

MINUTES
FREEPORT PROJECT REVIEW BOARD
WEDNESDAY, MAY 19, 2021
6 p.m.

HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY

PRESENT: Guy Blanchard, (Chair,) Linda Berger, Geralyn Campanelli, Ford Reiche, Adam Troidl, Tod Yankee and Caroline Pelletier, Town Planner

EXCUSED: Alexis Bond

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

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier explained that they did have some staff approvals this month and she screen shared what she put in an electronic packet this month. The first thing was a replacement of sign faces at Quality Suites. It used to be Comfort Suites years ago and they switched to Quality Suites and now they switched back to Comfort Suites. It is just switching out three signs with the new name. One sign is facing Route One up in the peak and one facing 295 up in the peak. They decided to not replace the sign along 295 but will replace the existing ground sign along Route One.

The second staff approval is for Dunkin Donuts. They are simply changing their existing sign from Dunkin Donuts to Dunkin in one spot and the Dunkin Drive-thru. It is just a rebranding.

The next one is technically not a Staff Approval but she showed the Board that L.L. Bean on their flagship campus is putting up a small utility shed. This shed is to close in some existing utility panels they have. It is less than 100 square feet with wood sided clapboards. She pointed out where it is going. It is not visible from the right-of-way so not subject to Design Review but she wanted to make the Board aware of what they are doing.

2) Update on topics being discussed by the Planning Board

Ms. Pelletier advised that similar to this Board the Planning Board was discussing their Rules of Order. It is a good time to look at them when you don't have large projects before either Board. The Planning Board uses this a lot for some of the bigger applications that has come up within the past year. They were looking at some clean up to the Subdivision Ordinance which will come to this Board for some input. It is really like typos and outdated references, etc. It is not a re-write; it is really just a maintenance. They are trying to use across all Town documents more inclusive language so they are changing things like he/she to they and their, which she might have missed in the motions tonight. They are also continuing to work on some small amendments to Solar, Shoreland Zoning and then amendments to the Board of Appeals so the Planning Board has a lot of clean up going on right now in Ordinances before they tackle some bigger projects.

3) Update on Project Review Board workshop with the Freeport Town Council

Ms. Pelletier left this one for Chair Blanchard and Vice Chair Troidl. Chair Blanchard was not sure if everyone on the Board had time to watch their workshop with the Town Council. He feels they were able to present some of the issues the Board has been facing in a way that facilitated some discussion with them. Obviously, there were some sticking points but the Council was open to changes to the Ordinances, to get some input and really get a push from this Board on how we want to see these changes happen. Regarding the Vision Plan going on, it still seems very early in that and he has spoken with Councilor Whitney about that. She feels there is a lot of opportunity from this Board as well as other Boards and Committees in the Town. Tomorrow there is a planned workshop with the Board and Committee Chairs.

Mr. Troidl added that the Council suggested having a workshop this summer, probably in July to talk about the ordinances and what could be done. He and Chair Blanchard e-mailed afterwards that that needs to start from more of a philosophical look at the purpose statements in the ordinances and go from there to make sure that the goals identified are really the goals of the Town and then we will be able to work down from there in those ordinances and suggest what might want to change. On the building height, they passed it but understood there may be some things that are not ideal by just saying 45 feet of building height so that could be open for discussion at that workshop and perhaps add some language to that with some better urban planning language than just the height.

Ms. Pelletier pointed out that she felt it went well and thought it was great that pretty much all the Board members contributed to the information that was brought forward in the presentation. It was really nice to see it all together. Our new member Linda Berger reached out to her and advised that she found it truly helpful. Ford suggested that it could be a really great little resource for any new Board members to really see the duties, roles and types of things this Board looks at. She felt the Board has a great presentation and a great future reference and overall, the conversation with the Council was productive and not overwhelming and eye opening for just the right number of things. Mr. Yankee added that he felt Chair Blanchard, Vice Chair Troidl and Ms. Pelletier did a stellar job. It was a lot of information but not too much and he thinks the Council learned quite a bit. He thanked them. Ms. Campanelli agreed and felt everyone having the same message is really important. She wondered if there is a way to write a report from the Board like a Staff Report that the Planning Board might get ahead of time. If they become more receptive and the Council does too, it might be a way for us to respond and not go to a meeting initially. There are a lot of issues we have to walk a fine line there. This is just another way of communicating. When you look at what happened with the 45 feet, if maybe that would have happened ahead of time, some better dialogue could have been written into that language.

Ms. Pelletier thinks it is just figuring a balance and a better way for the two Boards to communicate. It is hard where this Board has totally separate duties and theirs is to write the Ordinance and this Board uses it. Due to both Board's workloads and the way it is set up, the regulations don't have the PRB weigh in on everything but in some cases, it is definitely appropriate for the PRB. The other thing which is always tough is that Guy can't just go and comment on behalf of the Board when the Board hasn't talked about it so timing could be an issue. If there is something of interest or something she thinks is relevant, she will suggest to the Planning Board. Wayne Jortner is listening this evening and she will suggest that they may want to get some input for topics like the Subdivision Ordinance. It is really a clean-up that we are bringing to them but it would be good to have you look at it to see if we missed anything. If there is something you feel the Board should have weighed in on, knowing we can't have the PRB weighing in on every single application all the time, she would love to hear that feedback from you. Again, you could always come to the meeting. The same goes for Planning Board. She is telling them every month what this Board is looking at so they at least know what you are doing as well.

Mr. Reiche asked about the sign for Quality Inn. He always thought there are federal regulations for signs on the Interstate. If that is the case, does this Board get involved in that or does an applicant have to figure it out for themselves? Ms. Pelletier advised that these are on private property but she feels Mr. Reiche may be right if they are within a certain distance. In this case, it is building mounted. She does not know if State regulations came in on that ground sign that they didn't replace, if it was close enough or not. It is up to them. Anytime we know that the State or Feds would get involved, we would flag it. In her long time here, she has not seen the State along the highway get involved. We do have cases closer to Main Street where something is in close proximity where we flag it because they actually do need sign-off from the State. It is not something this Board would have to get involved in.

Ms. Berger mentioned the Mast Landing signage where part of it is facing the highway. Ms. Pelletier advised that it did not come into play. Again, it typically seems to be ground signs within a certain distance. Mr. Troidl added that from past projects he has done professionally, what is on your property has not been a problem and they would interface with the

State sort of on behalf of the Feds for the highway for things like that. That is very restrictive on what you can or cannot do in that zone but usually it is on that property.

ITEM II: Review of the minutes from the April 21, 2021 Project Review Board meeting.

Chair Blanchard referred to page 3 and 4 and the roof he is describing is pyramidal, not paramental. Ms. Berger referred to Page 40 relating to the Nursery School. It says she is in the middle and then there is the hardware store. She suggested changing "she" to "it" since she was talking about the warehouse space. The sentence should read, it is in the middle. Chair Blanchard agreed.

