

FREEPORT PROJECT REVIEW BOARD MINUTES
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 20, 2019
6 p.m.

Attending: Chair Geralyn Campanelli, Guy Blanchard, Gordon Hamlin, Ford Reiche, Adam Troidl, Suzanne Watson, Drew Wing and Caroline Pelletier (Staff Person)

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

ITEM I: Informational Exchange

a) Update on Staff Approvals

Ms. Pelletier advised that Ms. Larson has done a staff approval for signage at Freeport Café and if anyone has been by there, they have a ground sign for Best Western and they have an old ground sign that has been there. This ground sign will be externally illuminated and will fit right between the existing poles.

b) Update on approvals by the Freeport Staff Review Board

Ms. Pelletier explained that people have asked her about the Staff Review Board. She explained that there are different levels of project reviews. Things like a change of use or a small building addition can go before the Staff Review Board. The Board is made up by staff members so it is either her or Donna Larson and Adam Bliss, Earl Gibson, Charles Jordan and Nick Adams. Applicants make application, submit materials which are reviewed to the same standards and same findings of fact. The Board notifies abutters and circulates the agenda. If something comes in that is bigger or controversial, the Board has the ability to bump it up to the Project Review Board. They have actually had three Staff Review Board meetings in the past month so there is a lot going on.

The first one was at Freeport Crossing where Shaw's is located. There are some vacancies which they are trying to fill and it was approved as retail. They wanted the flexibility to either use it as retail or office. They got approval to do that. Shaw's and Dunkin Donuts are going to remain. If they want to do any other use, they will come back before the Board for another change of use. In this case they have a Quick Care Vet which will be the office use. The second change of use was at 353 U.S. Route One which used to be Mini Coopers. Royal River Heat Pumps is going in there so the change in use was from auto sales to commercial sales and service. Neither of them is doing any significant site changes. The third one is in the village in Design Review but they were not doing any exterior modifications. It is at 5 Depot Street next to Petrillo's and has the Kitchen Store. They have 2,500 sq. ft. that was previously approved for restaurant and they have a little small theatre going in there so they got a change in use to an indoor arts center. Mr. Reiche asked about the first Staff Review Board meeting mentioned that was conversion from retail to office, as a result of that meeting, asked if they can convert that to office and need a building permit and don't have to come before Project Review Board? Ms. Pelletier advised that it is already approved for retail so any retail and/or office use because it actually has a lower threshold parking requirement and they can get a building permit assuming they don't make exterior modifications.

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

Chair Campanelli advised there are a couple of things that need to be verified on the tape so she recommended tabling those minutes until next month so we can clarify them. She asked if that is okay with everybody? There was no opposition voiced by Board members.

ITEM III: Reviews

Two Stonewood, LLC – Subdivision Amendment

The applicant is seeking approval of minor lot line amendments and note changes at the previously approved Stonewood Subdivision off Stonewood Drive. The application would amend the plan previously approved by the Board in November 2018. Zoning District: Commercial I. Tax Assessor Map 23, Lot 70B. Two Stonewood, LLC, applicant and owner; Kylie Mason, Sebago Technics, representative.

Chair Campanelli noted that three Board members are planning to recuse themselves and asked them to explain their reasons. Mr. Wing explained that he is recusing himself because he is connected with two of the parties developing the parcel with other engagements. Mr. Hamlin explained that he is recusing because of a relationship with one of the owners. Mr. Reiche explained the reason he is recusing himself is because he is an owner. All three stepped out into the hallway.

Ms. Pelletier introduced the project and explained that this is a relatively simple project. They came to the Board in November and got approval and now they are back because after getting approval, they realized they have to fine-tune a couple of things.

Changes include a couple of lot line adjustments, correcting a revision note cleaning up a couple of labels, clarifying drainage easements and updating the net residential acreage calculation because there was a little error in there. She explained that in the Ordinance a subdivision is defined as the creation of three or more parcels in a five-year period but there is a specific date in 1971 so if you are in a subdivision after that date of 1971, any modifications to the plan, except for a minor note, do have to come before the Board. That is why it is back here.

Kylie Mason agreed this is pretty simple. She explained that they have obtained a reduction in the stream setback and had a favorable ruling of the wetland from the Maine Department of Environmental Protection and this allowed them to rotate some lines. They also updated some notes.

There were no questions raised by the Board.

Findings of Fact:

11.1 Pollution

The entire parcel is in Flood Zone C – Area of Minimal Flooding based upon the most current FEMA Flood Insurance Rate Maps. The building will be connected to the public water and public sewer system. A stream has been identified on the plan and Department of Environmental Setbacks will be maintained with the exception of the trail for which an NRPA Permit will need to be obtained. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

The development will be connected to the public water system. A capacity letter from MaineWater (dated 9/26/18) has been included in the submission. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

The development will be connected to the public water system. A capacity letter from MaineWater (dated 9/26/18) has been included in the submission. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion.

The applicant did submit stormwater management and erosion control plans. The Town Engineer has reviewed and approved the plans for the stormwater improvements associated with the road. His comments are included in a memo dated November 20, 2018. It is his recommendation that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, and to be recorded in the Cumberland County Registry of Deeds. This has been added as a proposed condition of approval. In addition, the parcel is subject to an existing Department of Environmental Protection Site Location of Development Permit and an amendment will be required; this has been added as a condition of approval and the submission has been made. The amendment will be for the potential buildout of the entire development; treatment will be comprehensively designed for a pre-determined amount of impervious area on each lot. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

The existing road will be improved and extended. Due to the number of parcels with access off of the road, a road name is required. The road name of "Lighthouse Road" has been reviewed and approved by the Town of Freeport's E-911 Addressing Officer. The new length of road will be subject to a Pavement Maintenance Impact Fee; this has been added as a condition of approval.

A draft road maintenance agreement has been included in the submission. Submitting final legal documents to the Town of Freeport for review and approval has been added as a condition of approval.

In addition, the applicant has been working with the Maine Department of Transportation regarding a Traffic Movement Permit for the project. This subdivision is not triggering the need for the permit, however the applicant is planning ahead as it is anticipated that the complete buildout would trigger the need for this.

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

11.6 Sewage Disposal

The parcels will be connected to the public sewer system. A capacity letter from the Freeport Sewer District (dated 10/09/18) has been included with the submission. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

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

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or

Public Access to the Shoreline

A vernal pool study was conducted in April 2018 by Sebago Technics; no significant vernal pools have been identified on the site (see memorandum dated 07/05/18). The Maine Historic Preservation Commission did sign-off on the project (dated 09/19/18) and noted that no historic resources will be affected by the project. The applicant also obtained a letter from the Department of Inland Fisheries and Wildlife (dated 10/03/18) in there they state that there is no known critical habitat on the property. A letter from the Maine Department of Agriculture, Conservation and Forestry regarding the potential of any natural resources on the site has been included in the submission (dated 10/03/18) and notes that there are no rare botanical features within the project area. Based upon this information, the Board finds that this standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

The parcel is located in the Commercial I (C-I) Zoning District. No open space is required. The plan complies with the space standards and open space requirements of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

The recording plat and submission was prepared by Sebago Technics. The recording plan was stamped by a land surveyor. A letter from Gorham Savings Bank (dated 10/31/18) noting financial capacity to complete the project was included in the submission. Prior to any work beginning on the project, the applicant will need to establish a performance guarantee to cover the cost of all site work. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

This parcel is not located within the watershed of a great pond or lake, nor is it within the Shoreland Zone. The locations of wetlands have been shown on the plan. NRPA Permits for wetland filling and proximity of work to the stream will be required. The applicant did receive approval from the DEP for a stream setback reduction to allow a portion of the setback on Lot 4 to be reduced from 100 feet down to 75 feet; this is reflected on the plan. An amendment to the existing Site Location of Development Permit from the Maine Department of Environmental Protection is required and the submission has been made. Based upon this information, the Board finds that this standard has been met.

