of Tabled Items**

**Hanscome Woods Subdivision – Pownal Road**

The applicant is presenting conceptual plans for a six-lot residential open space subdivision on Pownal Road. Access to the lots will be from driveways on Pownal Road. Approximately 10.86 acres of open space is proposed. Zoning District: Rural Residential I (RR-I). Tax Assessor Map 22, Lot 63. Warren Gerow, applicant and owner.

Chair Campanelli explained that this project came before the Board on May 6<sup>th</sup> for an initial review of a concept plan. The Board did a site walk of the area on June 10<sup>th</sup>. Mrs. Pelletier advised that the Board has the same plan from the original submission. They have not made any changes as a result of the site walk. The driveway entrances for this project would be through the State. There was some question from the applicant as to whether or not they needed a waiver for driveway separation. At a quick glance, she believes that because these are residential driveways serving single-family dwellings, they are not covered under the separation requirements of zoning in subdivisions. As long as the State would permit the entrances, which the applicant said he got approval for, she feels he will be okay. If the Board decides to take action on the plan and he moves forward, it is something that we would have the Town Engineer address in his review comments. The Board did have a comment in their packets from an abutter. There was mention on the site walk about water out there. She suspects there are quantity issues. There is a little concern about the traffic on Pownal Road as the Board witnessed as it walked down the side. Otherwise, there is no new information on the application before the Board.

Mr. Gerow pointed out that there have not been any changes to the plans and the driveways have been permitted by the State.

Mr. Troidl asked if there are any known water issues. Obviously, these will be all new wells and they will be drilled to a depth that gets water to a certain pressure to meet a typical standard. Mrs. Pelletier advised that she has not heard of any water concerns. The Town does do some monitoring out there because there is an old landfill across the road. Public water does not go out there. Under the Ordinance there will be certain requirements that the applicant will have to make sure that the buyer will get a certain amount of water when he sells a lot. There are some protections in place. Mr. Gerow noted there is a pretty substantial well at the campground across the road. He is not aware of any problem. Mrs. Pelletier agreed that there is a campground located across the road. Quite often due to the number of people they serve, campgrounds are licensed public water suppliers by the State of Maine so there are some larger drinking water sources around. Due to the location, the Fire Chief has said that the residences will need private sprinklers which is required under the Town's Fire Protection.

Chair Campanelli asked if the Board would receive a letter of review from the other Staff at the preliminary. Mrs. Pelletier explained that usually at concept, because they don't have all the engineering done, all department heads take a quick glance. The Town Engineer does a more detailed review of the project when they come back for preliminary and have their engineering as does the Fire Chief.

Chair Campanelli asked that for the preliminary hearing which is a public hearing, provided we approve this tonight, will we get more information about the open space and the language that will be worked out with the Town on that path? Mrs. Pelletier advised that she forgot to mention this in the summary but the applicant is proposing to transfer ownership of the open space to the Town. He did reach out to the Conservation Commission that oversees the Town's open space properties. Before coming back for preliminary review, it would be good for him to meet with the Council and have initial discussion to see if there is interest in the Town taking this land. Based from the letter previously submitted by the Conservation Commission and talk with the Town Manager, it is likely there would be, especially since it would provide the connection to Murch Road. She feels it is important to get that conversation started so the applicant can finalize how he is going to incorporate that into his plans. In the event the Town is not interested, it could change how he will do something. She offered to connect Mr. Gerow with the Town Manager to get that process underway. Chair Campanelli feels that it would be important to have that information for the next meeting.