MOVED AND SECONDED: To approve the Minutes from the April 21, 2021 Project Review Board Meeting as amended. (Reiche & Berger) **ROLL CALL VOTE:** (7 Yes) (0 No)

ITEM III: Reviews

4 East Street- Residential Fence

The applicant is seeking approval of a Design Review Certificate for a new fence at their residential property on East Street. No other changes are proposed. Zoning Districts: Village I (V-I); Design Review 1 – Class C; Freeport Village Overlay District (FVOD). Tax Assessor Map 13, Lot 1 A (4 East Street). Igor Kashirov, applicant and owner.

Ms. Pelletier explained that the property owner, Igor, is here tonight to represent the application. He has a fence on a section of his property that he wants to replace with a fence of a different style. Since it is visible from the public right-of-way, he needed to come to the Board. The new fence will be 6 feet and will have a little 2-foot addition on the top for privacy screening. Due to the overall height being 8 feet, he will need to get a permit from the Codes Officer. There will be a gate facing East Street. The fence will then extend down to the back of the property and along a portion of the back. There was a plot plan included in the submission for the Board to see where it is going to be and what it is going to look like. The applicant is here if the Board has any questions. The fence will be made of wood.

There were no public comments provided.

Design Review Ordinance: Chapter 22 Section VII.C.

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

The scale of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The height of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

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

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

4. **Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as

doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The rhythm of solids to voids in the front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The sizes of all openings will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

The shape of the roof will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

No changes to the building façade are proposed. Based upon this information, the Board finds that this standard has been met.

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

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

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

There is an existing section of fence on the property which will be replaced and some new sections which will be added. The fence will be made of pressure treated wood and picket style. It will be six feet in height with another two feet of grille material on top, for a total height of eight feet. A gate will be installed on the portion of fence facing East Street. No other changes are proposed. Due to the height, a building permit will be required. Based upon this information, the Board finds that this standard has been met.

10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall

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

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

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Igor Kashirov, for a new fence at their property at 4 East Street (Tax Assessor Map 13, Lot 1A), to be substantially as proposed, application dated 04/12/21, finding that it meets the standards of the Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their 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 installation, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.(Campanelli & Berger) **ROLL CALL VOTE:** (6 Yes) (1-Excused-Bond) (0 No)

Wildflower Florist- Exterior Alterations

The applicant is seeking an after the fact approval of a Design Review Certificate for exterior building alterations including repair and replacement of some doors, windows, trim and roof over a bay window. A material change is also proposed for the walkway leading to their storefront on Depot Street. Zoning Districts: Village Commercial I (VC-I); Design Review District 1 - Class C & Color Overlay District. Tax Assessor Map 10, Lot 24 (5 Depot Street). Alan Moody, applicant and representative; 22 Monument Square, LLC, owner.

Ms. Pelletier explained that this property is located at 5 Depot Street. The applicant had made some improvements not realizing it was considered a material change under the Design Review Ordinance. They are here for after the fact approval. They had some rot so they did some replacement to the wood windows. They installed a new commercial-style door to match the other doors on the property. They have re-shingled a roof of a bay window. They have done some repair to clapboards but have used like material there. They are also removing window shutters and putting in replacement trim that is PVC and making improvements to an existing wood walkway. They have put in a stone walkway to match other walkways on the property. Alan Moody is also the property owner and is here tonight if the Board has questions.

Mr. Moody did not have anything to add other than he appreciates the opportunity to come before this Board and put all the pieces together. He certainly would have had this done before they did the work. The fundamental driver of this whole thing was serious rot in the front wall and that is what drove the whole project but ending up with something he is certain will have a longer life going forward. That is what they are up to. For what it is worth, the shop owner, Heidi is thrilled with the new façade.

Mr. Troidl feels this is an improvement. There were no public comments provided. Chair Blanchard advised Mr. Moody that he should never hesitate to call Town Hall and speak with Caroline on a project if he has any questions on a project and whether or not it needs approval before hand. Mr. Moody noted he understands and he has worked with Nick and Caroline but on this one, it didn't rise to the surface.

Design Review Ordinance: Chapter 22 Section VII.C.

1. **Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence";

that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

The scale of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The height of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

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

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

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

The rhythm of solids to voids in the front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The sizes of all openings will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

The roof over the bay windows will be replaced and be continuous over the windows and entrance door. In addition to a modification in the roof shape, the roof material was changed from copper to synthetic slate. Based upon this information, the Board finds that this standard has been met.

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

Some existing walls had rot repaired using wood and clapboards to match existing materials. New windows will be

the same shape and style and of metal material. Existing window shutters will be removed. Replacement trim will be PVC. The new door will match other entrance doors on the building and will be metal with full glass. The roof over the bay windows will be changed from copper to synthetic slate. Based upon this information, the Board finds that this standard has been met.

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

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

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

Existing landscaping was removed for the project and gardens will be replanted (shrubs and flowers) in their existing location. A material change is also proposed for the wood walkway leading to their storefront on Depot Street. The new walkway will be made of Genest paving stones to match the other entrance walkways on the site. Based upon this information, the Board finds that this standard has been met.

- 10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".**

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

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Alan Mooney, for exterior building alterations and minor site alterations at 5 Depot Street (Tax Assessor Map 10, Lot 24), to be substantially as proposed, application dated 04/28/21, finding that it meets the standards of the Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions. (Reiche & Yankee)

ROLL CALL VOTE: (6 Yes) (1 Excused-Bond) (0 No)

304 Pownal Road Subdivision – Conceptual Subdivision

The applicant is presenting conceptual plans for a 6-lot residential Open Space Subdivision on Pownal Road. Individual lots would be accessed by private driveways from Pownal Road. A portion of the property includes a closed landfill. Approximately 28.54 acres of open space are proposed. Zoning District: Rural Residential I (RR-1). Tax Assessor Map 21, Lot 89. Pownal Road, LLC, applicant and owner. Craig Sweet, PE., Terradyn Consultants, LLC, representative.

Ms. Pelletier explained that this is a conceptual review of a 6-lot residential subdivision on Pownal Road. They came before the Board in January. The Board had a site walk in February and then they came back in March. As everyone knows by now, the site has a closed landfill on it so there has been a lot of questions, concerns and discussions about the closed landfill, the six lots, liability and water but we are still at the conceptual phase. The purpose of the conceptual phase is for the Board to review the information submitted to determine if the appropriate areas have been determined for development and for open space. This phase is usually done to determine the layout and then the applicant will go on and do whatever engineering is required based upon the layout that the Board deems is appropriate. At the last meeting we talked about water quality. The applicant had provided some results. They hired Mark Cenci, a geologist to look at the water quality data for the site. She did not go into the details because she saw we have engineers and Mark Cenci himself as well as the Town Engineer so there are a lot more people more experienced than her to comment on the water quality but it was included in the submission. They also included some water quality testing data from the existing well on the site because that is something that had not come up before.

