

PRB  
Approved  
3-20-19

**FREEPORT PROJECT REVIEW BOARD MINUTES  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
WEDNESDAY, JANUARY 16, 2019  
6 p.m.**

**Present:** Geralyn Campanelli (Chairperson), Guy Blanchard, Gordon Hamlin, Ford Reiche, Suzanne Watson, Drew Wing and Caroline Pelletier (Staff Person)

**Excused:** Adam Troidl

Chair Campanelli called the meeting to order at 6:03 p.m. She welcomed Caroline Pelletier as the Board's new staff person. Donna Larson will still be the head Planner and Sharon Coffin will be the recorder this evening.

**ITEM I: Informational Exchange**

**a) Update on Staff Approvals**

Ms. Pelletier explained that staff approvals were done for a sign for Freeport Fitness at 147 Main Street. For the Orchard House & Café, the driveways are being realigned as well as a trash pad and a new generator pad were approved. Site alterations for 537 U.S. Route One were approved.

Regarding a new meeting schedule, Ms. Campanelli asked Board members if they are aware of any time in the next few months where they may be missing a meeting. The first item on the agenda was tabled because we don't have a quorum to vote for that since three members will be recusing themselves. She will be gone for the March and April meetings. Mr. Reiche noted he would be away for the April 17 meeting. Ms. Campanelli asked if anyone would be opposed to changing the April 17<sup>th</sup> meeting to the 10<sup>th</sup>. Ms. Pelletier noted that the 17<sup>th</sup> is April vacation but the Council Chambers are available on the 10<sup>th</sup>. Seeing no opposition, Ms. Campanelli advised that the April meeting will be changed to the 10<sup>th</sup>. Mr. Wing pointed out that he will be gone on the 10<sup>th</sup> and the 17<sup>th</sup> but he would be recusing himself on that subdivision. Ms. Campanelli noted that the Board hopefully would be doing the Stonewood Subdivision in February. Ms. Pelletier noted it would be good to set dates to get submission lines out there since there are quite a few projects out there. We have received a lot of inquiries. We can always cancel if necessary but it would be better for everybody to plan their schedule. Ms. Campanelli explained that February's meeting is scheduled on the 20<sup>th</sup> and March's meeting is also on the 20<sup>th</sup> and April's meeting is now scheduled on the 10<sup>th</sup>. She asked if this sounded good to Board members and everyone agreed that it did. She suggested that Board members let Caroline know if they are going to be around or not.

**ITEM II: Approval of the minutes from the Wednesday, November 28, 2018 Project Review Board meeting.**

Mr. Wing/Mr. Hamlin moved to waive the reading of the November 28, 2018 Minutes of the Project Review Board meeting and accept them as written. **VOTE:** (6 Ayes) (1 Excused-Troidl) (0 Nays)

**ITEM III: Reviews**

**Two Stonewood, LLC – Subdivision Amendment** - TABLED but Ms. Campanelli requested that the Board keep the materials for this project for next month. It would be helpful to not have to reprint it all.

### **Fletcher Property Group – Residential 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 that there has been a couple of meetings, a site walk and a bunch of confusion. The applicant came before the Board in November with conceptual plans. At that point they had a plan that included three single-family house lots and four duplexes. They also had a parcel shown in the middle of the rear that was broken out for future development which they did before they submitted. They can legally do that but needed to show it on the plan. The Board then had a site walk and got to see the site and what is on the site. Now the applicant is back before the Board with an updated conceptual plan. They pulled that future development land back in. It is one big parcel and is about 50 acres. By doing that they did add three more single-family house lots and extended the road a little bit. The total acreage is about 50 acres with 35 acres of open space. They have two single-family lots towards the front and the rest of it would be shown on common land which they can do in the Subdivision Ordinance as a multi-family development. They do show some test pits on the plan. Any test pits would eventually be permitted as septic systems and they would have to comply with the State's Subservice Wastewater Disposal Rules at such time. One of the questions she feels would be good for the Board to talk about tonight is whether it would want to require a hydrogeologic assessment. Some portions of the property are tight and systems tend to be close to property lines if permitted and there are a lot of neighboring wells and septic. This is something the Board can discuss.

Another unique thing Ms. Pelletier wanted to point out about this parcel is that it is in three Zoning Districts. Down near the water it has some stream protection. There has been a little bit of Resource Protection in place to protect the aquifer. All of the development is in the Rural Residential portion of it. The lines can be seen on the Plan. She explained that if you have multiple zones, the development has to comply with whatever the zone is that it is in. In this case, the units are in RR-I so they have to comply with the standards of RR-1. She also pointed out that in the Board's packets there are some letters from abutters. She also has two more letters that came in after packets went out and noted they are on the table by the door.