Mr. Reiche pointed out that at final approval, he feels it would be great if documents for the conservation land could actually have been exchanged even though not finalized. In the past, documents were exchanged after final. It seems like an opportunity to eliminate some unknowns. Chair Campanelli agreed. Mrs. Pelletier noted that she feels the Board will see a final draft with the final submission but typically they don't record them until after they know they have an approval. She can make sure it is part of the legal documents submitted. Chair Campanelli mentioned that if the applicant could get started on the language for the preliminary, we will be that much further ahead so it is pretty clean by the time they are at the final. Mrs. Pelletier pointed out that if he were doing a transfer, the Board would see a draft deed that would probably note the protections required by the Ordinance in there. As far as how the Town will use this space, or manage it, that will be a separate issue as long as they adhere to the restrictions required in the Subdivision Ordinance

Mr. Hamlin asked Mrs. Pelletier to expand a bit on what we have so far in terms of the sight distances and he is not sure what separation waiver may be required. Mrs. Pelletier noted that the applicant

thought they needed a separation waiver between the driveways but in looking at the Ordinance today, it looks like it does not apply for single families. We wouldn't have an additional requirement beyond what ever the State requires to issue their entrance permit. There were no other questions raised.

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board finds the review of the Site Inventory Map, Site Analysis and Conceptual Plan for Warren Gerow for the Hanscome Woods Subdivision (Tax Assessor Map 22, Lot 63) complete as the Board finds that the appropriate areas have been determined for development and for conservation of open space. (Reiche & Hamlin) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Yankee) (0 Nays)

### **Habitat for Humanity Subdivision – US Route One / Old Brunswick Road**

The applicant is presenting conceptual plans for a three-lot residential open space subdivision on US Route One / Old Brunswick Road. Access to the lots will be from new driveways on Old Brunswick Road. Approximately 3 acres of open space are proposed. Zoning District: Medium Density A (MD-A). Tax Assessor Map 18, Lot 15. Habitat for Humanity, applicant and owner; Travis Letellier, PE, Northeast Civil Solutions, representative.

Chair Campanelli explained that the Board saw the initial review of the concept plan for this project on May 6<sup>th</sup> and did a site walk on June 10<sup>th</sup>.

Mrs. Pelletier noted that this plan has been changed slightly. The applicants have done some minor adjustments. They tweaked the lot size so they now meet the lot width requirements. They have relocated the driveways so they meet the sight distance. On the site walk we talked about the steep slopes and how they have some but they are not unstable so they did not have to deduct them from the net residential acreage. They did remove that from the plan. The other thing to note is that this is a minor so they would go through conceptual approval and then finish all their engineering and come back. In this case there is not going to be a lot of engineering. It is going to be more stormwater. They previously asked for a waiver for stormwater but now are prepared to treat the stormwater. They are still asking for a waiver to allow underground utilities. Information was provided in the submission but the applicants are here and they can provide additional information, if needed. We have members of the public here but the Board has a letter in their packets from an abutter which she handed out on the site walk. The abutter has requested that the applicants install a fence so their driveway entrance not be impacted. She is here tonight in the event the Board takes public comment so she will most likely comment on that. There is nothing else outstanding at this point. The Board has a proposed waiver in case you want to act on that and also a proposed motion.

Travis Letellier introduced Jim Fisher from his office and pointed out that Godfrey Wood representing Habitat for Humanity is tuned in. One thing mentioned in the packets is the location of the septic locations. They are showing them as passing locations and are not necessarily the final locations. That will be determined when they apply for building permits for the final design. The other consideration with the locations is that they need to create a separation between the wells and septic areas on the site. Keeping them in the back gives them the biggest area for locating a well that will work on each lot as well. Regarding the waiver, they are getting estimates that it will be about \$10,000 per lot to go underground because they will need to go under the road and then patch it. They think that will be a big expense for these lots.

Mr. Fisher mentioned that on the site walk, the Board had a good opportunity to look at the property they are looking at. This is a minor three-lot subdivision which is pretty basic. There is actually no engineering involved. The topography of the land slopes down from the westerly corner to the easterly corner. Because of the topography being what it is, they want to have wells above the septic. They have quite a number of passing test pits all over the areas on each lot. It may turn out once they get the construction building permits and the houses are built in generally the locations they are shown in, Habitat being who they are, wants to keep the costs down to a minimum. The driveways are going to be very short just getting past the front setbacks, the wells will be adjacent to that area and the septic down a little bit further. Sight distances work and everything seems to be fine. He offered to address any questions the Board has and they are hoping to get the waiver request for the overhead utilities.