We previously talked about the six lots and how they would be accessed from Pownal Road. They will require entrance permits from the State. There are some shared driveways that remain constant from the last meeting. There was some talk at past meetings about Lots 2, 4 and 6 specifically and whether or not they could be shifted away from the landfill. She did see that the applicant tweaked Lot 2 and shortened the driveway to bring it closer to Pownal Road. They didn't shift Lots 4 and 6. One of the things noted in the Staff Report is that we would really like to see those primary conservation areas included into the open space. If they are going to have things like wetlands and steep slopes on lots, they will have to have some restrictions to make sure those areas are protected. One of the things we talked about in the past is that there are a lot of questions about liability to the landfill. The Town has obligations to do maintenance and we have a closure plan in place but concerns were raised. We have a site that historically based on the data reference before us, has been stable and has not had issues with the cap or water quality in that area. What happens if the applicant goes in and develops the project and then issues are identified after, who is liable? They did submit something about the Town's maintenance but still haven't addressed the future liability of the applicant and potential HOA who they say will take ownership. She thinks it is something that will need to be addressed and clarified but whether or not the Board feels it needs that to determine the lots and open space are in the right location. She will leave it up to the Board. She feels that if the project goes forward, there will need to be some legal clarity from the applicant and the Board should probably get some additional input from the Town Attorney. We do have Adam Bliss, Town Engineer, here tonight who oversees Public Works and our Landfill if the Board has questions.

Craig Sweet noticed there is a new Board member and offered to provide an overview of the history of the landfill and the project. He suggested adding in Mark Cenci who did the geology report and Matthew Chamberlain, the applicant and noted that they are here to answer questions.

Mr. Sweet screen shared the existing landfill area, the steep slopes and wetland areas that are mapped. He pointed out existing structures and the site where a mobile home had been removed. The site historically had supported up to three buildings in the past. The current proposal has six single-family homes and two of which are on top of the existing structures that will be removed. The site is 45 acres and even though it is large, it is limited by steep slopes and wetlands. They are showing steep slopes in Lot 3 and a little in Lot 2 and those will be deed restricted from development to protect them in the future. The landfill was opened in 1958 and operated until 1980. It was closed with a soil cap in 1980 and in 1985 it was recapped with a clay liner due to leachate infiltration that was noticed by the rain water that went through the northwest and east. Since the landfill has been closed, there has still been some development on neighboring properties. The homes on Strawberry Patch Lane were developed and they are roughly 600 feet from the edge of the solid waste which are pretty similar to a lot of the lots they are proposing in this subdivision. Going through the records, there has been no historic impact to the landfill or how it works. They did have a hydrogeologic review and passing well tests from the Hanscom well.

Ms. Berger asked if wells have to be drilled out on the Pownal Road, is there ever any problem with blasting or is there a need to do blasting? Mr. Sweet was not aware of any blasting in that area for wells. There are a couple of ledges in the

steep slopes but they can work around blasting. There are other ways to remove ledge or they can work around it. He has seen homes built on top of ledge without having to blast at all.

Mr. Reiche pointed out that the big question for the Board in Concept Review is that we need to make an affirmative finding that the applicant has identified appropriate areas for development. He is comfortable with it and at the last meeting he thought the Board would have some follow-up information and when he read through the Staff Report and the submissions for this meeting, he did not find the information that would make him more comfortable. He went back to the Minutes from the Board's January meeting and has four or five things and asked Mr. Sweet to tell him if the Board got them or not or tell him when he will get them. These are things that will help him get a much higher level of comfort on what we have here.

In the January 20 Minutes, second paragraph, the applicant has reached out to DEP and requires some additional research and due diligence. He asked if the Board has gotten any additional information from DEP other than the one page that was submitted (specifically more background because there is not a lot known about this landfill).

Mr. Sweet advised that in the last submission for the last meeting he submitted multiple reports. He went to DEP and researched and included 5 or 6 reports on past studies and the history of the capping. He had some detail of the landfill. Mr. Reiche agreed that he had that but there was an open item at the last meeting regarding the closed landfill and some DEP restrictions that will come into play. Mr. Sweet advised that the DEP restrictions are that they restrict within the 100-foot buffer besides the landfill and anything beyond that, they do not have restrictions. That is in their Chapter 401.

Mr. Reiche referred to the fourth paragraph of the Minutes from the last meeting where he asked what geologic studies does Mr. Sweet have to do? Mr. Sweet replied that they will be testing for wells to make sure that everything is safe for drinking water. Mr. Reiche noted that when he reads Mr. Cenci's report in this package, there is no new geologic analysis done. It is old data. He asked if Mr. Sweet is going to do any on-site testing? Mr. Sweet advised that the Hanscom well was tested and the report he did was based on the Town's monitoring in 2019 which is the most recent so it does have current water quality data and the well was tested this year. The Hanscom well had potable drinking water. Mr. Reiche asked if at some point will there be testing? Mr. Sweet advised that they tested the one well and at this point he does not know if any more are planned. Mr. Reiche explained that there is a reference in the Minutes of a document that had been recorded by dept for this specific project that pertained to making people aware that there is a closed landfill on the property. Was it just the short document that was submitted and nothing else? Mr. Sweet advised that yes, as far as he knows. It was recorded with the deed.

Mr. Reiche noted that Ms. Campanelli asked if this was going to have connectivity to open spaces and it is something the Board will need to know at some point. Mr. Sweet advised that it does not have any connectivity at this time.

Mr. Reiche mentioned that there is the question of peer review. He asked Caroline or Chair Blanchard if that is something the Board would do later in the process, not now? Caroline advised that typically that is something the Board would do later. We would have to get some clarity and we do have our Engineer and they have their Geologist here on what would be appropriate to give to the Board to show that they have safe drinking water on the site but it is a tough, unique application and at conceptual they don't go through a ton of engineering at this point so once they know the layout, it would be more appropriate to ask them to do these studies and have it peer reviewed. Without the layout it makes it tricky to know where to study and where wells might be and where houses might be. Yes, the Board has the ability to require peer review of the studies. Chair Blanchard asked if the Board would request these at this meeting following approval or at the next meeting? Ms. Pelletier feels it is always good to be clear with the applicant on what the Board's expectations are going to be. What is it you are going to want to see for water quality studies or research and then we could figure out the peer review? You have to be clear on what it is you want and what it is you want peer reviewed.

Mr. Reiche noted he shared his concerns at the last meeting and obviously we will have some specific requests for peer review but a very fundamental one he has is this normal to take a landfill and turn it into a subdivision. He has been around residential development a lot but has never seen this before and a peer reviewer could come in and say, well you are missing something because it is done all the time or no, it is very rarely done or if it is done at all, it is done under the following conditions. He does not feel qualified to do very much review on this project without having an expert telling us what the criteria should be.