11.12 Impact on Ground Water Quality or Quantity

The parcels will be connected to the public water system and public sewer system. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

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

11.14 Identification of Freshwater Wetlands

The locations of wetlands have been shown on the plan. Wetlands were delineated by Mike Jakubowski of Sebago Technics, Inc (see memorandum dated 7/5/18). An NRPA Permit from the DEP will be required for some filling of wetlands. Based upon this information, the Board finds

that this standard has been met.

11.15 Rivers, Streams, and Brooks

The location of an un-named stream has been identified on the plan. An NRPA Permit from the DEP will be required for the proximity of some work to the stream. The applicant did receive approval from the DEP for a reduction in the setback to the stream to allow a portion of the setback on Lot 4 to be reduced from 100 feet down to 75 feet; this is reflected on the plan. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

The applicant did submit stormwater management and erosion control plans. The Town Engineer has reviewed and approved the plans for the stormwater improvements associated with the road. His comments are included in a memo dated November 20, 2018. It is his recommendation that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, and to be recorded in the Cumberland County Registry of Deeds. This has been added as a proposed condition of approval. In addition, the parcel is subject to an existing Department of Environmental Protection Site Location of Development Permit and an amendment will be required; this has been added as a condition of approval and the submission has been made. The amendment will be for the potential buildout of the entire development; treatment will be comprehensively designed for a pre-determined amount of impervious area on each lot. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

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

11.18 Phosphorus Impacts on Great Ponds

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

11.19 Impacts on Adjoining Municipalities

The development is entirely within the boundaries of the Town of Freeport and does not cross any municipal boundaries. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: To accept the proposed motion as written in the staff report.

(Blanchard & Watson) **VOTE:** (4 Ayes) (3 Recused-Wing, Hamlin & Reiche) (0 Nays)

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision plan for Two Stonewood, LLC, for a subdivision amendment on Lighthouse Road, subdivision recording plan dated 01/30/19, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review

Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.

- 2) 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 length of the new section of the road 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 to cover the cost of all site work associated with the project, in an amount of \$258,362.00, 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 \$5,167.00, be paid.
 - D. Establish an inspection account, in the amount of \$3,000, for inspection of the site improvements by the Town Engineer.
 - E. The developer have a pre-construction meeting with the Town Engineer.
 - F. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
 - G. The applicant obtain approval from the Maine Department of Environmental Protection for an amendment to the existing Site Location of Development Permit.
 - H. Final legal documents be submitted to the Town for review and approval including association documents, road maintenance provisions and the draft easement language for public access to and over the proposed trail connection.
- 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.

Fletcher Property Group – Residential Open Space Subdivision

The applicant is presenting conceptual plans for a residential open-space subdivision off Young's Lane. Plans include three residential lots with a total of six single-family dwellings and four duplexes. A road extension and 34 acres of open space are proposed. Zoning Districts: Rural Residential I (RR-I), Resource Protection II (RP-II), & Stream Protection (SP). Tax Assessor Map 26, Lot 4A. Fletcher Property Group, LLC, applicant; Fletcher Property Group, LLC & CMQ, LLC, owners; Peter Biegel, Land Design Solutions, representative.

Ms. Pelletier explained two important things to note: first, there was a traffic study included in the Board's packets prepared by Bill Bray. There was a typo in the third paragraph that did not note the

correct layout of the three single-family units on their own lots so she asked that that be corrected. She received it yesterday and there are copies on the side table for the public. The Board has copies in front of them. There were two letters, one from the Granite Farm Neighborhood Association and one from a Freeport resident that were included in the packets.

The project was here in November and we did a site walk and then they came back in January with conceptual plans. The Board was clear and gave the applicant good feedback on what they needed to be able to most likely make a decision on a conceptual plan. This is a major subdivision so it is three phases, conceptual, preliminary and then final. The point of conceptual is whether or not the Board agrees that the appropriate areas have been determined for development and for open space. That is the only decision they are making. Once they do that, the applicant will go away, do their field work and work on the plans. There maybe some tweaks but generally the layout is going to stay the same as it is presented. The Board asked the applicant to address:

- A letter from the DEP
- Updated letter from the Traffic Engineer pertaining to site distance
- Issues with the road
- Property Line buffering
- Net Residential Acreage Calculation

Mr. Biegel displayed a plan. Ms. Pelletier explained the net residential acreage calculation. They have 34.2 acres of buildable area and they need to have so much per unit. So, for the units as proposed they would need 27 acres so they have enough net residential acreage to do what they are proposing and actually have excess. One thing that Mr. Wing brought up at the last meeting was slopes. If you follow down the road as you get to the right, there is a duplex and in the submission was a sheet with slopes and the duplex was shown on there. During conceptual, they use aerial photos to get the topography. They place the units where it seems appropriate and after concept they go and field verify and finetune the data. She mentioned to the applicant that they need to look at moving that unit because the point of these primary conservation areas is to protect them. We don't want to see a unit in the steep slopes. The applicants are aware of it and can comment on it.

Ms. Pelletier mentioned a letter from DEP. There was a question of Site Location. Site Location is a level permitting from DEP. It is not a permit that the Town issues. We care about it and it is very important, but it is up to the DEP. The applicant was told to go to DEP and find out whether or not they needed Site Location. It is one level of permitting and there are different thresholds covered in the letter. In this case, the applicant has talked to the Freeport Conservation Trust about donating the open space to the Trust which is an allowable option in the Ordinance for open space. DEP looks at the subdivision and says, okay it is approximately 50 acres and they are going to give away 34 acres so what do they have left? If what they have left is under 20 acres, they are not hitting that threshold for Site Location (which they went into in the letter.) Previously they had gotten into showing some rentals and different options for ownership and that all tied into Site Location. It is not something we regulate. Although they don't need a Site Location permit, they are still going to need a stormwater permit. There are different levels of stormwater permitting and different thresholds. In this case our Town Engineer looked at it and we are assuming they are going to have greater than an acre of impervious area so it will most likely trigger the need for a DEP Chapter 500 Stormwater permit. That is a review that we typically conduct in-house. We have the delegated capacity from DEP to do that but our Town Engineer feels he has a conflict and reached out to DEP and asked if in this situation, they could do the stormwater review on behalf of the Town of Freeport. DEP has agreed to do that. The same will work for the engineering review of the road.