Mr. Reiche asked Mr. Fisher to go into more detail on the requested waiver. Mr. Fisher explained how the Board has the ability to grant a waiver from underground utilities which are typically required for a new subdivision to overhead if the conditions allow it and the cost of doing subgrade utilities would be excessive for the types of units they are talking about building. In this particular case in this area, it would cost almost \$10,000 per lot to cut the road and getting it under the road from the existing poles located on the opposite side of Old Brunswick Road from where they are proposing the lots. Given what Habitat for Humanity is with workforce housing requiring people going into Habitat houses to have a vested interest in their own properties by putting hundreds of hours in them. The point being that added cost is quite substantial for the workforce housing they are proposing to market these to. There are overhead utilities there and as pointed out during the site walk, each one of these three lots has a utility pole almost directly across in front of them. They would not have to bury lines, or put an auxiliary pole in but could run an overhead line as all the other houses in that area have from the existing utility pole to each one of these three houses. Habitat would love to receive that waiver and not have to cut the road and go underneath it for a house that will be about 40-50 feet off the property line.

Mr. Reiche explained his concern, assuming we want to assist you on this and admire what you are trying to do. The standard is whether pricing takes the cost beyond market for that location in that part of town. He noted it is different from what Mr. Fisher is saying, he is saying he would like it to be as inexpensive as possible. Mr. Fisher explained that as far as the costs for that end of town, it's challenging to address that because of their clients. Habitat, given who they are, tries to keep costs down no matter where they go. They do not do upper end homes. They do affordable homes for the workforce. Given the amount they received from contractors stipulating it would be \$10,000 versus zero costs for underground lines. If we do overhead lines, Utility companies will do one utility line run from an existing pole to either another pole or a house being built at no charge. Otherwise, they would have to run the line down the pole over to a perpendicular crossing of the road which is typical, cutting the road to a transformer. By adding all of that it adds approximately \$10,000 per unit so they are talking about an extra \$30,000 which really doesn't do anything in terms of convenience as far as the utility lines are concerned. He believes there are 13 properties on Old Brunswick Road and all of them are served by above-grade lines. It will not be out of character with the neighborhood and as far as costs are concerned, it would save \$10,000 per lot. That is essentially what they are looking for in terms of cost savings.

Ms. Watson mentioned that the transformer serving the 13 homes is the key here. Taking lines underground when you have an exposed transformer is the real issue. She asked if there is any attempt to address that. Mr. Fisher advised that when they are doing a new subdivision that has new infrastructure and they run sub-grade utilities from the main road or wherever the utilities may come

from, and then run it along the edge of a right-of-way to various transformers, all of which at a fairly substantial cost. It doesn't make much difference because the entire subdivision would be brand new. In this case, it is a new subdivision but it is on a lot that is already set up for it with the overhead power, communications lines, etc. in place. Toward that end, it is more of the ease, cost and ability to run an overhead line to an average house. There are no requirements based on how close these houses would be to the Old Brunswick Road right-of-way. There is no question about having the lines being high enough from a safety perspective. They could actually have almost another 100 feet per house and still have the same line on for that way. Toward that end, it keeps everything in the character of what the neighborhood is. As far as safety, ideally it is better to have sub-grade lines but in this particular case because utility poles are across the road from each house, they don't think from an individual line perspective that there is any particular issue there. It would be a different story if this was a main trunk line i.e. serving a 15-lot subdivision running down the side of a street. In this case, given the utilities are already there, it is a quick run to each individual house. Ms. Watson noted that this answered her question but her point was that they are trying to protect an underground system that at the end of the day does not accomplish the task we are trying to do. If the main infrastructure and transformer are still exposed, those houses will still be subject to power losses. Mr. Fisher agreed and explained that there is always the possibility of some power losses. Underground power typically minimizes that but in this particular case given that these are individual lines as opposed to main lines, he doesn't think that is going to be a major consideration and explained his reasoning.