Ms. Pelletier added that very high level conceptually speaking, she did run this by the Town Attorney. She looked it over and legally was not aware of anything saying they couldn't develop it but of course, it would have to meet the standards of Subdivision, burden of proof on the applicant, etc. but there were not red flags or anything the Town Attorney was aware of prohibiting development beyond the buffers which the applicant went into and noted the closure document that was referenced in their deed. Mr. Reiche advised that the attorney's letter did not help him one bit. He understands there is no prohibition on development outside of 100 feet but that does not mean we have to approve it. Just because someone could buy the property and put one house within 100 feet doesn't mean it is appropriate for a Project Review Board to approve it so he would like to not have a legal opinion but have a scientific opinion on whether this is something that is frequently done and how it is done. He has never seen a project like this before.

Mr. Reiche referred to the last thing in the 14th paragraph of the Minutes on this item the last time around, he pointed out that the Board has to have a finding that there are financial and technical abilities of the applicant. At the last meeting, the applicant was identified as an LLC. Mr. Sweet mentioned they would provide the financial and technical stuff in the preliminary phases. The applicant is on tonight so Mr. Reiche is welcome to ask him questions about it.

Ms. Campanelli asked why isn't the landfill included in the open space? Mr. Sweet advised that it was requested to be taken out of open space in some Staff comments. Ms. Campanelli advised that she asked how they were going to separate that from the open space if that is the case? Mr. Sweet advised that it could be flagged, it could be marked. They could develop that further as it progresses. It definitely would be marked out if needed but they are not including it in this conceptual phase. They will definitely include more information in the preliminary or final phase. Ms. Campanelli is confident that if it is not differentiated, it will be used so that needs to be clarified. There will need to be signage on what can be done on that space. If this were to move to the preliminary phase, there are some things she would need to see in the next submission. She feels there needs to be conversation with the Freeport Conservation Trust and the Conservation Commission regarding open space connectivity. It would be an important discussion to have because at the last meeting Katrina spoke as well as a neighbor about potential connectivity. That is something the Board would like to see at least a discussion happen. She feels there needs to be clarification on the ownership and the liability of the landfill as far as the Homeowners Association and then the liability of the Town. She feels the Town Attorney will have to get into this a little deeper on the next step. She feels a peer review will also have to happen. We can wait until after the Preliminary review, but it puts a lot on Mr. Sweet if he goes through the whole preliminary and then we ask for these things and then everything he submits undermines the project. He would be better off finding out these things earlier than later in her opinion.

Mr. Yankee asked how the Board can make this so that Mr. Sweet is not going down the road and then he is not going to the next step and his client is spending money and then it stops? How can the Board answer these questions up front before going to the next step.? He asked how the Board could facilitate this process so that Mr. Sweet is not going to the next step and then there are more questions that need to get answered? Right now, it seems like there are some important and substantial questions that have been asked and that could derail the project later on after Mr. Sweet or the landowner have already spent money to go to the next step?

Mr. Sweet advised that he feels they have addressed a good number of concerns to move past the conceptual phase. He feels they are checking the boxes but questions are still there. He is not trying to hide anything from the Board. He is trying to be upfront and has tried to address the questions.

Mr. Reiche pointed out that this is a complicated site and the Board wants to make it workable for the applicant but at the same time not do something naively, at least that is his concern. He would like to have a peer reviewer at the Board's disposal very soon at this stage of the process to help the Board understand what questions to ask. He is hung up on the preliminary question of whether this site is even developable. If we could table this but keep open the possibility of giving conceptual approval and preliminary approval at the same meeting, it would not necessarily drag out the timeline for Mr. Sweet. At this point he is asking what specifics we want and he feels the Board needs an independent expert tell us what the Board should be asking of him.

Mr. Troidl thinks the Board is asking the applicant to prove that something that is allowed is also okay and he doesn't think that is a real standard the Board can apply. He feels this is almost like a brownfield where you do an actual environmental site assessment but it is typically Stage One ESA which is essentially a research project. It is not someone doing anything on site. It is someone researching the site and telling you about it. So far, anything that has been submitted to us, or like Caroline said from the Town Attorney, there are no prohibitions on developing it. Conceptually, talking about the areas for development, if the Board pretends the landfill is not there on the north half of the site, the steep slopes and other things, and sort of evaluate it in that sense. He likes the improvement to Lot 2. He feels it is a good move. The landfill is sort of a separate issue. He knows the Board feels a little uncomfortable with it. It just doesn't sound right or feel right to him like an HOA is going to own a landfill but that is more of a legal question than a science question in his opinion. We would have to get pretty specific on what the peer reviewer is reviewing. He is thinking about the ESA kind of idea now as he is talking and trying to think how that would really work going on to a Phase 2.

Mark Cenci was trying to get online. Mr. Reiche explained that this landfill came from an era when anything goes into the Town dump. Freeport had an industrial base back then so he feels it is safe to assume there is a lot of bad stuff in that landfill. We have all read news stories and stuff on TV about God-awful outcomes with residential development on questionable sites. He asked if this is one of those? Probably not, but he wants someone who has a frame of reference and knowledge to say, here are the questions you should ask and not be panicking about this or that but these are the areas to focus on. Mr. Troidl added that he does not want a run of the mill peer reviewer. It feels like the Board needs a brown field specialist or something like that that we pull in and typically be someone the Town has never used before. That person would know the right questions to ask about a site specific like this. Mr. Reiche agreed. Mr. Troidl doesn't feel it should be hard to find someone in the area that would be able to speak to that specifically.

Ms. Pelletier pointed out that the Board should keep in mind that the burden of proof is always on the applicant. The Peer Reviewer is reviewing the information submitted by the applicant so we don't go out and typically do our own research on it. If we want something peer reviewed, we need to tell the applicant what we are looking for and maybe Mark Cenci can provide some of that information tonight. They provide it and then we send that to our Peer Reviewer to respond to and say, yes these are things you need to look for. These are appropriate concerns. These are red flags. They are usually reacting to something that the applicant provided.

Mr. Troidl did not believe there is anything in the Freeport Ordinance that kicks off an Environmental Site Assessment but that is more what it sounds like to him because a Phase One ESA would be research by a consultant determining what was there and that would determine if it went on to a Phase Two which is really what we are talking about. To use something that is also a standard within the industry and not just us asking for stuff. As Ford said, we don't know the questions to ask so we are just asking for more information which may not have much of a basis at this point whereas maybe the ESA process is more where we should be thinking about. If we had a Phase One ESA by the applicant and they determined that they don't need to go to a Phase Two, we could have that ESA reviewed and say yes, I agree or no, I don't.

Mr. Reiche added that a 10minute phone call with someone at St. Germaine Associates, he is sure these people have the expertise, would really clarify what we have for questions or what we don't have for questions. Mr. Yankee asked if that would also address the potential liability long-term maintenance responsibilities as well or does that even fall under this Board? Ms. Pelletier explained that the long-term maintenance responsibilities and monitoring responsibilities were approved by the closure plan by the DEP. For the liability, it was noted in the Staff Report that the applicant needs to

find additional information of how going forward if there is disturbance on site, how the developer and the HOA would potentially be liable. Once we get that, it would be something that would be appropriate to have peer reviewed by the Town Attorney to see if she is in agreement with that.