Typically, we do it in-house but because there was a conflict, if they go forward with the project, we will work with the applicant and an engineer will do the review on behalf of the town.

Regarding the road, there were some questions about setbacks. Setbacks for roads are not regulated by the Ordinance; in this case and they don't have the same setbacks as a building. The road is located in a right-of-way and that right-of-way creates its own property boundaries. Ideally, we like to see the road in the center of the right-of-way but it doesn't always happen. They did say they took another look at the road but they do need to reserve some room at the bottom for stormwater. This is something the applicant can get into.

Ms. Pelletier mentioned that we got into the issue of site distance at the last meeting. There is an updated letter from the Traffic Engineer. He recommends that the Board allow a less stringent standard. It is something we would incorporate in the final findings because it is a standard of Subdivision Review but at this point it would be good if the Board feels they have what they need, if they could take a straw poll and indicate to the applicant that this is something they will consider allowing a different standard going forward.

They submitted a survey which the Board has in its packet. There was a question raised at the last meeting about a portion of the property line abutting the first couple of lots in the Norton Farm Subdivision. They also submitted a copy of the recorded plan from the abutting subdivision. Wells and septs were also raised at the last meeting. Septic systems and wells are all regulated under State Law. State Law says that a leach field component can be 10 feet from the property line whether or not you are in subdivision. When you have a leach field, it has a 100-foot buffer around it where you don't want to put a well. They draw these red circles which we see on subdivision plans to show where that area is and to show where there wouldn't be a well. They stopped it at the property line but really that buffer is still there. It is not something we regulate at the Town level, it is under State Law. There are also well rules that are under State Law. The Board did recommend a hydrogeologic assessment. Typically, it is not done until a little later in the process when the locations for the septs and wells are more finalized.

The Board asked that the applicant take another look at buffering. They did show updated hashed areas on the plan to show where they will look at buffering. Ms. Pelletier feels that it makes sense that they don't give us a detailed plan until a bit further in because until they have the conceptual layout, they don't get into the grading and the road design. It is not going to help anyone if they don't get it in the right spot. They also know that the Board will also expect that to be peer reviewed.

Peter Biegel of Land Design Solutions introduced Justin Fletcher.

Taking a step back, Mr. Biegel pointed to the site inventory map. They added the flood zone map and talked about the poorly drained soils. Soils in a wetland are not deducted unless they are very poorly drained so they looked at that. They went through and updated the calculations. In looking at the Plan, he pointed out the slopes shown in red, the field in yellow and pointed out an un-named brook and Harvey Brook. He showed where the easiest buildable area is located and where they plan to develop. He displayed the Development Plan and mentioned they wanted to stay out of the brook and wetlands as much as possible. They added a new buffer symbol on the top along lots that were reflected in the buffer sketch that they had presented before. They were hoping to not take it farther at this time until they actually do the road engineering and see what the elevations are.

Their surveyor noted the 12' jog in the lot line. He went back through the records and was pretty confident that it should be based upon an amended 1994 plot plan for the subdivision. The DEP also considers the open space as a lot so they are looking at this project with the agreement with the Freeport Land Trust. The DEP is saying we have four lots, not five and those lots are on a parcel less than 20 acres.

For site distance, Mr. Biegel highlighted a summary page. Most of the assessment stayed the same. Bill Bray, Traffic Engineer, in the introduction he had one of these lots still as part of this so the unit count was correct and the single-family versus duplexes was correct but he had not added it as its own lot. The traffic counts and trip generations were accurate. It was just the wording in the introduction. He highlighted in the summary where Mr. Bray talks about his reasoning why he feels that will be a safe entrance. He references the DOT standards which are 200 feet in a 25 mph. zone. Mr. Biegel quoted Mr. Bray's recommendation about site distance.

In regards to the duplex unit shown in the slope, they walked out there and he mentioned the eroded gully which he thought they could help stabilize. They are planning on doing field ground surveys and should have a better handle on that area. Tonight, they are acknowledging that the plan does show a duplex in a slope and they would want to verify exactly what that slope is with the ground survey. He mentioned that that slope would be conducive for a walk-out basement. The issue is can you use that slope to your benefit or is it off the table. They will do more work and will come back with it.

The other thing he would say about the two septic system locations is that as they move forward, they are going to have to locate wells. Septic systems not only have setbacks on property lines and wells but they have setbacks from the things they do for stormwater, streams and from your foundation so there are other things we need to balance out with these locations. Nitrates follow the topography so their nitrate flow will be flowing down and that is one of the reasons they would rather be on the high side. Anything above them is headed down towards them.

Mr. Biegel noted that those were the loose ends discussed at the last meeting.

Chair Campanelli asked Board members if they had questions.

Mr. Reiche mentioned he had one question after reviewing issues at past meetings and it relates to the fill. There are different Ordinance provisions that are thought to apply. One is not bringing in more 33% of material and asked why it is not involved here? Ms. Pelletier explained at the last meeting the Board had a letter from Nick Adams, Codes Enforcement Officer about fill and what sections apply and what does not. The standard regarding the 33% is a standard in the Zoning Ordinance that pertains to a Mining Overlay District, which is an area designated by the Council. This is not in that designated area and, therefore, that standard does not apply.

Chair Campanelli opened the public portion of the meeting and asked speakers to provide their name and where they live.

Ralph Norris of 18 Norton Farm Road referred to the amended plan. There was an amended plan filed in 1994 and it was recorded. Unfortunately, it does not constitute the transaction between the two parties. The only thing that will verify that it took place is the deed. On the plan Mr. Biegel had up and from a surveyor indicates that there was a deed dated June 6, 1994. In his note he said the deed was never recorded but it was on file in the Freeport Planning Office under the Granite Farm Subdivision file.

He has asked for a copy of it but to date they haven't received one. If the Town cannot produce the deed, the transaction never took place.

Ms. Pelletier explained that she did receive a request for a deed but she was not sure which specific deed was being requested. Official deeds and plans are recorded in the Registry and they can be accessed online. There is a Subdivision file that they can come and go through. It is over on the counter and the public can do that at its convenience. Now that she knows what specific thing Mr. Norris is referring to, she would be happy to show it to him tomorrow. Mr. Norris advised that if Ms. Pelletier can locate the deed, he would like to have a copy of it so he can pass it on to people that might follow them in the subdivision. Chair Campanelli advised that while this is relevant, it is something that has to be pursued between the owners and needs to be done.

Mark Morrissey of Norton Farm Road mentioned that last month they talked about the well exclusion zones and he asked Mr. Biegel if he could do a well exclusion zone and he replied yes, he can. Mr. Morrissey also asked for documentation that says where legally they can come on his property and he has not gotten it. He referred to the big plan and noted the circles are gone but they still have that issue. He came into Town Office last week and asked the Town Planner to provide the ordinance or law that says the developer can come on abutters' properties. She could not provide him with that but said "we do this all the time." Ms. Pelletier explained that if someone comes in for a septic system as this one will eventually, they will have the design done in accordance with the State Subsurface Waste Water Disposal Rules. A copy is available in the Town Office as well as on line. Systems are designed by licensed Site Evaluators and then Nick Adams, our local Plumbing Inspector looks it over to issue a septic permit.