As far as density and open space, they do have a net residential acreage calculation on their Plan. They have to show on their Plan that they have enough residential acreage for the lots and units and basically that is the buildable land after they take out certain things like steep slopes, wetlands, deer wintering if they have any, water bodies, etc. The road is about 1,800 feet long. They could be up to 2,500 feet according to Ordinance so they do meet that. One of the issues with the road that would be really helpful for the Board to discuss tonight and give the applicant feedback is that are some limitations with the sight distance. This is an existing road and currently served a single-family house with a home occupation. It was designed for one thing but now they are before the Board for another use.

There was a traffic study included in the Board's packets. Sight distance for that location per the Town Ordinance would be 10 miles per hour for every mile per hour speed limit. They need 250 feet in either direction. In this case they currently have 210 feet in one direction and 175 feet in the other. The recommendation of the Traffic Engineer's assessment is that elevate the road and put some safety signs at certain distances. Those recommendations were also recommended by our Public Works Director and he has a memo. The Ordinance does allow the Board to approve a reduced sight distance if it meets certain standards and they feel it is appropriate. She spoke to Adam Bliss, our Engineer and he explained that there are so many different standards out there. For example, DOT in certain cases, would require 200 feet in either direction so we have a higher standard. That is something it would be good for the Board to hear comment on, talk to the applicant and get some feedback on.

We also have the issue of DEP permitting. We did ask the applicant to go to DEP and see what kind of review they are triggering. They will trigger storm water. Right now it looks like it would be a DEP Chapter 500 review. We wanted them to go to DEP to get the issue of sight location addressed. They met with DEP. They don't yet have anything in writing but

understand it will be forthcoming. They were told that as designed, it would not trigger site location. It is something we like to know and it is something that is important. It is not a determination that we make. It is up to DEP. They are in charge and it is their regulation but it is a determination we would like to have before we go forward.

Finally, she wished to talk about the material on the site. All of this material was brought in. There has been a lot of discussion and a lot of confusion. She asked our Codes Officer to write a memo and update us on how this will be handled. She noted copies of the memo are on the table by the door. In short, the applicant brought material onto the site and she started getting a lot of calls. Mr. Adams went to the site and found a lot of material was brought in. He contacted the applicant and instructed him to stop bringing in material, get his erosion control in place and that he needed a permit. In this case, he was aware that the applicant was going to be applying for subdivision approval so he said to start the process. His interpretation and present Ordinance fulfilling, if they have a permit from the Codes Officer to fill something like a foundation, driveway or subdivision road. If he has a permit in place, he can fill in association with that project. If he has a subdivision approval in place, he can do the fill for the road. It often happens in different ways. Sometimes they process on site. Sometimes they don't. The applicant was told to seek approval for a permit which is part of the reason why they are here tonight. Mr. Adams' interpretation is that is what he was told to do and that is what he needs to be doing. Whether or not there was a violation and there needs to be fines or enforcement action, that is something this Board does not have the authority to weigh in on. It is up to Mr. Adams. He is the enforcer so what the Board needs to be looking at is what it has before it tonight, the standards in place and whether it meets those standards.

Peter Biegel of Land Design Solutions explained that he is representing Justin Fletcher, owner and applicant for the project. They were before the Board in November and presented the concept plan which consisted of the three single-family lots and four duplexes. They had approximately 24 acres of open space. They have a 15.5 acre out parcel. They have a subdivision road that is approximately 1,500 feet long. They discussed the stockpile and traffic.

Prior to the sketch plan, they had a neighborhood meeting. They had a couple of folks attend and voice concern about traffic and where our subdivision road was going through the field in relationship to the Duhaime's property. He had those concerns. He sent out a letter requesting any information they had in their data base to the Maine Historic Preservation Commission, the Maine Department of Inland Fisheries and Wildlife and to the Maine Natural Areas Program. Those were submitted in their original packet for the November meeting. They talked about traffic and the out parcel for future development. They had a site walk on the 8<sup>th</sup> and there was a pretty good group attending. They heard concerns about buffering along the Norton Farm residents. They heard concern downhill to Sequoia Drive with drainage and comments about the location of the road going through the field. Was it the best location and could it be shifted for buffering purposes? The center line of the road was staked so everyone got to see where the center of the road was and we got to see approximately where the proposed house lots would be. The front of the duplexes were all staked. It was all visible.

Their road is just approximately three/tenths from the beginning of Sequoia down to the Young's Lane entrance. The total of Sequoia down to the end is approximately .45 miles. That question came up at the last meeting or when we were out walking on the site.

They went back to work on the plan with the comments they heard. They shifted the road slightly back towards the south and west. They prepared a buffer sketch showing buffering along the northern property line which is part of the Board's packet that consisted of shrubs and evergreen trees. They also including buffering for the Duhayne parcel to the southeast. In the meantime, they did receive a letter from another abutter, the owner of the Kasson property asking about buffering on their property line and they have updated their landscape buffer sketch to include similar buffering on that end. The Board does not have this revised sketch but it is part of what he will show on the next image. As far as the drainage questions down slope, they did not get into that but it will be part of their storm water design and they will look at it. They have it on a shelf and will not ignore it. The 15.5-acre parcel has been brought back into the parcel. Folks have been wondering what is future development and what exactly is that? They felt it was cleaner and easier to do that all at once. Originally, they thought it might be nice to have something to develop in the future as a builder always

looking for the next parcel that they can build on. That seemed to be attractive but given concern about future development in this area, they thought they would go and propose that now and bring it back into the project. He pointed it out as a purple area. He then pointed out the single-family homes for four single-families and the four duplexes. He pointed out the existing house being rebuilt.