Chair Campanelli opened the public portion of the meeting. An abutter, Susan explained that she continues to be concerned about the location of her well and septic. She was aware that Mr. Fisher called her and returned the call but has not heard back from him yet. She advised that she is happy to meet with him and show him where they are on her property. When she came to the original site walk, they discussed that if her well was compromised in some way, if she noticed a reduction in her water or any problem with her water, they would drill a new well at the neighbor's house and she didn't need to worry about it. That concept worries her and she wonders if there is a way to do a pre and a post test on her well prior to Habitat starting to build beside her. Mr. Fisher noted that water tests are done frequently and they are easy to do. He noted that the closest house to her house is about 200 feet or a bit further. A well driller goes straight down and as far as any action to her well from another well is unlikely to affect the water from Susan's well but they could test it anyway. As far as construction is concerned, it could cause a little bit of issue, one never knows. Testing is easy to do and explained how it can be done. He mentioned as far as any long-term droughts are concerned, they have no control over that so everybody would be in the same boat toward that end. If there is a degradation of Susan's water based upon post construction for Lot A, they would certainly work with her toward that end. He is happy to go on record by saying that. Susan asked if there were a problem, would he take care of it immediately or would it be something that could drag on for some time. She wants to make sure her resources are safe too. Mr. Fisher assured her that if something is significant, they will take care of it immediately. The last thing they would want is for Susan to not have potable water but that would come out as a result of the test. If there is a bit of siltation at the bottom of her well because of construction, that is likely to settle and not be an issue. If there is something major, they would do that as soon as possible. He advised that he could get the coordinated tests with her very easily. Susan suggested that he give her a call when he wants to meet and see where her well and septic are placed. Mr. Fisher explained that he would grab an official water sample. They deal with an analytical company in Scarborough for water samples so they will establish the base line now and then see what it is afterwards. Susan asked if there is any chance that the water column would be tapped down adjacent to her property and she would have less water overall. Mr. Fisher couldn't guarantee that but advised that the likelihood is almost nil. If it did, he would take care of it. Susan mentioned the homeowner's

association and asked if someone really lets their property go, what can Habitat do about that. Mr. Fisher advised that in this particular case, that really doesn't happen because the people that go into Habitat housing are very motivated for a variety of reasons. They are required to have a continual upkeep on their homes because this is a reflection on Habitat. As long as they are in their homes, they are responsible for maintaining those properties quite well. As for the association, the three members of this development would be responsible for the upkeep of the common area. They cannot build anything there and other than keeping it trimmed for dead trees for safety hazards. There is an association and these three people will be members.

Mr. Reiche asked if the Board is being asked to act on this waiver tonight. Mrs. Pelletier replied that the Board is being asked to act on the waiver tonight. Typically, they are done at conceptual review. The Ordinance is very specific that the Board would have to find that the increased cost of underground utilities would raise the cost of housing beyond the market in this location. She explained that the Board could act on it or if it is a matter of not having the right information in your packet to make that finding, you could ask the applicant to submit more information on that. Mr. Reiche pointed out that he wanted to accommodate the applicant for his vote on the waiver but would like more information. Just wanting it to be less expensive, although the objectives are noble, is really what every developer is going to want to do. He is afraid that unless they give the Board a factual basis that speaks to the wording in the Ordinance, he feels the Board is setting itself up for future applicants to say they don't want it to be expensive either and will ask "can you waive it for us?"