Mr. Morrissey noted that it seems to him, that we have not resolved this question, and if the Board allows this development to go through, the Town is in fact, approving the developer to encumber his property. He does not believe the Town can have it both ways. It cannot be involved but give the developer approval to move forward with their plan. This is not going to go away. We need to come to a resolution with this. The Town Planner needs to provide him with the law, the site, whatever it says that the developer can encumber his property. That is all he is asking for and we haven't yet resolved it.

Tammy Morrissey of Norton Farm pointed out that back in November, she is the one that brought up the issue of processing the fill which is an item in the Ordinance under Short Term Excavation. It is written in black and white that it is not allowed. Tonight, she is being told that part of the Ordinance does not apply in this case. She is also hearing that 33% of what you process is all you are allowed when you bring it in from an outside location, which in this case was Yarmouth. Now we are saying that the 33% indication in the Ordinance is under Mining excavation which she says is a rough quarry, so now we are going to say that that part of excavation is going to apply to Short Term Excavation. We are picking pieces from different paragraphs in the Ordinance under different levels of excavation. She provided page numbers back in November. Now we are going to pick and choose which ones apply conveniently in this case. It does not make sense. It is not there. It is not right. You can't pick and choose from the Ordinance what part applies to what kind of development, especially when you are talking about the health and welfare of residents from an outside developer who brought in rocks from a town that doesn't allow processing.

Ms. Pelletier agrees that it is a very confusing issue and referred back to Mr. Adams' opinion of the Ordinance. They should not have brought it in without a permit. They were told to stop and they were told the only way to fix it was to either haul it off or come in and get the permit. They can use the fill in association with the permit if they get the subdivision approval. Chair Campanelli explained that she

referenced back to the letter Mr. Adams wrote for the last meeting. More discussion followed. Chair Campanelli pointed out that the Board has to deal with what is at hand now. If the subdivision does not go forward, it will all have to be revisited.

Mr. Reiche mentioned the State well exclusion zones and the State Plumbing Code, the Board does not have any authority but there is confusion. He asked if he is correct in understanding that this is State Plumbing Code and it applies whether it is a subdivision or just two abutters and everywhere in the State of Maine? Ms. Pelletier replied, yes with the exception that there are situations where you can get a variance to go within that typical 100-foot buffer. In this case, where they are in subdivision, our Subdivision Ordinance does not allow a new system to get a variance to go closer to someone else's system. If you are replacing it at your house, outside of a subdivision, there are some exceptions to the rule. She researched well drilling rules and ran it by Town Staff to make sure, but we can't find anywhere anything that regulates it further.

Mr. Reiche raised the question that if there is public confusion about this or public hunger for information, could staff make the regulation available? Ms. Pelletier advised that staff could definitely provide a link to the code online or they can come in and look at it.

Mr. Wing asked Mr. Biegel when he laid out the proposed septic fields, did he survey the existing neighborhood and where those wells were to determine he had 100-feet from their wells. Mr. Biegel answered that he did it to the best of his ability driving through and looking along the back lines. He also checked where the abutters' septic fields were. Mr. Wing mentioned that it does seem to be a problematic rule that to be able to determine where you can put your wells, you would need to know exactly where their septic fields were. Mr. Wing noted that the primary concern of neighbors is that placing the septic in the rear of these buildings closer to the property lines, encumbers their property from drilling a future well within that 100-foot radius. Mr. Morrissey added that this is something he will have to disclose if he goes to sell his property. He doesn't know if that will become an issue in the future.

Mr. Reiche asked if there has been any discussion regarding the conservation land between staff and the Freeport Land Trust. Ms. Pelletier mentioned there has been limited discussion. They came in and looked at it but we haven't gotten into any detailed discussion other than what was submitted. Mr. Reiche asked if this property will be used by the public and should the Board be getting into questions of access? Mr. Biegel advised that the answer is yes. There is a letter from the Director concerning this.

They would allow people to park in the hammerhead and pointed out where an easement would be provided that would allow walkers to get to the open space. If they take it over, public access will be provided. Chair Campanelli asked if the parking would be a concern for Fire safety? Mr. Biegel advised that the Land Trust Director advised that they have done this at another site and it was an easy thing to do. He is not sure Fire or Emergency personnel will have a comment on this. He advised the Director that they would provide some sort of minimal parking for people to access the open space. They will have it in the next submission. Chair Campanelli mentioned this should be labeled for the next time.

Mr. Blanchard mentioned there is a note from staff asking if the Board has any additional feedback to give on the sight distances. Chair Campanelli advised if it is an issue and they are not going to meet the 250' on both sides, we should tell them that now. She found it frustrating that our Ordinance is different from MDOT's. She would like the Town Engineer to look at that in the future because it is not helpful for the Board to have that discrepancy and it seems to be a significant discrepancy. Mr. Reiche pointed out

that if the Board waives it, we are effectively adopting the MDOT code for future applications and rejecting our own. Ms. Pelletier explained that the Ordinance is pretty specific and you need a recommendation from a Traffic Engineer. If somebody does not have that in the future, she is not sure it is something the Board would consider. It will be a case by case basis.

Ms. Pelletier explained that in the Ordinance there is Article 11 that has all the standards the applicants are going to need to prove that they meet and the Board is going to need to show that it has Findings of Fact within those. So, in the final findings, if the applicant continues with the process, the Board will need to make a finding that it is allowing that standard. Mr. Blanchard suggested straw polling.

Chair Campanelli asked the Board if it accepts the Engineer's letter and they go forward and raise it 6" and meet the standards.? The Board unanimously agreed. Mr. Reiche explained that he would be comfortable in the end finding that there is adequate sight distance in light of the Engineer's letter. Chair Campanelli asked if the Board was willing to do another site visit. Ms. Pelletier explained that typically the Board does one site visit but it is really up to the Board if they need it. Mr. Blanchard advised that the Board is getting a new layout and the duplex on the slope might move. He doesn't think the Board should go out there now and look at one thing and then something else might change and the Board will want to look at it again. We are in conceptual now and have two more kicks of the can before we get to final. Ms. Pelletier added that if they make it through conceptual and the Board takes action, they go away and work on their plans and there may be other issues and there may be other reasons for the Board to do another site walk. They have a whole book of standards they have to prove that they can meet.

Mr. Troidl mentioned the subject of the rock. He feels the Board is in a circular loop here where the Board said okay, let's have Codes Enforcement write a letter and he wrote a letter that said, "okay now it is your problem." The gist of that is that an honest mistake was made that he could haul the material. Everybody found out then they stopped and he said at some point, they need a permit. Now that permit is really tied to the subdivision approval. For next time, other than the hauling of the rock, unless there is something illegal about the activity for the Board that doesn't meet the ordinances it is charged with reviewing, then we would approve the subdivision and by de facto approve the permit for the rock. If everyone is comfortable with that and Codes Enforcement feels it doesn't have any other avenue to address it, that is where we are. Chair Campanelli mentioned the breaking of that rock might need to occur within a certain period of time. Mr. Troidl noted that the Board's Finding of Fact next time needs to either say there is no provision in the Ordinance that precludes this or there is or it shouldn't be allowed or here is the reason it will be waived. The Board needs to make some kind of finding based on Mr. Adams' letter. Ms. Pelletier advised that the Board cannot comment on whether or not it is a violation. Only Mr. Adams can determine if it is a violation and cite them. If for some reason this doesn't go forward and the Board does not grant approval of the subdivision, it is an enforcement issue and Mr. Adams will have to handle it as he feels is appropriate.