They have opened up discussion with the Freeport Land Trust. They expressed interest when they talked to them because of some of the other attributes such as Harvey Brook. They talked about it in their Acquisitions Committee and have walked the property. They will be bringing it back to their full board to discuss. If they are interested, Mr. Biegel noted he would be willing to work with them so they can own that property. As part of that, there would be public access to that and Mr. Biegel would envision some sort of easement at the end of the dead end that takes people to the existing trail. Since they don't own up to the end of the road, Mr. Biegel explained that they would provide an easement for that access.

Their road was extended from approximately 1,545 feet to 1,835 feet to accommodate the additional development. They submitted with their last sketch plan information the traffic report from Bill Bray, Traffic Engineer. That did not include the latest three single-family homes for trip generation so he was asked to go back and factor it into his trip generation. Originally peak hours were determined to be 7:15 to 8:15 in the morning and 4:45 – 5:45 in the afternoon. Their trip generation went from six to nine vehicles in the morning hours and seven to ten vehicles in the afternoon. That was for the original three single-family units. Their updated traffic assessment will account for that and he will submit it with the next submission.

They also had their surveyor survey Sequoia Lane from their intersection in both directions so they could actually look at the sight distance on a computer. Originally Bill Bray's assessment for the downhill was 210 feet. They are still roughly in that neighborhood looking at that with the computer and sight lines. Uphill with the computer and the sight line profile they get closer to 193 feet versus the 175 feet he got in the field. They were able to use the computer to look at if they raised that intersection six inches per their recommendation. With that they would achieve the 250 feet sight distance going downhill and they would be in the neighborhood of 193-200 feet going uphill. The reason there is so little change on the uphill is that right at that distance, you go over a rise and the grade starts to drop. The good news is that they were close to the 200 feet. They recognize that what Freeport has is more stringent than DOT but they appreciated that they were close to the MDOT standard of 200 feet per 25 mile per hour zone.

Among the other entrance improvements, they talked to the Public Works Director about drainage improvements. There is a lot of water that comes down Sequoia and kind of washes into their property. There is a ditch right in front of their drive and they are trying to clean up that area and stabilize the embankment. A lot of sediment washes into the culverts and they often get clogged. They will work to clean up the drainage issues that are currently in that area.

He met with DEP and went through this version of the project as it currently sits. They do not trip the threshold for a Site Location Development Permit. They said if Mr. Biegel wanted something in writing to please request that from them. He did but has not received anything back from them. He will check back with them and get that confirmed in writing which he will pass onto the Board. There was a pretty solid understanding when he left there that this does not trip the threshold for a Site Location Development Permit. He explained that it would mean a very lengthy process if they did trip the trip the threshold for a Site Location Development Permit with DEP.

In reference to Ms. Pelletier's comments about Mr. Adams' memo and the fill that is on site. They did say that they would like to process that material on site. They are comfortable with the 7-10-day processing window mentioned in their letter. They are comfortable working 7 a.m.-5 p.m. or some different window if that is better for people. They are not proposing to hammer any big rocks or material. They would be processing in an area 300 feet from anyone's dwelling. They would use a sprinkler if there was a dust issue to minimize any dust. The processing unit is a portable crusher capable of crushing approximately 80 cubic yards per hour or 640 per day. If you take our estimate of the 5,500 yards or Crooker's estimate of 4,500 yards, it fits within that 7-10-day window.

They received copies of letters from some of the abutters. The corner property mentioned buffering and he pointed out where he added buffering. They are all subject to adjustment so they can get the best location available. There was a letter from Mary Porter concerned with traffic and ledge processing. Regarding traffic they show nine cars in the morning and ten in the afternoon at the peak hour. Traffic on Sequoia's volume is termed to be very low. It is all relative to whatever you are used to but in traffic manual purposes, that is considered very low. The crash data for Sequoia for the past three years showed one crash for Sequoia. He is hoping the information they provided about the ledge processing helps this woman's perspective but that is what they are proposing to handle that. There was also a letter from abutting owners in the Granite Farm Homeowners Association with ledge concerns and a hydrologic assessment which at the last meeting we said we are glad to do and plan on doing. They will also be preparing a nitrate analysis showing plumes from septic systems. All septic systems will be designed to meet all town and state regulations. The traffic assessment has been updated and he will be sending it to the Board. Storm water design will be part of the next step. They contacted the Department of Inland Fisheries and Wildlife concerning a deer yard. They came back with no concern about a deer yard but did mention bats and Mr. Biegel will have to be looking into bat habitat with the U.S. Fish & Wildlife as they move forward. A copy of that letter is in their original package.