Mr. Fisher asked if a note from a local Freeport realtor who knows the markets be sufficient towards that end? Mr. Reiche replied that it would move in the right direction in his mind. Mrs. Pelletier felt it would be fair to the applicant to at least take a straw poll vote and see if that is the sense of the Board. Mr. Fisher noted that would help. He didn't feel they were missing information as much as they would augment the information they already submitted. He feels they have a strong argument towards this end. He advised that Habitat has lined up quite a lot of volunteers to work on these structures and future owners have to put in 275 hours of work. The point being is that a lot of these people are set up to work in the summertime and without an August meeting, there is no guarantee they will get approval in July but assuming they might, they would love to submit the information at Mr. Reiche's request for a broker's opinion of value in the next week or so and still ostensibly get the final approval at the July meeting. He feels it would be wonderful to get a straw poll. Financing of mortgages was explained. More discussion followed. Mr. Ford noted he would like to do everything he can to move this along. He asked Mrs. Pelletier if the Board could grant conceptual approval and delay action on the waiver. She explained that it doesn't always happen that way. The tough part here is that this is a minor subdivision so once conceptual is granted, the applicant would come back for final. She doesn't feel it is a big deal if the Board holds off because they don't have the information they feel they need. Mr. Hamlin suggested getting an appraiser, not a realtor, do the analysis. It would be more supportive of what we are trying to accomplish. Mr. Fisher pointed out that that might be more challenging in this market to get an appraiser that quickly whereas they could get a realtor immediately. Mrs. Pelletier noted it is up to the applicant how they want to make their case.

Chair Campanelli asked the Board whether or not they had enough information to consider the waiver.

Blanchard – yes  
Campanelli – yes  
Hamlin – yes  
Ford – no

Troidl – yes  
 Watson – yes  
 Yankee- excused

Since it appears that enough people feel they have enough information, Chair Campanelli asked someone to propose the motion for the waiver. More questions arose.

Mr. Troidl understands the technical requirement in the Ordinance and where it gets to. With only having site plans, getting an accurate appraisal might be challenging in terms of a true standard of proof. One can go to three different appraisers and get three different prices just like going to three different realtors and getting three different prices. It sounds like we all want to approve this but it is the question of the technicality and they could certainly get different opinions on the same house on the same lot and then it is just the matter of \$10,000 a lot and there is all those people putting in the sweat equity and that is a factor of equity in the house. It gets convoluted on a pure dollar basis. He asked what the Board would get that would tell it is correct in terms of what the house would sell for if it was going to go on the market but it really isn't going to go on the market so he feels the Board gets into a circular loop here. We would have a piece of paper that tells us something but he is not sure it would be legally defensible if we want to go down that road and a future developer wanted to say, "you gave it to them and you should give it to us." His problem with the Ordinance is that this is a minor subdivision where they are not building roads. These are all driveways on a street that has overhead power. It is not a multi-lot subdivision with its own road and talking about bringing the lines down once and distributing it to 10-15 homes. Chair Campanelli agrees and noted that if all the other homes had underground utilities in this area, she would say, "sorry." She does not feel that we have to go that route. She does not feel it sets a precedent and does not know if those numbers are going to make a difference in the long run. She asked someone to make the motion.

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board grant a waiver of Article 11.5.C.2.k of the Freeport Subdivision Ordinance to allow for overhead utilities, as based upon the information provided by the applicant, the Board finds that the increased costs of underground utilities will raise the costs of the housing beyond the market in this location. (Troidl & Blanchard) **ROLL CALL VOTE:** (5 Ayes) (1 Nay-Reiche) (1 Excused-Yankee)

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board finds the review of the Site Inventory Map, Site Analysis and Conceptual Plan for Habitat for Humanity for a three- lot residential open space subdivision on Old Brunswick Road / Route One (Tax Assessor Map 18, Lot 15) complete as the Board finds that the appropriate areas have been determined for development and for conservation of open space. (Reiche & Troidl) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Yankee) (0 Nays)

#### ITEM III: Review of New Applications

##### **Regional School Unit #5 – Morse Street** **This item has been tabled at the request of the applicant.**

The applicant is seeking approval of a Site Plan Amendment to add a portable classroom building near the Morse Street School. Minor associated site alterations are also proposed. Zoning District: Village I (V-1). Tax Assessor Map 11, Lot 24. Regional School Unit #5, applicant and owner; Dennis Ouellette, representative.