Mr. Sweet explained that Mark Cenci is unable to connect but sent him an e-mail asking if the Board is looking at what areas need to be studied? He says the dump has been deemed to be benign and there have been no changes observed over time. From the reports the ground water naturally flows away from the proposed wells and the L.L. Bean leather scraps are the only offensive material identified as being dumped in the area.

Chair Blanchard noted the burden is on the applicant if the Board advances the concept's design that during their next stage of investigations, they come across something and have to redesign it, they have to come back to us for conceptual review again. That is on them so he is not sure keeping it here in conceptual without allowing them to advance this a bit is actually that beneficial. If there are things we want them to be sure to look for that we will then be peer reviewing at the next phase, we have given Mr. Sweet a pretty good idea of what the kinds of information we are looking for. To have that ready at the next preliminary review would be great. He is happy about the Lot 2 shift as well. It was a smart move but he is not sure holding it here in conceptual without letting them move forward, spend some money and do those investigations is actually benefitting this project.

Mr. Reiche's concern in giving conceptual approval, the Board has to make the finding that the site is appropriate for development and we would have to take that leap of faith. He believes there are other specific ways the Board could still deny the project if we have a problem later on so he guesses he would be okay with conceptual for this but he does not understand how the Board can go any further without having an expert on our side telling us what questions to ask. Chair Blanchard feels Mr. Reiche is right, at the next stage, the Board will definitely need a lot more information and hopefully, that is part of what Mr. Sweet and his team have planned as they advance design.

Mark Cenci got connected and advised that there is a lot about this project he does not specifically understand but that is okay because specifically all he needs to talk about is water availability and water quality. As he wrote in his summary of historical information, the ground water flow direction is away from the proposed lots. It is not tending to move from the dump toward Pownal Road. From what he sees, the proposed homes are similar in distance to the ones already in existence on Strawberry Patch. In fact, there is a known component of east/west flow beneath the dump which would concern him more about the wells at Strawberry Patch. He is not saying there is no concern here. No one wants to see houses go up and wells drilled and then have a problem but he didn't do any new work on this project because he does not really understand the specific concern of the Board members. He senses some discomfort and uneasiness about things, but to set up a testing regime, we really need to know specific questions that have to be answered. Maybe if the Board is not comfortable or confident in framing those questions, perhaps a consultant is the way to go because then at least he can understand how to go about providing the answers that are pertinent.

Mr. Reiche really feels this is going to be the most expedient thing for the applicant if we have a consultant telling us what to do. Mr. Cenci is an example on the hydrogeologic. If an expert could look at his data and say yes, he is exactly right, or in some subdivisions someone could hypothetically say, oh you make them put the wells in to sell the drilled wells with the lots or who knows what? There is no way he can imagine getting comfortable personally with this next phase of review without an expert telling us what to look for. Mr. Cenci advised Mr. Reiche that he has seen that. He has seen consultants to the Board reviewing things and framing questions. He has also seen a requirement that the wells be predrilled and proven to be safe. There are any numbers of ways to go about doing this and his interest is doing it with the least cost to the developer and in a way that provides the answers. It sounds like that would be the expedient solution.

Ms. Campanelli feels the Board has to look beyond this subdivision and she feels a responsibility to the neighbors. In talking about this east/west flow and then we get into the liability as well so it is critical that these issues get worked out. The burden of proof is on the applicant and she feels that the Board needs to see a lot more in the next phase and again, what are you going to do to protect this landfill? When she read through what was dumped in this, there was

more and we didn't get that resubmitted in the application and she didn't have that material with her. She felt it was more than leather from making boots. Mr. Sweet agreed there was solid waste in there as well. Ms. Campanelli agrees with Mr. Reiche that this is a different time so she thinks the Board needs to look at some of these issues really in depth if we move this forward. Mr. Cenci explained that he was trying to get at the most unique or potentially offensive thing was processed leather and not that only processed leather was dumped there. Municipal waste tends to be pretty benign. You get things like elevated calcium, elevated sodium, etc. and things like that. Very rarely do you get hydrocarbons or any of the dense faced liquids in Municipal waste. It generally doesn't get dumped that way so it generally becomes a pretty benign source, more of a nuisance sort of a source because people end up with high calcium or high sodium or things like that. If you look at the DEP findings, that is pretty much what they are saying. That doesn't mean that there aren't problems and he respects that. He doesn't want to sign his name to anything that could be a problem for anyone so he thinks to proceed here without too much trouble, too much cost, he would like to see how that is done.

Ms. Berger noted she is not sure where this discussion is at the moment. On one side she hears that maybe the Board shouldn't be approving this motion as is and on the other side, the Board should approve the motion but expect something to come back to us before the next stage. She is also asking for more clarification but she has to learn. This says conceptual review and the motion that is written if we were to read it directly, it says it is okay for development. It doesn't say how much development. The way she is looking at that is that right now they are asking for the development of six lots. If we are approving this motion now and they come back next month and we go through this peer review process and questions and answers, we will find out that maybe we could approve two lots right in the front and the other lots are suspect for some reason. She is saying this without thinking about what might happen later but it is a possibility. We could approve the motion going forward now and later we would be able to limit based on what we found in the next phase of discussion and review. She asked if this makes any sense?

Mr. Reiche noted to take up on Ms. Berger's point, there is so much information needed, he does not feel the applicant is hopeful of being on next month's agenda. He asked what if the Board approved the conceptual and have a St. Germaine Associates but there may be someone else, get on a zoom call with Mr. Sweet or Mr. Cenci or whoever is on the applicant's team, Mr. Bliss, Ms. Pelletier and one or two people from the Project Review Board and St. Germaine and say, what questions should we be asking and try to map out a work scope that the applicant could then tackle before they come back in for Preliminary. This really avoids dead ends and there would be some level of confidence that we are asking the right questions.

Mr. Yankee read from the proposed motion: *That the Board finds that the appropriate areas have been determined for development and for conservation of open space.* He is not sure he is there yet. This is still conceptual and if we go to the next step, do we still have the ability to say no and are our hands tied at that point? Somebody mentioned are there other ways to say no? If we are going to say no or if we can't say yes, let's do that now? He asked if he is wrong with that thinking in terms of the ordinances and codes. He asked where the Board goes? Ms. Campanelli advised that the Board can say no pretty much at every level of review. We could get all the information and at the next meeting say no, this isn't going to work. Ms. Campanelli did not feel the Board could legally do what Mr. Reiche just suggested. Perhaps the consultant could meet with the Staff but not with any members of the Board. Mr. Reiche asked how Staff will know what is on the Board's mind? Ms. Campanelli agrees it is tricky but again, the burden of proof is on the applicant. To rush this by having extra meetings, she does not feel would be appropriate. She also does not think it is appropriate for a couple of Board members to meet because we would not all be hearing the same thing at the same time and participating. She does not think that is legal. Mr. Reiche suggested keeping the Board out of it but having Ms. Pelletier and Mr. Bliss contact St. Germaine (the only firm he knows that does this type of work) and send them the submissions we have so far and ask them what red flags ought to be investigated. He does not have any questions. His concern is that he doesn't know the questions to ask so if an expert read the same things he has read, he thinks he would be okay with the things they came up for things with red flags.