The plan they show has approximately 2,500 feet of wetland impact and then they show septic systems over in an area he pointed out and they would have to cross that wetland with a sewer line to get there.

Chair Campanelli thanked Mr. Biegel and asked Board members if they had any questions. Mr. Wing asked if the total acreage of the parcel is 49.8 acres? Mr. Biegel responded that it is. Mr. Wing mentioned that it appears the total required acreage for the proposed units is 27 acres and then 34.75 acres is proposed in open space and this totals up to 61 acres. He asked what he is missing? Mr. Biegel explained that they are required to have the 27 acres but they are not required to be on the 27 acres so they go through that calculation and the open space calculation is the 15.4 acres of land that is subtracted plus the developable land. He noted he has a typo and the 20.4 was from a previous rendition. The 17.1 is accurate giving a required open space of 32.64 and then they are proposing to set aside the 34.75. It is his understanding that they need to have at least 27 acres of buildable land on this parcel. The measure of their buildable is the 49.8 minus the 15.48 for 34.3. They need 27 acres and they have 34.3 acres.

Mr. Reiche mentioned the calculation for net residential acreage and noted that the applicant doesn't have to deduct forested wetlands unless they are poorly drained soils. He did not see an indication in the forested wetlands what is poorly drained or not poorly drained soils. He asked if this would be provided next time. Mr. Biegel explained that wetlands non-forested was .1 acres and wetlands associated with the 100-year flood plain 1.9. He agreed that he could break that out. Mr. Reiche noted that he would not have to deduct them unless they are poorly drained soils. Mr. Biegel offered to revisit that. Mr. Reiche mentioned that when Mr. Biegel re-does the net residential acreage calculation, he does not believe he reduced for parking. When there are multi-families, he feels he has to reduce for the road and the parking. Mr. Biegel agreed and mentioned that Ms. Pelletier brought that up. They had done it for the road but not the parking. He will include parking.

Mr. Wing mentioned that he understands there are three lots now, Lot #1, #2 and then the purple contains the single family and then there are duplexes. Mr. Biegel has 10.7 acres called out for that area and if he looks at the space standards required, that many units requires 16 acres. Ms. Pelletier agreed that it is confusing but the Board needs to look at the RR-1 section of the Zoning Ordinance. The first thing they did was calculate the net residential acreage and figure out how many units. She referred to Page 52 of the Zoning Ordinance and explained it. She pointed out that this is different from what the Board typically sees.

Mr. Reiche asked Mr. Biegel if he resolved the issue of property lines described in the Kissin letter. While Mr. Biegel did not speak to Mr. Kasson directly, he contacted the surveyor and the surveyor felt he had a correct measurement on that line. Mr. Biegel will dig more into it. Mr. Reiche mentioned sight distances and on Page 40 of our Ordinance the last sentence suggests we can only waive the minimums if it is recommended to us by a licensed professional traffic

engineer. He did not see in Bill Bray's letter that he recommended that we do this. When he re-does his letter, he asked Mr. Biegel to have Mr. Bray specify that he recommends we do this. Mr. Biegel noted he would work on that.

Mr. Reiche mentioned DEP and the Board does not know the DEP regulations. If they have jurisdiction, Mr. Biegel will have to resolve that before the Board can finalize anything for him. Mr. Reiche doesn't understand how rental units get around this. He knows that if you have more than five units on 20 acres, you get DEP and there is a subset to that. He asked if Mr. Biegel if he will come with a letter. The Board will be looking for real specificity. Explain to them all the fine points so when they say in or out, we will feel they answered the question. Mr. Biegel explained that he was clear to them. The rentals are the whole thing. If the unit is not for sale, it is not considered a "lot". Mr. Reiche wants to know if these can never be turned into condos and enforcement will be an issue. Mr. Biegel explained that they would like to go with this should the Conservation Trust be interested in this, they could go through a non-jurisdictional subdivision process where this land basically ends up being removed so then the threshold changes because we wouldn't have over 20 acres. Mr. Reiche asked how they would meet net residential acreage with the Board. Mr. Biegel explained this is the way it would remain as it is for the Board's purposes but through this process, we are committing to DEP that this land will be removed because if we go through this process as it is and this land goes to the Freeport Land Trust, it is removed anyway. When we get approved, one of the first things the Board's conditions of approval will say is that they need to turn that deed over to whoever we said we were going to turn it over to. All of a sudden, this parcel is no longer 49 acres that we can minimize. The DEP process is so they are guaranteed that that land is going somewhere if approved. Otherwise, nobody would turn that over because if you were not approved, you would have given away half your land.