**Freeport Plaza – US Route One**

The applicant is seeking approval for a change of use to add two residential units in an existing commercial property at 541 US Route One. One of the units is after the fact and the other will be new. The multiple uses in one building are permitted under the new use of Mixed-Use Development. No changes to the site are proposed. Zoning District: Commercial I (C-1). Tax Assessor Map 23, Lot 60-1. Hal and Marc, LLC, applicant and owner; Peter Foster, representative.

Mrs. Pelletier explained that this application is before the Board for a change of use and the Board does not see this type of application a lot. Quite often they go to the Staff Review Board because typically if you have an existing building and you are changing to another commercial use, a lot of times there aren't enough site changes triggered that put them into the threshold to come before you. With this application, there would have been a couple of Staff Review Board members that would have had to recuse. In that case we bumped the project to Project Review so they can get a fair hearing before the Board. This applicant came in about a year ago because they had an apartment in their building and wanted to add another one. Staff has changed over time as had some involvement in the ownership and there was no paper trail for that. Based upon the language in the Ordinance, the interpretation of the current Code Officer was that the applicant could not add an apartment in there because mixed use was not permitted and they wanted to have commercial and residential uses in one building. The applicant went through the process to amend the Zoning Ordinance. Formerly it said for mixed use you had to have three residential uses and one other use. Now it says you need at least one residential unit and at least one other commercial use. It was also added as a permitted use in the Commercial I District which is where the applicant is located. Before you tonight, the applicant is here, there is some confusion on the paper trail. The applicant has included drawings of his building to note what the current conditions are. You will see that it was an old hotel and split into two properties years ago. The applicant came to the Town years ago to get approval to do retail, office and daycare in there. The daycare is gone and they are now seeking approval to add the two residential units. As far as changes on the site, the applicant has included in their submission the parking calculation. This is in the Commercial District so the parking calculation is based upon an analysis submitted by the applicant. They have over 50 spaces on the site and are not proposing any changes. They do need to get final sign-off capacity letters from the Water District and the Sewer District. Those are added as standard conditions of approval and would also eventually require a building permit from the Code Officer. Due to the nature of the property, they would also need approval from the State Fire Marshall. Those are noted. They have a previously approved site plan so 527 is applicable. They are not proposing any changes to any signage, landscaping or access to the site. We really don't have any outstanding items other than the few things she mentioned. It is a mixed use so the uses permitted have been retail, office and if approved would be the apartment. Should they want to tweak these and add anything in the future, they would most likely have to come back to the Board.

Mrs. Pelletier noted the applicant, Peter Foster is here but there are no members of the public. Mr. Foster noted that Mrs. Pelletier covered everything well and he did not have anything else to add. He pointed out that this has been a long process for about 1,400 sq. ft. of office space. He hired an attorney and went through the Zoning Ordinance change. That was accomplished and this is the next step. He hasn't had anything built yet. He is hoping to get this moved forward tonight.

Mr. Reiche noted that with respect to the Zoning Ordinance change, the original wording was the various permitted commercial uses and three or more residential dwellings. If this is only two, why is a Zoning Ordinance change required. Mrs. Pelletier explained that originally when the applicant came in, he was looking to add one and the Planning Board did not see a reason to have a number there. They



changed it to three. They felt that if you wanted to have one, that would be appropriate. Two there is some opportunity in existing commercial buildings and they felt residential units could fit in. The applicant decided they want to have two which is why there is two before the Board. Mr. Reiche mentioned that he is trying to understand why this is before the Board as a mixed use when it is only two units. Mrs. Pelletier pointed out they have the commercial uses and they would have the residential uses in one building. The interpretation of the Code Officer is that to have a residential and commercial use in one building, it would need to be permitted. The way the language was in this zone, it was not clear it was permitted. Mr. Foster noted that the issue the Code Officer found was with the word "building". It was not clear they could have both uses under one roof.

Mr. Reiche asked what public notice has gone out to abutters and tenants. Mr. Pelletier explained that through the Ordinance, we need to notify abutters within 200 feet. Because we picked up the Concord Brook Condos there were approximately 40-50 notices that they had to send out. We legally have to require notification to the property owners that are tax assessed. We don't notify tenants because we don't always have contact information. This was standard Site Plan notification. Although we are changing from one use to another, any form of site plan that is before the Board, it is always those ten standards under 602 so in something like this, a lot of them are found to not really apply because they are not making a lot of changes to the face of the earth.