Ms. Pelletier pointed out that the Board is having streaming issues but we are recording and she is not certain we are streaming live to Cable and the other platforms. Secondly, per Section 4.2 of the Subdivision Ordinance, it looks like it

gives us the ability to hire an outside consultant on behalf of the Town at the expense of the applicant. To use contracted Staff for aspects of the proposal that are outside the areas of expertise of Town Staff. She feels the Board has the ability to reach out to a couple of different firms that have done work on landfill closures in the past. She is confident we can reach out and get some general guidance as to what additional questions the Board should be asking if and how we go forward for the applicant to be able to demonstrate they meet the requirements for a subdivision so what questions should the Board ask in relation to this specific site, the unique conditions and the standards.

The second thing she heard the Board saying is that they want additional information from the applicant about the liability not only to the developer, but the HOA potentially down the road. The Board has some public here and asked if the Board wants to hear what the public has to say. Also, we have had a lot of conversation and a lot of things flagged. The ultimate question is does the Board feel they have the information to make the determination if the appropriate areas are shown for development and open space?

Chair Blanchard opened the meeting up to the public. Daniel Feinstein mentioned he has spoken on this issue a few times before. He is a neighbor on the north side. He appreciates the Board's concern about the landfill. It is his main concern. He wanted to point out the importance of what the construction machinery will do. Logging has already happened in that area. A big machine has run right around the edge of the landfill and he is afraid that it has already disturbed the cap. He wants to make sure it is on the radar as well.

Ms. Berger asked Ms. Pelletier that if the Board made the motion that she has written and doesn't have a number, it just says it is appropriate for development and conservation, will the Board still have the opportunity in the next phase or phase after that to limit the number of lots based on the results the Board may get back? Is it appropriate that the Board could do that later or are we stuck with saying this is a conceptual plan for six lots and we have to say yes, or no? Ms. Pelletier replied that the Board is acknowledging that this is a conceptual plan for six lots but if something comes up during the applicant's due diligence that proves one lot entirely unbuildable, (she has not seen it happen but if it comes up, they would have to revisit that if they couldn't) but typically the Board is showing the general layout and the number of lots typically does not change a whole lot once the Board gets through concept. To note, they do have a lot higher density here and could get based on the net residential acreage a lot more lots than they are proposing today.

Mr. Reiche advised that the Board will have 25 specific reasons to deny this project even after conceptual approval. All the reasons that matter are still ahead of us that have to be established. He was worried that giving approval now puts the Board over a barrier that can't be reversed but as he thinks about it and listens to Chair Blanchard's explanation, he thinks the Board has all sorts of opportunity. If this didn't meet net residential acreage, that would be a reason to deny conceptual approval for instance. Ms. Pelletier asked the Board to keep in mind that one of the first conditions of preliminary approval which would be the next phase is that basically by the Board granting preliminary if they get to that phase, it is not a guarantee that the Board will approve the final plan. The applicant will have to do its due diligence so the Board has to indicate that they are heading in the right direction but just because you approve one, it doesn't guarantee, although the Board does not want to mislead them. The important thing to understand here is that if the Board took action and approved it tonight, you are acknowledging that the six lots proposed are going to be in the same general location as they are today and that area of open space which includes the landfill whether or not it is on its own parcel or incorporated into the open space. That will be in the same general location.

Ms. Berger mentioned that it would make something different on all the answers that Ms. Pelletier might have. She is experiencing unstable connections on the Internet. Ms. Pelletier noted that the Cable Rep indicated there may be a zoom problem tonight in general and not just special to us.

Mr. Troidl added for the Subdivision Ordinance, Article II, 11.1 is Pollution and if we read everything that it says, either meets those standards or there is not particularly a standard we have any proof one way or another that it is not an appropriate area for development. He thinks the Board is hung up on a very specialty item with the landfill that requires an expert. He is back on his point that if the Board doesn't use some industry standard format to determine any more information, we are just going to rely on a consultant (and yes, we can find a consultant which we feel has the

qualifications to be a “expert” In this) but he doesn’t know if we are necessarily proving to ourselves what we think we are. Maybe we need to talk to a consultant to get that industry standard and maybe an Environmental Site Assessment is the way to go but he has done those in the past and the Phase One is not all that expensive an endeavor and gives you the research that you need to determine if you need a Phase 2 and then it is also something we can have peer reviewed and has a legal standing which is something used all the time in Municipalities all across the country so he thinks that would be a good standard. That is his suggestion to require a Phase One ESA as a way to get something that has a good basis all across the industry that we can all feel comfortable agreeing or disagreeing with going forward.

Mr. Yankee noted he is going back to the motion and he is having a hard time saying yes at this point. If he can’t say yes, he has to say no. Mr. Troidl advised that when he looks at the Subdivision Ordinance, he can’t specifically cite that ordinance and say this is how that project does not meet that. Ms. Berger asked if the Board has the ability to table this or ask them to put it forward? Are we on a timeline to say yes or no? Mr. Troidl could not recall the Board ever attaching conditions to the conceptual but if we said appropriate areas have been determined for development and for conservation of open space pending the results of a Phase One Environmental Site Assessment for example, he doesn’t see why that isn’t an appropriate action. Ms. Pelletier advised that typically it is within 45 days unless otherwise agreed. If the Board is not going to take action, it would want to table it. She agreed that the Board does not typically do it at concept but she does not see why Mr. Troidl couldn’t put that condition. It is fair to the applicant due to the uniqueness of the site to be clear with them on what your expectations are and what you think you will need to better understand for them to demonstrate and give the Board a level of comfort as to whether or not the Subdivision Standards under State Law and Municipal Ordinance have been met.

Mr. Sweet noted it would be helpful to know either way if it is a condition tonight. They need to know what their goal is to show the Board that it is acceptable. If it is an approval with a condition tonight or either way, it would be helpful on their end. Mr. Cenci asked if the Board has decided to not have a peer review consultant participate in this and advise you? He is not sure whether the Board is going in that direction or going to the Environmental Site Assessment. He does these and he doesn’t think it is the appropriate thing to do here, certainly not a Phase One Site Assessment. Perhaps a Phase 2 Site Assessment when some on site testing is done is appropriate. Again, unless there are specific questions that need to be answered and metrics need to be achieved and provided, any of these things can whirl out of control and become a PhD project and we don’t want that. We want to know exactly what the concerns are and how to ascertain their pertinence. He thinks that Mr. Reiche’s idea is really the best one. Mr. Reiche offered to describe a motion if that is okay from Board discussion. He personally would feel best denying this for a specific reason based on information but that is not where we are at now. If this should be denied, the Board will have that opportunity ahead of it.