Mr. Reiche advised that it would be very helpful to him if Mr. Biegel could give them real specificity on how he plans to work through these gray areas. Mr. Biegel agreed to do that. Mr. Wing asked who would manage the rentals? Mr. Fletcher advised that he will manage them and that he owns other rental properties. Mr. Reiche asked if they can get sold and if they do get sold, do they have to be rentals? Mr. Biegel advised that if Mr. Fletcher wanted to sell them as it is now, they would be back to the site location and would have to go through that process and then he could sell those. If they go through the non-jurisdictional route, they could be sold and it would be a different story. Ms. Campanelli asked if this was all approved and the other land went away, then the applicant could sell it without going through Site Review? Mr. Biegel noted he is saying that if a conservation organization is interested in taking the open space, they could go through this non-jurisdictional subdivision now which commits them to giving that land to a conservation so it will always be protected. Once they did that, they move into a different category with DEP and have a different threshold which would allow those units to be sold versus rented. Ms. Campanelli clarified that if the applicant wanted to sell them, he would be selling them as condos with a homeowner's association and even the single-family would-be part of that. Mr. Biegel agreed that that is correct. One would end up with a private area around your unit or however that worked out and they would all belong to an association with a road maintenance agreement.

Ms. Watson mentioned that the Board talked about the last time this was before us was if a calculation was done on how much material is physically needed? Mr. Biegel believes they will use all of it. As was seen on the site walk there is a lot of topography that would take a lot of fill. They have a road with an 18 inch build up as well as shoulders. He pointed to an area with a drop off that could use a lot of fill to bring it up. He is confident they can use every bit of what is on site. Mr. Wing mentioned that he believes the intent is to avoid filling the steep slopes and he feels it would be helpful to understand what parts of the development are trying to be placed in areas that are exceeding that 20%.

Ms. Campanelli explained to the public that this is considered a major subdivision. It will three stages – concept, preliminary and final. There is always a public hearing in the process so the public hearing for this happens at the next stage. We are limited tonight as to what we are actually looking at. We are really looking at the site inventory map, site analysis and conceptual plan. We are just reviewing to make sure it is appropriate and the area shown meets the criteria for development and the open-space requirement is met. It is fairly limited and she is aware of a lot of issues. She wants to make sure when people get up to speak that they address issues in the standards and only the issues the Board can deal with in the standards. We have talked about the fill a lot but the Board cannot issue fines for the fill. Mr. Adams' letter is pretty clear about that. In moving forward, the best approach may be to see if they meet the requirements for the subdivision and then discuss the fill. Obviously, they are not allowed to work on it any more, move the fill around or

add anything to it. She just wanted to clarify this since the stages can be a little confusing with the subdivision. Mr. Biegel again advised that they feel they can use the whole fill pile. Mr. Wing pointed out that he can see where the road and the duplexes lay out. It does look like perhaps a portion of the road, and at least a single-family and a duplex potentially will be located in those steep areas. Mr. Biegel noted that their road actually follows the trail and is right on the trail. This is not a public hearing but Ms. Campanelli noted she would allow the public to speak. She instructed them to give the Board their name and where they live and to speak in a reasonable amount of time

Mark Morrissey of Norton Farm Road mentioned that he could clear up the question of the jog in the property line. He displayed a large map showing their association when it was developed. If the Board looks closely, there is no jog in their property line. He pointed out where their property line exists. It is concerning that the jog is right where some of these setbacks are for some of those houses. Make no mistake, our property lines are straight as they intersect property lines on the old Norton Farm property from the dilapidated red house on Granite Street. Our line is projected to intersect with Grant Street at the monument shown. It only has one bearing. The Board's predecessors had approved their association map. The second concern they have is the circles. It affects them, the Kissons, the Cronins. The Norrises are affected twice and Barbara Cole is affected. He does not understand what the circles are. Mr. Biegel advised that septic systems go there so wells cannot be drilled in those red circles. Mr. Biegel explained that they will have to figure out where the Duhaime's septic system is located. It is one of the things that needs to be researched. Mr. Morrissey asked if it would have to be noted on their properties. Mr. Biegel advised that it is not typical. Mr. Morrissey did not necessarily agree with Mr. Biegel. He feels that none of their properties should be encumbered by the exclusion zones. Mr. Morrissey explained that none of the properties will not allow it to be on their property unless it is mandated by law and they have no say. Mr. Biegel explained that a septic system setback from a property is ten feet. It is just the way it is. Mr. Morrissey mentioned the road setback. On the applicant's latest rendition of the site analysis, it shifted from the October one to the January one. We know that the right of way for a road is 50 feet regardless of the width of the pavement. We know that a 40-foot setback is required for a right-of-way from a property line so their concern is on the Duhaime's property to the property line of the Cronin's. They look at it as a 350 foot portion and it looks like from Granite Farm property line to the road as you have it now is only a 30-foot setback. There appears to be room between the Duhaime's property line and his sideline to accommodate a 50-foot right-of-way and a 45-foot setback on either side of the property so that road shifted down the middle to basically split the difference. They are lastly requesting that all four corners of each property building be staked out as well as the location of the proposed well and leach field so they can identify sure where they are. At the last site walk only the front of these properties were marked out and that could have caused confusion because none of the back corners were staked out. Finally, he had a comment about the rock that has been discussed. The rock surveyed that Crooker did was done after Mr. Fletcher removed and levelled the pile that the Board and residents walked around. It wasn't nearly that high when Crooker did the over flight because Mr. Fletcher had disturbed it to move some stuff around the property. He feels it is important to note that is why the number is significantly less than talked about previously. Mr. Biegel asked if the site walk was done and then some material was moved? Mr. Morrissey explained that the piles were much higher