Chair Campanelli asked if there is an additional egress on the outside of the building, will it change the Site Plan? Mrs. Pelletier advised that it would most likely not change the Site Plan because they would just be adding a door. They wouldn't be making a change to a footprint. It would be minor enough that it could be signed off on at Staff Approval. Mr. Foster advised that the second means of egress proposed is a window.

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

*The site is already developed and no changes to the site or building are proposed. Based upon this information, the Board finds that this standard has been met.*

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the

findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

*The property is in the Commercial I (C-I) Zoning District. No exterior changes to the building are proposed. Based upon this information, the Board finds that this standard has been met.*

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

*Access to the site is existing from US Route One and is a shared access point with the abutting property. There was a second entrance (previously staff approved) to the site from Pine Street, however that entrance has not yet been installed. No changes to vehicular access to the site are proposed. Based upon this information, the Board finds that this standard has been met.*

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

*No changes to parking and circulation are proposed. There are currently 55 existing paved/striped parking spaces on the site. Since this parcel is in the Commercial I (C-I) Zoning District, the parking requirement is based upon a parking analysis submitted by the applicant. An analysis was included in the submission, and the applicant has indicated that all of the uses on the site would require 54.4 parking spaces. Based upon this information, the Board finds that this standard has been met.*

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

*No changes to surface water drainage is proposed. Based upon this information, the Board finds that this standard has been met.*

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show

what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

*The building is already connected to public utilities. The applicant has contacted the Freeport Sewer District and Maine Water for capacity letters. Those are forthcoming and obtaining the capacity letters has been added as a condition of approval. Based upon this information, the Board finds that this standard has been met.*

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

*No new signage is proposed. Based upon this information, the Board finds that this standard has been met.*

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

*Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. Section 527 contains standards for building design, signage, access and landscaping. Since the site plan was previously approved by the Project Review Board, it was previously found to be in compliance with this section. Based upon this information, the Board finds that this standard has been met.*

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

*No new lighting is proposed. There is existing lighting near points of egress on the building. Based upon this information, the Board finds that this standard has been met.*

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

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

- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off- street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

*No changes to landscaping are proposed. The applicant has an approved landscaping plan that was previously approved by the Freeport Project Review Board. Based upon this information, the Board finds that this standard has been met.*

- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:

- (1) The project will not result in water pollution, erosion or sedimentation to surfacewaters;
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (3) The project will conserve shoreland vegetation;
- (4) The project will conserve points of public access to waters;
- (5) The project will adequately provide for the disposal of all wastewater;
- (6) The project will protect archaeological and historic resources;
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

*The parcel is not within the Shoreland Zone or the Marine Waterfront District. No site changes 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 Freeport Zoning Ordinance.

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Change of Use for Hal and Mark LLC at 541 US Route One (Tax Assessor Map 23, Lot 60-1), to allow for two residential units in an existing commercial building, to be built substantially as proposed, application dated 06/11/20, finding that it meets the standards of the Section 602 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 construction, the applicant obtain a building permit from the Freeport Codes Enforcement Officer for the change of use and interior alterations.
- 3) Prior to obtaining a building permit from the Town of Freeport for the changes, the applicant obtain approval from the State Fire Marshal.
- 4) The applicant obtain written capacity to serve letters from the Freeport Sewer District and Maine Water Company, with copies to be submitted to the Freeport Planning Department. (Blanchard & Hamlin) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Yankee)

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

Mrs. Pelletier asked Board members if they are able to attend the July 15<sup>th</sup> meeting at 6 o'clock. She cautioned that there would be five or six items on the agenda. Everyone indicated they could attend.

ITEM V: Adjourn.

- 5) **MOVED AND SECONDED:** to adjourn at 7:18 p.m. (Troidl & Watson) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Yankee)

Recorded by Sharon Coffin