Mr. Wing wanted to go back to the intent of the conceptual phase and evaluate whether the developer has identified the appropriate areas for development and laid it out in a way that made sense. He thinks they did a good job tonight of demonstrating why they placed the buildings where they placed them. It should not be overlooked that there is a significant amount of open space and conservation taking place as a result of this subdivision. This is land that could potentially be developed in some very sensitive areas and he does not believe that should be overlooked. It does look as though the developer is making provision so the public can access that space. Based on the intent of conceptual review, his feeling is that at this point and with the clarification of the information that was requested at the last meeting,

they have done that. He thinks there are some unanswered questions. He would like to understand more about the setbacks and how they intentionally encumber another's property. It is a reasonable question to ask for clarification on but is not something we have to have answered tonight. He reinforces the need to work diligently on the buffering before bringing back another plan and work with the closest neighbors to figure it out, and do something to appease their concern regarding the setbacks required regardless of what the rule is. With this being said, Mr. Wing feels they met the requirements for conceptual approval.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board finds that the review of the Site Inventory Map and Conceptual Plan is complete, as based upon plans dated September 2018 and revised through 2/12/19, the Board finds that the appropriate areas have been determined for development and for open space.
(Wing & Troidl) **VOTE:** (7 Ayes) (0 Nays)

For members of the public, Ms. Pelletier explained that this is the conceptual phase and now they will be moving into the preliminary phase. There are more standards and there is additional information outlined in the Ordinance that they will be required to submit. There will need to be a formal public hearing after they complete that and then they will move into the final process.

Dog House Energy Services – Site Plan

The applicant is seeking final Site Plan Approval for a new 2,800 s.f. building (to be used for office and warehouse/storage) and associated site improvements on an existing vacant parcel on US Route One (North). Zoning District: Medium Density B (MD-B). Tax Assessor Map 18, Lot 59-1. John Scola, Dog House Energy, applicant; Eric Lowell, owner; Tom Saucier, P.E., Site Design Associates, representative.

Ms. Pelletier introduced the project and explained that this applicant has the property under a purchase and sale agreement. They were before the Board with conceptual plans in November. It is an office building and they will have some warehouse and storage for their own personal use. It is a two-story building. They have received an entrance permit from MDOT. They would still need to get a contractor's license from Freeport's Department of Public Works and that has been added as a proposed condition. Stormwater was reviewed by the Town Engineer. He provided a memo that was attached to the Staff Report. He did ask to have some minor details clarified and cleaned up on the plan. If the Board is comfortable with that, it could be a condition of approval to be reviewed and signed off on. Mr. Bliss also recommended that they enter into a stormwater maintenance agreement with the Town. For the stormwater treatment, they do have to encroach in the 75 foot no disturbance from the stream and they will need a permit from DEP for that. That is a proposed condition. They will be served by well and septic. One thing that was not included in the submission is signage. They are aware that if they are going to do a ground sign, they will have to make a new application and come back to the Board. In the MDB Zone for outdoor storage, there is a screening requirement and requires a fence with an opaque material. They are proposing a metal fence with some pvc slats in it.

Ms. Pelletier noted there is a provision for buffering. They have to have buffering for a depth of 25 feet. They have a landscaping plan that shows some supplemental plantings and they did submit some pictures showing existing vegetation which accompanied their cover letter. They have a pretty standard site plan which Staff feels addressed issues with conditions.

Tom Saucier introduced John Scola and explained that the project site is located at U.S. Route One across from Zachau Construction. It is an undeveloped site at this time. They are proposing a 2,800 square foot building with a 1,400 sq. ft. footprint. The gravel driveway will have a paved apron. There will be sidewalks around the building. They have received an entrance permit from MDOT. He pointed out the side where parking spaces would be provided and mentioned there would be a few spaces in the front for occasional customers who might drop in to pay their bills. He pointed out where a septic tank would be installed and the well site is still to be determined. It has to honor the setback from the septic field.

He pointed out where the stormwater management system is reflected on the plan. Stormwater will be picked up in the parking lot and directed to a facility where it will be treated and detained. Treatment will consist of a sand filter for the first half inch as per Freeport's Ordinance. They will be treating about 2/3 of an inch and the facility will probably lessen the amount after development is in place. In the landscape plan the intent is to preserve the buffer around the site to the extent possible. He pointed out the driveway, culverts and proposed maple trees.

He displayed a floor plan of the building. On the first floor is where the warehouse space is, employee entrance, rest rooms and an office. He showed where customers would enter to pay their bills. They do not expect a lot of traffic. No retail sales will go on here.

He displayed a plan showing the design of the building. They are proposing asphalt shingles on the roof; the colors will be earth toned. They haven't decided exactly what they will be yet. The overhead door is on the rear of the building facing away from Route One. He pointed out the back of the building facing South. He displayed the most recent aerial photo showing there aren't any gaps in the trees. They plan to preserve the buffer in the front that has a thick stand of pine trees. There are some hardwoods along the entrance to the site and they plan to plant three 2 ½" caliper maple trees which are 10-12-foot trees. He showed the same view in the summer. They will be using cut-off lighting fixtures, dark sky compliant. There will be some building mounted lighting and three pole-mounted lights providing security around the site.

Mr. Reiche asked about the outside storage area and how it lines up with the view from the street. Mr. Saucier explained that it will be in the rear and there will be a 6 ft. high chain link fence with pvc slats. Mr. Reiche mentioned that pvc slats do not sound very permanent and asked Mr. Saucier to provide some information that addresses that. Mr. Saucier indicated that he can but he feels they are pretty durable and last a long time. They can be maintained and will be in a neutral color.

Ms. Watson was curious about what would be stored and asked if it would be insulation and supplies? Mr. Scola explained that it could be an old boiler, pipes or perhaps some junk material that needs to hauled off. Ms. Watson asked if the trucks that would be coming and going would be big? Mr. Scola advised that he uses Riverside Disposal Company.

Chair Campanelli noted she wished they would have thought about the signage and included it in the submission. It is significant in a site plan when you are putting in trees with existing trees that you are able to see it. Mr. Saucier mentioned they expect signage will be installed in the cleared area by the driveway but at this point they have been scrambling to get things done that are higher priority on this project but understand that they have to come back. Chair Campanelli mentioned that the applicant has all these nice trees and when they come in to do the construction, she hopes they don't tear them all down. Mr. Saucier assured her that it would be on the Site Plan.