Tammy Morrissey of Norton Farm Road explained that the pictures they presented to the Board were pictures taken in August when they discovered that the rock pile was first brought in. Her husband was trying to say that between August and the site walk, Mr. Adams had authorized the developer to move some rock to get to some trash that was located behind their property so they were trying to say that if you look at the initial pictures, the first pile was about two stories high. Because of the movement of the rock, it had leveled out where the Board had walked down the hill. It had been flattened quite a bit so they feel that whole section was not measured as part of the pile. They are not sure since they were not there, that the piles on the driveway as you come in and then to the right of the Young's old house towards their property line were also brought in in August. They wanted to be sure that all the piles had been measured.

Ralph Norris explained that he and his wife live at 18 Norton Farm Road and are abutters to this project. He is a retired civil engineer and spent 45 years in private practice and he has seen a few projects as everyone can well imagine. The fundamental question here that begs to be answered has to do with the amount of time and effort expended by a handful of abutters in uncovering the violations of the Ordinances. The illegal hauling of rock to the site, the clandestine movement of material to minimize the volume computations, the attempt to falsify property lines, the confiscation of

property for construction of leaching fields and the constant changing of the configuration of the subdivision. These discrepancies should have been recognized by the Planning Department at the outset and during their review and not left to the abutters to discover. Instead it appears that much effort has been expended by the Planning Department attempting to minimize the seriousness of these activities with the obvious goal of convincing the Project Review Board that all is in order. Rest assured, it is not all in order. The project has been tainted since the beginning and should not be allowed to continue until all the violations have been rectified.

Ms. Campanelli pointed out that she was not aware that the Planning ~~Department~~ Board tried to cover this up and it is not the Board's place to decide that. The Board is trying to do its best. This is not an ideal way to start a project. She thanked the public for bringing this to the Board's attention. Obviously, the property lines need to be clarified.

Mr. Blanchard had questions about process. Tonight, is the concept phase and at the next meeting in February it will be preliminary or whenever they come back. Per Mr. Adams' letter, they can't do any crushing until the applicant gets approval from the Board. Crushing can't happen except between November and March. Ms. Pelletier agreed that the concept is tonight but the Board does not need to make a recommendation tonight. It needs to make a decision when it has all the information it needs to determine that the appropriate areas are shown for development and open space. If the Board is ready, it could take action but if it is not, it should give the applicant feedback on what else it needs to be ready to make that decision. They cannot come back until they are ready to submit material the Ordinance requires in the timeline required (21 days prior to the meeting). Conceptually they are really just acknowledging that the general layout is okay. They then have to go away to do more engineering and more design. She would not expect to see them back for a little bit because there is a lot more work they need to do. In terms of processing that material. Without a permit in place, they cannot process that material but Mr. Adams allowed them to do some cleaning up and perhaps move a building. They do have a unique situation here and they agreed to follow some of the processing better outlined in other sections of the Ordinance. There is nothing specific that says they have to but in this case they volunteered. If the Board feels that they need to meet the findings of subdivision, they could do that. As far as if it should be between March and November as mentioned previously, she feels that it was a recommendation that came up at our last meeting. They cannot start in March if they don't have final subdivision approval and just timing and everything that needs to be done, she feels it is highly unlikely. Mr. Adams advised in a memo, that he gave them one year for the fill to be allowed on the lot. Mr. Blanchard fears they will be running into a situation where that fill is just going to sit because nothing will be approved in time and then in August, the applicant will have to remove it regardless. He wanted to raise the concern now. Ms. Pelletier noted that if the time runs out, it is an enforcement issue and that it is up to Mr. Adams to do. If the applicant wanted, they could truck it all up today although we have heard that that is not what everyone wants either. Mr. Blanchard is concerned that the Board is facing a situation that the applicant will have to remove it but it up to Mr. Adams.