In rough framework, his motion would be as written in the Staff Report which says to approve concept review and he would add the requirement under Section 4.2 of the Subdivision Ordinance that Staff (Mr. Bliss, Ms. Pelletier and whoever is appropriate at Town Hall) engage an appropriate expert with their credentials to look at the submissions the Board had and look at our Subdivision Ordinance and give the Board and the applicant guidance on what further information is needed and what we should look for.

Mr. Yankee asked Ms. Campanelli if this would address her concerns she mentioned about long-term liability and ownership of those potential liabilities. She was not sure but mentioned that only if it is a legal consultant as well. She feels the Board needs legal consulting on that. She asked that if the Board talks to consultants on the land use issue, how they have protected the development areas. This is a question she has asked and we have not had any answer. In the long term if we do approve this, it has to be protected and that discussion has not happened at all and she thinks the Board needs that information. For the liability, she feels the Board needs the Town Attorney and is not sure how that would work. Ms. Pelletier noted that she thinks the Board has two different things. One the Board getting some environmental guidance from a qualified professional as to what specific questions they should be asking the applicant given the conditions of the site and the standards before. Question 2 is the liability and in that case, we would rely on the applicant to produce the document explaining what they see their potential liability is and what they see the potential liability of the HOA if they do go forward and explain the transfer of the open space area to an HOA. If we got

that, she thinks we could have our Town Attorney do a peer review of the legal and weigh in to see if she agrees on that or not.

Mr. Yankee advised that that would work for him but he doesn't know how to write it up. Mr. Reiche explained that he is going to read verbatim the motion proposed in Caroline's Staff Report and then will add an additional requirement under 4.2.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board finds the review of the Site Inventory Map, Site Analysis and Conceptual Plan for 304 Pownal Road LLC, for a 6-lot, residential open space subdivision (Tax Assessor Map 21, Lot 89) complete as the Board finds that the appropriate areas have been determined for development and for conservation of open space and further under Section 4.2 Town Staff engage two experts: one an Environmental Engineer to review all submissions of applicant to date and the Freeport Subdivision Ordinance to provide the Project Review Board guidance in further submissions to be requested of applicant and also an attorney to assess the liability of the unique issues on this application. (Ford & Yankee) (no vote)

Mr. Reiche asked if the applicant has a way to improve on that motion or is that out of order? Chair Blanchard asked the applicant if they have any questions or concerns. Mr. Sweet had a question about the second part of getting an attorney. He asked if the Town would get another attorney or would it be the applicant's attorney providing some liability and then the Town's Attorney reviewing it as Ms. Pelletier mentioned?

Mr. Reiche advised that it would not be the applicant's attorney. The Board wants an independent attorney or our attorney telling us what the question should be. His wording of it was on liabilities that are unique to this application. Ms. Pelletier did not understand the legal portion of that. She noted that Mr. Reiche is looking for the Town Attorney to tell the Board what question the applicant should address in regards to liability or is he looking for an attorney to do their research and due diligence to say what the applicant and the HOA liability is? Mr. Reiche advised that he was trying to fold in Ms. Campanelli's concerns. Mr. Sweet advised that his question is if the Town Attorney with the applicant's attorney could have a discussion if a Peer Review Attorney would be necessary at that point because it sounds like we are hiring an outside Environmental person because the Town does not have that capability but it seems like the Town has in-house attorney capabilities to review whatever the applicant's attorney would say.

Ms. Campanelli agrees with that and thinks that what comes back from the applicant and the Town Attorney and we have questions, then we get a peer review from an attorney. Ms. Pelletier advised that any legal work we would have done would be by the Town Attorney. We use Amy Tchao from Drummond Woodson or somebody from that firm. Ms. Campanelli pointed out that the Town would want to know what the liability is. As a taxpayer she wants to know if she is liable for the landfill and all the wells around it. Shouldn't we be concerned with that?

Ms. Pelletier noted that she is intertwining two different questions. There are a couple of different parties here. There is the Town, the potential HOA and the developer. She thinks there is a potential question for liability for all three parties. The Town Attorney is the one the Town hires to weigh in on the Town issues but the developer and the HOA typically she would peer review or respond to whatever they submit. Ms. Campanelli advised that at this point we really don't need a review by an outside attorney. Ms. Pelletier agreed because we have an attorney on our behalf already. Ms. Campanelli felt the Board could strike that from the motion. Mr. Reiche agreed but asked Ms. Pelletier if she would go to the Town Attorney like she

would go to Staff and say what red flags should we be telling the Project Review Board about. Ms. Pelletier advised that she did run it by the Town Attorney at high level for general concerns and she didn't flag anything. If the question is regarding the applicant's liability, she thinks they need to submit something that was not included in their original attorney's letter and we will need to have Attorney Tchao review it on our behalf and see if she agrees with what the applicant is liable for in the future. We can have her separately comment to clarify any concerns about town liability going forward. Mr. Reiche asked if Ms. Pelletier could have her read the whole application so she understands it? He is an attorney and if he were in this position, he would frame the question as narrowly as possible and get the vaguest answer possible. He asked if Ms. Pelletier could get the Town Attorney to read the whole application so she is fully up to speed. Ms. Pelletier agreed and noted that she has received all the submissions.

Mr. Yankee noted it is not just the developer's responsibility. It is the developer's and HOA's responsibility as well and how that gets transferred. Mr. Troidl's question would be if it is prudent for us as a Project Review Board to approve the transfer of a known landfill to a Homeowner's Association? No matter what happens in the future or who is liable, if somebody has an issue, they are going to sue everybody that is attached to it and the HOA is going to have to fund a legal defense. If they have nothing to defend, that is still not going to be clear until after quite a while. Ms. Pelletier noted she could get some guidance on how to best address those concerns if the project moves forward most likely by potential conditions of approval, notes on plans, etc.

Ms. Berger asked if the Board would then approve the specifics of the Homeowner's Agreement? Ms. Pelletier advised that the Board has certain aspects of the Homeowner's Agreement required by the Ordinance. If the Town Attorney advises us in this case of other relevant conditions or notes, they could be added to the plan. The Board does have some flexibility usually if there are conditions or unique circumstances, those would be notes on the plan. If there is additional guidance the Town Attorney recommended be in the HOA documents, we would follow that guidance and request that it be included as well.

Mr. Reiche asked Mr. Sweet what bank or what attorney is going to let someone buy a lot if they pick up superfund responsibilities for what used to be a dump? It is not our problem but as he thinks about it, he can't imagine how those transactions can happen. Mr. Sweet advised that the applicant bought this property recently from a previous lot owner.