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

a. Preservation of Landscape:

The site is currently undeveloped and the plans include a new two-story 2,800 s.f. building to be use as office and warehouse/storage for their business. The project is in the Medium Density B (MD-B) District and complies with the space and bulk standards of Section 406 of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

b. Relation of Proposed Buildings to the Environment:

The structure will be two stories and sided with vinyl clapboards and shakes with asphalt shingles on the roof. An overhead door will be on the rear. Section 406.G (5 & 6) of the Freeport Zoning Ordinance provides some standards regarding the building and/or entrance depending on the visibility of the building from Route One. In this case, the building will be screened from the road partially from existing vegetation within the setbacks. The site plan does show a lawn area with three proposed maple trees near the entrance to enhance the existing conditions. The parcel is not within the Freeport Design Review Districts. Based upon this information, the Board finds that this standard has been met.

c. Vehicular Access:

An entrance permit from the Maine Department of Transportation (dated 01/16/19) was included with the submission and approves the new entrance on to Route One. The driveway will have a paved apron near the entrance. The remainder of the driveway will be gravel. The width of the driveway will be 24 feet in accordance with Section 512.D.10 of the Freeport Zoning Ordinance. Prior to starting work on the proposed entrance, the applicant's contractor will need to a contractor's license from the Freeport Department of Public Works Department. Based upon this information, the Board finds that this standard has been met.

d. Parking and Circulation:

The applicant is proposing 15 parking spaces with one being ADA and which will be striped and signed accordingly. The parking calculation, as shown on sheet C-101 of the site plan requires 8 parking spaces. The parking area and the number of spaces has been designed with the requirements of Section 514.B (8 & 9) of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

e. Surface Water Drainage:

The property is not within a watershed of an Urban Impaired Stream, has less than one acre of disturbed area and less than one acre of impervious area, and therefore does not trigger any DEP stormwater permitting. It was reviewed by the Town Engineer for its compliance with Section 529 Stormwater Management (of the Freeport Zoning Ordinance). His review comments are included in a memo dated 02/14/19. He has recommended that some details be included or clarified on the plan and suggests that this could be done as a condition of approval. It is also recommended that the applicant enters into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport and to be recorded in the Cumberland County Registry of Deeds. Both items have been added as conditions of approval. Based upon this information, the Board finds that this standard has been met.

f. Utilities:

The building will be served by a private well and septic system. A copy of the septic design (form HHE-200) has been included in the submission. The system has not yet been permitted. All septic systems are required to be reviewed and permitted by the Local Plumbing Inspector prior to installation. Based upon this information, the Board finds that this standard has been met.

g. Advertising Features:

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

h. Special Features:

There will be a dumpster and outdoor scrap metal storage area to the rear of the structure. Both areas will be screened with fencing. Section 406.G.3 of the Freeport Zoning Ordinance requires that outdoor storage "area be fully fenced with an opaque material 5 to 6 feet high." A 6-foot-high chain link fence with PVC slats is proposed. Based upon this information, the Board finds that this standard has been met.

i. Exterior Lighting:

Information on lighting has been included with the submission with the location of any parking lot fixtures being noted on the plan. A shielded, down light fixture is proposed. A photometrics plan has also been included. Based upon this information, the Board finds that this standard has been met.

j. Emergency Vehicle Access:

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

k. Landscaping:

There is some natural vegetation on the property which the applicant will retain to provide a buffer. The applicant has included a landscaping plan with additional plantings to supplement the front buffer and plantings near the building. Section 406.G.2 of the Freeport Zoning Ordinance requires landscaping "...in all front, side and rear setbacks for a minimum depth of 25 feet." Based upon this information, the Board finds that this standard has been met.

l. Environmental Considerations:

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The location of wetlands and a stream are shown on the plan. Some of the stormwater treatment facilities do encroach in the 75 foot no disturbance zone from the stream. An NRPA Permit by Rule notification will need to be filed with the Maine Department of Environmental Protection (DEP). The lot will have a private subsurface wastewater disposal system. 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 Site Plan for Dog House Energy Services on US Route One (Tax Assessor Map 18, Lot 59-1), for a new building and associated site improvements, to be

substantially as proposed, site plan dated January 2019, revised through 2/14/19, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, or a building permit being applied for, the applicant do the following:
 - A. Plans be revised and reviewed and approved by the Town Engineer specifically addressing his comments included in a memo dated February 14, 2019.
 - B. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - C. The applicant obtain approval from the Maine Department of Environmental Protection for the NRPA Permit by Rule for the work in proximity to the stream.
 - D. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, to be reviewed and approved by the Town Engineer and in a form acceptable to the Town Attorney. The performance guarantee shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount to be determined by the Town Engineer, be paid.
 - E. Establish an inspection account, in the amount of \$1,500, for inspection of the site improvements by the Town Engineer.
 - F. The developer have a pre-construction meeting with the Town Engineer.
 - G. At the time that a building permit is applied for, the applicant pay a Pavement Maintenance Impact fee to the Town of Freeport based upon the size of the proposed structures and the impact fees effective at such time (est.\$1,800.00).
- 4) Prior to starting work on the proposed entrance, the applicant's contractor obtain a valid contractor's license from the Freeport Department of Public Works Department. (Blanchard & Watson) **VOTE:** (7 Ayes) (0 Nays)

Falcon Way Subdivision – Village Open Space Subdivision

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

Ms. Pelletier displayed a photo for the Board showing where the parcel is located. She explained that the applicant recently purchased the property on Falcon Way. It is just north past Kendall Lane. Falcon Way is a private gravel way and the parcel is shown in yellow. Due to the number of lots, this would be considered a minor subdivision which is a two-step process. This development has standards that the Board does not deal with regularly. The minimum lot size and all that fun stuff. In this case, the minimum lot size is regulated under the State's Subsurface Wastewater Disposal Rules. If you have a septic system, you have a minimum lot size of 20,000 sq. ft. and although our Ordinance would require

less, they are governed by the more stringent standards. In this case, they can only fit four lots. This is a Village Open Space Subdivision. You calculate your net residential acreage and take 30% of that and add it to the conservation areas to meet the requirement. She showed the Board the map that pertains to this case. If you have a parcel in a village open space subdivision and you have a green area on your lot, then you provide that area with open space. In this case, they have a little bit over an acre of the land that's in the map area but their open space requirement is higher. For the remainder of the requirement, the Board can require a fee in lieu of open space. The fee is set by the Council.

They have a private dirt road which they are proposing to extend which comes off another dirt road. The interesting thing about this parcel is we have the standard Subdivision Ordinance requirements and it is also in the Freeport Village Overlay District, and two layers of standards that apply. They have slightly different standards so if the Board looks really closely at this plan, it will notice that the road is slightly wider than a standard subdivision road of 18 feet. There are design standards in the Village Overlay District. The Board will get into those at some point. Two that the Board needs to consider are 1) the requirement that the road be paved and 2) the requirement for sidewalks although the Subdivision Ordinance clearly says that you could not require those if they were not going to connect to anything, which in this case they are not going to. There is another provision that says "at the end of the road, provide a 50-foot right-of-way to connect to an abutting property. That is something the Board will have to look at and discuss.

She talked to the Conservation Trust today and learned that they don't have any trails in this area but Frost Gully is an urban impaired stream and their concern here would be protecting the resource. The fact that the subdivision shows an acre abutting the stream and the gully being protected, they were definitely supportive of that. Stormwater permitting has different thresholds and are a little tougher when you are in an urban impaired stream watershed. Most likely they will trigger on a DEP Chapter 500 Permit. In this case we have the delegated capacity so the review going forward can be conducted in-house by Adam Bliss.