Ms. Campanelli advised that Mr. Adams said that "Mr. Fletcher will be seeking subdivision approval". She has a feeling that if Mr. Adams knew this process was in place, he would not be enforcing the one year. It would make sense if he knew this was moving forward. Ms. Pelletier advised that she met with Anne Pinette from Crooker's on the site and a drone was flown around the property and got measurements. He thought it would be a 7-10-day processing timeline did seem accurate and he provided a memo. Mr. Wing pointed out before the Board talks about rock, the three primary questions are does the subdivision belong here? Does it fit and does it meet the Ordinance? To Mr. Norris's point, he does not believe the Board has the ability to not review the project because there is an Ordinance infraction in place. If they submit the material that is required for submittal, he feels the Board has to review them and that is where the Board's focus needs to be. With the rock question, it was a poor way to start a project but it is moot at this point. Mr. Reiche wanted to state that for the benefit of the public, the Board is confused about part of this and for folks to come in who don't do this routinely, it is perhaps even more confusing. If this can be cleared up, he wants to make sure to clear it up. The Board is not saying that there is no recourse on the stone that was hauled in there. We are saying that we don't have authority to take action and we don't have the authority to say you are on your own. There is the Codes Enforcement Officer, the Town Manager and the Town Council and it is simply not an issue the Board has authority on.



Ms. Campanelli mentioned that there is a proposed motion before the Board but if it goes forward, she wants to be sure that the Board knows all about the open space and what is happening with the ownership. The applicant needs to look at all the road issues again and clarify that with confirmation. DEP issues and DEP clarifies. She would like to see buffering but understands this is a concept plan. It doesn't feel like there is a lot and she doesn't know what is existing. Trying to buffer headlights at night is a good idea so even some lower evergreens would be helpful. She hopes that information will be provided on a bigger and more detailed plan. A hydrological assessment and a Nitrate Plan need to be done.

Mr. Riche agreed buffering is important but it is hard to tell if lilacs would be effective. He asked if it would be appropriate for the Board to request an independent landscape architect take a look at the effectiveness of the proposed buffering. Ms. Pelletier noted the Board can request a peer review by a landscape architect and abutters can be encouraged to give feedback. There was agreement from the Board to request a peer review by a landscape architect at the expense of the applicant. It might be a little early to have that done. Until they get the concept, they can't dig into that road but at some point, we want to be sure there is adequate protection in place for the buffer for the long term. We can bring it up later.

Mr. Hamlin wanted clarification on the property line near the Kasson and Morrissey lines to ensure that it is accurate. Mr. Biegel agreed.

Ms. Campanelli asked if anyone would like to propose the motion or make another motion. Ms. Watson noted that clearly more information is needed. The questions are clearly written down and summed up. Her proposal would be to essentially say "we find that the information is incomplete at this point in time." Ms. Campanelli asked if the information for the concept plan incomplete? Ms. Watson added it is for the preliminary review. Ms. Campanelli noted that the motion talks about the Conceptual Plan and the Site Inventory Map is complete. She asked if Ms. Watson feels that is not true?

Ms. Pelletier explained that the Board needs to determine if this plan is laid out right? Are the houses and the units in the right spot? Is the open space in the right spot? If you can't yet figure it out and you need more information, she would say to tell the applicant what else you need. The Board does not have to take action this evening. If you do feel they are preserving the right spots and developing in the right spots, then they would proceed with their preliminary submission and will go through the preliminary checklist in the Ordinance. It is strictly whether the development and the open space are in the right areas. That is what concept is for.

Mr. Reiche noted that the checklist of what is required for concept review is pretty simple. The sight distances maybe a make or break thing. In the Appendix B which lists the things that have to be in place for the Board to approve concept review, he does not believe it is accurate at this time. Mr. Biegel mentioned that what he heard the Board is missing is the statement from the Traffic Engineer saying he recommends the sight distances. Mr. Reiche is not sure the rest of the Board can help figure out if that is a reason to not approve conceptual. Mr. Biegel pointed out that they provided the traffic study, the trip generation, the crash data, the traffic counts on Granite Street and Sequoia and what we have for sight distance and what they think they will get with their proposed improvements for the sight distance. What the Board is missing is the sentence that says: "The Traffic Engineer recommends." Mr. Reiche suggested that maybe this is an issue that get resolved later in the process but another way of saying of what Mr. Biegel just said is that they don't meet sight distances and the Board can't approve them unless you have someone on your team who is licensed and says "I recommend that you do." Mr. Biegel noted that it is correct.

Mr. Fletcher did not go to the podium but advised that the road has already been approved and they are coming in for different things. Ms. Pelletier explained that the Board could table the Concept Plan and give them a list of the conditions or things you want to see. Yes, it is an existing road but they are coming in for an entirely different use and we have had internal discussions on this. We have lots of standards for different things. We have street openings, we have street excavations, etc. Some of the standards do conflict and some of the standards vary a bit. In this case, it is a subdivision before the Board and the standards of the Freeport Subdivision Ordinance do apply. It is great that they have

Mr. Gibson's recommendation but the Ordinance is pretty clear on what they need to have and what the Board needs to be able to make a decision. We feel that yes, they need to meet the Subdivision's standards.

Mr. Biegel mentioned that in discussions with their Traffic Engineer he is pretty confident that he will weigh in and make that statement but this is a threshold issue and they would not want to go through preparing everything for preliminary approval and finding out that it was a problem. If they heard that with the information they have given with the sight distance they believe is obtainable with their improvements, with their sign placards at the intersection to enhance the safety of that intersection and with us knowing that that would be favorable when we came back with the Traffic Engineer's statement, that it would be approvable, it would help them move on their way. If that statement was the only issue the Board had, he would be comfortable leaving here moving ahead knowing that they could get that.

Ms. Campanelli asked the Board to consider making a motion to table or approve the motion.

Mr. Wing made a motion to table based on outstanding items that the Board is looking for. Clarification from the DEP on the lots, the language of rental versus unit and making sure that the Board is comfortable with that they don't need to review. Potentially realignment of the road splitting the difference between the subdivision on one side and the single family on the other as suggested by one of the abutters. Increased buffering either via by a neighborhood meeting with input from the neighbors or input from a landscape architect. Clarification on the net residential calculations and then clarity on the lot boundaries. It would make sense to get that clarified before the Board sends the applicant to the next step or send the message that this project is ready for preliminary review. Ms. Campanelli added that the sight distance from the road be added and Mr. Wing agreed. Mr. Blanchard seconded the motion to table. It was unanimously passed.

Mr. Biegel displayed a plan and asked for clarification. He explained his reasoning for moving the road and pointed out where the open field exists. Ms. Campanelli explained that they need to meet the requirements for the setbacks. Mr. Biegel advised that he is clear on what the Board needs.

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

Ms. Campanelli advised that she rushed through introducing Ms. Pelletier as the new staff person. If anyone has any questions regarding this new position, please let her know or let Ms. Pelletier know.

Ms. Campanelli pointed out that the Town Council schedules workshops with its Boards and Committees and asks that they come in to talk about the work they have done or what they plan to do in the next year. We have an opportunity to go before the Council. She has a concern that we have discussed changes to the District alignment and the Design Review Ordinance. This process may be turned over to the Planning Board which is kind of what they do such as rewriting ordinances, etc. but she wants to be sure that the Board stays connected to the process because we are going to use those ordinance changes as a tool. She wants to be sure the Board feels comfortable with what is happening. She is not sure this is something that should be put in writing and sent to the Council or if we want to present ourselves in front of the Council. Not everyone would have to go. She asked Board members to think about anything we, as a Board, might want to discuss with the Council and let her or Ms. Pelletier know. There are two dates available. One is in February and one is in March. She feels the Board may want to reserve a place in March to allow itself time to think about this and then we can keep it or not. Ms. Watson mentioned connectivity and they may have questions for us. It strikes her as a good opportunity to go before them. We could keep it short and simple but we will stay connected. Ms. Pelletier noted these workshops generally are for a half hour and the Board would need to provide an agenda ahead of time. If the Board does not have anything to talk about, it is totally appropriate to put something in writing. She urged Board members to reach out to her on how they want to proceed.

Mr. Wing asked where things got left with the workshops the Board did relative to sidewalks connecting to paths and the potential path forward with that? He is not sure where that landed. Ms. Campanelli mentioned there is supposed to be a working group meeting next week with the Traffic and Parking Chair, the Active Living Chair, Donna Larson, Adam Bliss, Peter Joseph, Sarah Tracy and her to discuss it. She agrees that there was a lost connection on that and she is

working on it. Something else has come up that we should all know. The Cousins River Bridge and a potential bike path. MDOT wants to see a connection from the bridge into town and how it would develop. That works with our multi-use path on Route One. Those two things are kind of coming together at the same time so that is part of what this meeting is about. She offered to keep the Board posted. She thanked Mr. Wing for asking. Those are the kinds of things the Board needs to stay up on. Ms. Pelletier asked if this is an item the Board would like to have on the February agenda. It could be discussed and if the Board could make a decision at that meeting, we could get something in the packet for the Council's March 12<sup>th</sup> meeting. The slot open to the Board is at 8:30 p.m.

Mr. Hamlin mentioned that Ms. Larson asked he and Mr. Blanchard to make observations about the Design Review District and that could be another topic for discussion to share what our thinking is and get feedback. Mr. Wing mentioned there was some homework to be done there but he would need an update on what the homework was. Ms. Campanelli mentioned that Mr. Blanchard had it and he could look at that at least as a starting point. Ms. Pelletier advised that if he did not have it, he should let her know because it should be in the back of the Zoning Ordinance. Mr. Blanchard explained that when the Board reads through it, they will see how much of it is very similar to the Design Review Ordinance and there is an opportunity to combine them and see what works and what doesn't work. Perhaps there is a way to streamline what they do as far as applications coming in and helping the applicant. Right now, there are different layers of zoning that is a little prescriptive. He wonders if you could combine Design Review into this depending on where you want to take the Design Review Ordinance because this one talks about historic buildings, rehabilitation and preservation and it kind of makes you wonder.

#### ITEM V: Adjournment

The meeting adjourned at 7:50 p.m.

Recorded by Sharon Coffin