Adrienne Fine from Terradyn Consultants displayed another map and explained that the proposed subdivision is located at the end of Falcon Way. The property is 3.7 acres and is mostly forested. Frost Gully Brook runs along the property line on the southwestern side. She showed where the Amtrak Railroad runs. She worked with the Town to get the slope in the right location and the Board will see that the land is steep down towards the brook when it conducts its site walk. She pointed out the wetlands that have been located and that no vernal pools were found on the property. These lots have to be 20,000 sq. ft. for septic. They are proposing four lots which will have public water but private septic systems and underground electric utilities. The project is required to have stormwater management because it is in the urban impaired stream watershed for Frost Gully Brook. They will be providing treatment for the roadway and the lots.

They would like Falcon Way to be a gravel road because it is an extension from another gravel road and it makes sense for it to be gravel instead of paved but otherwise, they are designing it to meet the standards in the Village Overlay District. There is no location to connect a sidewalk to. The connectivity right-of-way off the end of the road is not really feasible for this project.

She pointed out the area that has steep slopes in the secondary conservation area and noted it is not really a buildable area. It is cut off by the brook and the railroad. They are also trying to provide stormwater treatment off the end of the road where naturally the water is flowing. There is already a natural ditch through that area. Right now, they are pretty close to thresholds for the lot sizes that have

to be 20,000 sq. ft. and if they have to take more land out to provide a 50-foot right-of way it will decrease the number of lots and the feasibility of the project.

Mr. Hamlin asked about the right-of-way requirement. Ms. Pelletier explained that this provision is in the Overlay District which is an addendum to the Zoning Ordinance. She thinks it is great that we hear feedback and the Board should see the site. If the applicant wants to formally request a waiver, they will do that. Legally we have the ability in the Subdivision Ordinance but case law is a little different when it comes to the Zoning Ordinance. She agrees that the Board will not want a road going through the gully there. She knows that another piece of land on the other side of the gully is currently on the market. Leon Gorman Park is in the area and there are some pockets around there so maybe we don't want a pedestrian connection today but, in the future, it might be something the Town wants there. She encouraged the Board to do a site walk because it is a tricky site north of the village.

Mr. Troidl asked if it would have to be a 50-foot corridor that is common land or could it be an easement on two lots that obviously the buyers of those lots would know that yes, someday there may be a trail. Ms. Pelletier explained that it says a 50-foot wide right-of-way and where it says for future road, we would have to treat it as a right-of-way which would then create a setback line. Unfortunately, it would come out of their net residential acreage and their calculations. She feels they would lose a lot.

Mr. Troidl asked Ms. Pelletier if she was going to check to see if the Board has the right to waive it. She said yes, if it is something the Board would consider. She would want to get clarification before the Board takes any action on that. Mr. Reiche asked that if Ms. Pelletier determines it is waivable completely, he would think it is waivable partially and the Board could have a right-of-way that doesn't take away any area from that lot. We know it is not developable for residential purposes, maybe it could be 25' and just encumber the property without reducing the lot size. Mr. Troidl mentioned he is thinking it could be something like a shared driveway. Ms. Pelletier advised that we do treat easements and rights-of-ways a little differently but it still might impact the net residential acreage.

Mr. Wing asked if the properties behind it are not landlocked. Ms. Pelletier noted there is an abutting piece and that the question has been raised as to whether it is landlocked. We don't know about every single piece and don't research every single piece. Mr. Troidl mentioned that it looks like Falcon Way is getting extended but essentially from Frost Brook Lane all through here it will be the same piece of property. Ms. Fine explained that it will be contiguous. Mr. Troidl noted that since it is coming off of gravel, he would be okay with gravel but would argue for a sidewalk even if was a stone dust path since schools aren't very far from there.

Ms. Watson asked if the road itself will be maintained by the Town? Ms. Fine advised that it will be a private way maintained by a Homeowner's Association.

Chair Campanelli mentioned that the Board definitely needs to do a site walk. After discussion, it was decided to hold the site walk on March 20 at 5:15 p.m. weather permitting. Chair Campanelli mentioned she would not be here on that date. Mr. Troidl noted he may be in Burlington that day. Chair Campanelli noted the site walk would help answer some questions.

Ms. Fine asked about the open space and if the Board would be okay with the fee in lieu? Ms. Pelletier advised that that is how it typically is done. The money goes into the Open Space Funds. Chair Campanelli feels it would be nice to know of the potential easement

ITEM IV: Discussion on possible updates to the Freeport Design Review Ordinance

Mr. Blanchard noted that he met with Donna Larson this morning and she indicated she would provide an updated document for him to share. It was a rough sketch of where she thinks we are heading with the Design Review Ordinance as well as the rough survey of the area that he and Mr. Hamlin did. It is really just to get initial feedback from the Board to see what it thinks and if this is where we are heading as far as revision to the Ordinance goes. She has been gathering information on every property that is in the Design Review District. She found the forms designed for the Design Review District Two.

Chair Campanelli asked if this is something we want to bring to the Council? What is Donna's suggestion for moving forward with this? Mr. Blanchard explained that they did talk about the potential upcoming survey and hiring an architectural historian. They want to make sure they have enough information about where we want to go with the Ordinance to give to the architectural historian so they can give us the information that we seek which is basically more information about these buildings, what is important about them architecturally to be preserved and what are the certain features, etc. Donna thinks using the State forms that the Maine Historic Preservation Commission uses for their surveys is a great place to start. Mr. Blanchard agrees and feels we can use those forms to add additional information details that those forms lack. We really need to know the trim, the brackets, the windows. These convey the historic significance of the building. Donna has \$7,000 set aside for the survey and he feels that is sufficient. He thinks having the person doing the survey bring us the first 5-10 properties he or she has evaluated to see if that is the information we indeed want. It all goes back to how do we want the Ordinance to look. He feels it would be best to shy away from a point system but in the best professional opinion of the architectural historian it either conveys historic value or it does not. He explained how the rfp and interview may work.

Ms. Pelletier mentioned she can e-mail out the outline tomorrow. She asked about timing and how it relates to the survey. Mr. Blanchard is not sure yet but noted that what the actual language in the Ordinance will be has not yet been decided. The Board really needs to know what it wants the Ordinance to say and then kind of guide the architectural historian who is doing the survey on what information we are seeking. The Ordinance needs to be in at least a solid draft form before we send someone out into the field, especially if we are going to be changing the A, B, C designations all around town.

Mr. Hamlin mentioned there was some thinking of possibly having a workshop with the Council and the Board to just bring them up to speed and see if there is a consensus there and then go to the next step. Mr. Blanchard asked if the Board is meeting with the Council on the 12th? Chair Campanelli advised that this is something the Board will discuss tonight. Mr. Blanchard feels it is fair to voice our concerns in interpreting the Ordinance as it is and how we are seeking clarification by amending the Ordinance and having a new survey of the town. Mr. Hamlin does not feel we are at a point where it will be a good use of our time. We don't yet have enough pulled together and he has not seen the updated information.

Chair Campanelli voiced her concern. She is not sure where this is at the Planning Board but she wants to make sure there is some continuity with what is going on with them and what we are talking about. Mr. Blanchard advised that Donna has mentioned that the Planning Board is exploring at every meeting the development of parking areas in town. If they fall within the Design Review Ordinance, we still need to review these buildings and we have design guidelines in Design Review so there is some oversight

that exists already. Chair Campanelli wants to make sure we are still connected to the process and noted that we also talked about looking at these districts in simplifying that so that it makes more sense. It would have to go before the Planning Board but we need some understanding of how that would evolve. Mr. Blanchard wants to make sure that for the Design Review Ordinance, this Board is driving the changes, not the Planning Board. He feels it is fair to bring up to the Town Council the reasons that we are exploring this because of x,y,z reasons.

Mr. Troidl added that knowing that the Planning Board is working on the parking areas in the center of town and we are talking about the geography of these districts in Design Review, it almost seems like there should be a joint committee of a couple from Planning Board, a couple from Project Review and hopefully a Town Councilor in the event we are getting totally off track and know that before we waste six months of our lives doing it. Chair Campanelli agreed there should be some kind of working group.

ITEM V: Discussion on possible upcoming workshop with the Freeport Town Council

Chair Campanelli noted that Ms. Pelletier advised that the Board could go and meet with the Council or send a letter. Ms. Pelletier stated that the Board could go meet with them or could submit something in writing updating them on the past year or updating them on Design Review. They should be aware about the Board's concerns about Design Review and what is happening to make sure everyone is on board. She is not hearing that the Board totally knows where it is heading yet so that will not be great either. She suggested that the Chair could craft something saying "we are working on this and it is going to the Planning Board but we would like to stay actively involved. The Board has had such a diversity of applications in the past year and talked about so many things and had a couple of good workshops. It is up to the Board to decide what to do with that half hour. We could ask to workshop with them at a later point. It would not hurt to get the thought out there that the Board wants to stay involved and get included in the process since it does it on a daily basis.

Ms. Pelletier noted that if the Board goes into the workshop, the Council is going to want to talk about where the Board is headed and she is hearing that we are not totally there right now. If we are not ready, we don't want to waste their time or our time. Maybe it is something the Board could put in writing that is short and sweet that this is where we are working and maybe the Board would want to workshop later with concrete ideas down.

Mr. Blanchard noted that the Board is trying to move this forward with the outline which is a rough sketch of where we want the outline to go. Once everybody gets their eyes on it and has some feedback to provide, that will help drive the changes we make to the Design Review Ordinance. From there the Planning Board can take a look at it and we can proceed with the survey.

Mr. Troidl asked Mr. Hamlin and Mr. Blanchard if they would be comfortable if we just put a stake in the ground by having a letter in front of the Council on the 12th? Mr. Hamlin feels that is the way to go. He doesn't feel they are ready. They have made progress but want to be effective as possible and want to make sure they have a voice in the process. They haven't built any consensus within this Board.

Mr. Troidl mentioned he wants to do something because with all the open issues the Board has, he feels this is the most important piece of unfinished business. He would like to keep supporting going forward. Mr. Hamlin mentioned that if Ms. Pelletier can get the latest draft of this overview, we can get some feedback and then we can get some sort of correspondence out to the Council in lieu of meeting with them. Mr. Troidl mentioned that in looking at districts and if there is going to be further development of

parking lots in town which are going to end up in different districts and some of them will be subject to Design Review. He feels there needs to be a holistic look on all of this doing the right thing? Will it work better or smoother in the future and at least have that discussion. If everybody agrees in the end that no, we are good the way we are or we are more complex, that is at least a decision.

Chair Campanelli agrees it is a complex situation. Ms. Pelletier pointed out that this is the Project Review Board and it reviews projects for the Ordinances as they are adopted by the Council and in this case, the Planning Board is working on the Ordinance and it is approved by the Council. We don't write the Ordinance but the Board's input is very valuable. The Board should get out there whether it be in person or writing, because it wants an opportunity to stay involved so that it doesn't get lost and you should note some of the reasons you do want to stay involved. She explained that in the past, sometimes the Board has met and sometimes they haven't but we have given them a summary of projects. She offered to pull together a list of projects from this past year that the Board has done. If it decides to not meet and if there are other issues beyond Design Review, we should identify those. She told the Town Clerk she would let her know tomorrow whether or not the Board wants that slot. If not, she thinks the Board should get them something in writing to go in their packets so they will have time to review it.

Chair Campanelli mentioned the commercial subdivision and there are other issues that may need to be addressed. The Comprehensive Plan still needs updating so there are other things besides this overlay district. She feels it is important to meet the Council so they see the Board's faces so they know who we are and we are out there trying to do the best we can with what we have but she doesn't think the Board is ready to do that. She suggested perhaps meeting them in December when the Board is more organized. Ms. Pelletier noted the Council will be getting into the budget season so their schedule will be tight. Mr. Troidl asked if this Board wanted to meet with the Planning Board, who would approve it? Ms. Pelletier offered to talk to the Town Planner about this. Chair Campanelli feels it would be a good idea to workshop with them because they will be drafting a commercial subdivision ordinance and would be updating the Comprehensive Plan. It would be helpful for them to know how that impacts us.

Chair Campanelli advised Ms. Pelletier that the Board will give the Council something in writing but would like to workshop with the Planning Board at some point on at least Design Review for now. Ms. Pelletier explained that showing the Council the variety of projects the Board has seen this year is important because it will tie into some of the items you want to talk about.

On the issue of Design Review, Mr. Reiche asked if it would make sense for Mr. Hamlin and Mr. Blanchard to draft something and run it by the Chair? Ms. Pelletier advised that if the Board members have comments, they can send them to her. Mr. Blanchard mentioned that he does not know if the Town Planner expects the Board to make the proposed changes to the Ordinance. Ms. Pelletier advised that it is her understanding that the Board will come to a consensus in an outline and then it goes to the Planning Board because they do the Ordinance. Mr. Blanchard noted that he feels the document is not there yet. Mr. Troidl added that it is important to have a joint meeting and talk to them face to face.

Ms. Pelletier advised that the Board could provide the letter later and if Mr. Hamlin and Mr. Blanchard want to send her a nice paragraph on Design Review, then she can put together a list of projects and compile it and bring it to the next meeting for the Board to look it over. Chair Campanelli brought up the commercial subdivision as a potential issue as well as the Comprehensive Plan. There is nothing in there about commercial development on Route One and commercial subdivisions. The Planning Board is creating a tool that we should be using but we are not because it is not written to be effective for us. It is unusual to have a separate Design Review Board and a Planning Board. They are usually together and

we need to have more connectivity with what they are doing. More discussion followed. Chair Campanelli mentioned she would write up some things and put it together with the Board's projects.

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

None

ITEM VII: Adjourn.

MOVED AND SECONDED: To adjourn at 8:20 p.m. (Troidl & Reiche) **VOTE:** (7 Ayes) (0 Nays)

Recorded by Sharon Coffin