Mr. Reiche wanted to make his motion again and skip the part about a separate attorney. Mr. Yankee retracted his second so Mr. Reiche could do it again.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board finds the review of the Site Inventory Map, Site Analysis and Conceptual Plan for 304 Pownal Road LLC, for a 6-lot, residential open space subdivision (Tax Assessor Map 21, Lot 89) complete as the Board finds that the appropriate areas have been determined for development and for conservation of open space and per Section 4.2 of the Freeport Subdivision Ordinance, that the Town Staff engage an independent Engineer to review all submissions to date of applicant and the Freeport Subdivision Ordinance to provide the Project Review Board guidance on further submissions to request of applicant. (Ford & Yankee) **ROLL CALL VOTE:** (6 Yes) (1-Excused-Bond) (0 No)

ITEM IV: Discussion on Rules of Order and Procedure of the Freeport Project Review Board and possible updates.

Ms. Pelletier explained that this is more of a clean-up project. There is nothing huge here. It modernizes some terminology to be inclusive. It is clarifying submission designs. She had a couple of text changes that Mr. Reiche sent her years ago so those are in here. It is really just some clean-up. She was going to see if the Board looked at it and if they have other changes of things we need to correct. One thing she wanted to clarify with the Town Attorney was just some of our deadlines for submitting written comments. The only substantial thing in the draft that was sent to the Board was regarding public hearings. We have had lots of talk about increased notification and the Council decided they didn't want to make an Ordinance requirement to be part of the Ordinance charging applicants fees for putting notices in the paper. They did not want to take that approach. They were not against it being a policy which would give the Board some discretion and we could easily amend it should there be one newspaper of circulation left because they are dwindling and the Board could have it on the books to give clear guidance as to when the Board is going to run additional ads. She put some language in there and if it is of interest to the Board, we could include it in the standards. At some point a comment was made that a major subdivision might be an appropriate time to run a second ad so we could typically run it in *The Times Record* but if we can't do *The Times Record* due to publication or other issues, we will do the *Portland Press Herald*. The only third option left is *The Forecaster*. The Board could discuss if you feel like when you have a public hearing for Site Plan, do you also want to have that requirement? She is thinking that the Board could do a threshold but you don't always have a public hearing for Site Plan because you typically always take comment and in more recent years, the bigger site plans happen to be subdivisions and you are already having a public hearing anyways. Should there be a huge project like Shaw's or Freeport Village Station, and you decide to hold a public hearing, you could have something that says you can do that supplemental ad. If the Board wants to talk about that, it is the only substantive thing. She is open to any other changes or discussion items. Once we get it together, we will have legal review done and she will then bring it back to the Board with any final changes. The Board would have to vote to adopt any changes and then it will have to go to the Council for any review and adoption as well.

Ms. Campanelli pointed out that there is a correction that needs to be made in the first paragraph about our meeting date. We meet on the third Wednesday, not the first Wednesday. Mr. Pelletier agreed. Ms. Berger noted there is a missing No. 3 paragraph. It goes from 2 to 4 and she was asked if Quorum should be No. 3. Chair Blanchard noted that if we move up Quorum, we would have to change the text within that provision. Ms. Pelletier checked and found that the last time it was adopted, it had the missing numbering. Ms. Berger noted that Quorum might not be the best at No. 3 but we can see where it comes through in the context of what is going on rather than just popping it into No. 3. In her reading, Quorum should be higher up. Mr. Troidl pointed out that Quorum is mentioned in 5 and 6 so Adjourned Session should probably be No. 3 and then Quorum should be No. 4. Ms. Pelletier noted that she would move up the Quorum and Rules of Necessity to be the new 4 and 5.

Chair Blanchard noted he and Caroline chatted about combining No. 5 Presiding Officer and No. 6 Temporary Chair Person and probably be cleaned up. Ms. Berger referred to No. 24 the second paragraph at the end. It says documents should be available to all Planning Board members by Staff. She asked if it should be Project Review Board members rather than Planning Board. Ms. Pelletier agreed it should be Project Review Board members. Ms. Campanelli asked about 7-B removed from the room by a Police Officer. She asked who would remove someone and wondered what the intention is. Ms. Pelletier explained that the intention was that we don't have a Police Officer in the room now and we never really do so we could keep it in there but if there was a situation where someone was pushing a panic button or calling 911, an officer would show up. We could easily keep it in there.

Ms. Pelletier advised that the public notice section is No. 23 and Mr. Troidl noted the Board has talked about this a lot. His opinion is that the majority of the public do not regularly read anything any more that is printed and he is sure this is a problem for the State and the Federal Government that there needs to be movement towards electronic communication whether that is the Town's website or something that can go out on the Town's Facebook page, if we want to have people know things unless we mail things to their house, it is not feasible. Ms. Pelletier advised that Mr. Troidl just summed up the Council's exact conversation. It is just a dated means of communication but they did want us to reach out to Representative Melanie Sachs to see if it is something we can get at some point on the radar for the State because under State Law they use the same standards. The Board does not have to change it. The Council had discussion this week about increasing communication and if there are other means beyond the website and papers that

they want to start getting notices out. This week they had a public hearing and put it on Facebook. Historically we haven't used other means of social media due to some Freedom of Access and retention. The more places you start posting things, the more you have to keep up with. She thinks this may be a means for discussion on some other things that we are going to see come forward. The Board doesn't need to change this now if you want to see if the Council goes in another direction. We could revisit it. Mr. Yankee asked if the Board should say at a minimum, a printed newspaper and the Town's website? Ms. Pelletier read the legal notification requirements that are in the Ordinance that say where it has to go, when it has to go and then it has to be in a newspaper of circulation so it is already there in a more official form than a policy document which is what you have before you so it is covered. She thinks if anything, the cleaner thing would be required public hearing ads must be in accordance with applicable ordinances so that way should ordinances change and we update them, we cross reference that they are there.

Mr. Yankee asked if we are saying it needs to be on the Town's website too? Ms. Pelletier advised that the Board could put that in the policy but she is not sure. Mr. Yankee added that since it is policy, the Board would then meet the Ordinance and beyond. Ms. Pelletier thinks that would be good to add there. Mr. Yankee read the requirement for Ms. Pelletier. Mr. Reiche added that this is for all public hearings. Ms. Pelletier mentioned that if any Board member has last minute changes, they should e-mail her tomorrow. The Board will see this back on the agenda when you have a reasonably sized agenda and it has been through legal review to make sure there is nothing else we need to update.

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

Keith McBride, Executive Director of FEDC introduced himself because there are some new Board members and he has not had an opportunity to meet and he hoping they can do so face to face someday soon. He discussed opening a line of communication with the Project Review Board hoping to keep the Board informed about their work and what they are engaged in and their priorities. He is a member of Caroline's mailing list which is a great list to be on and stay informed.

He has seen conversations at recent Project Review Board meetings where there were a lot of questions about who FEDC is and what their role is and what is their relationship to the Town. He wanted to address those questions because he thinks there is a lot of misinformation and misunderstanding about exactly who they are and it should not be mystery. FEDC is a non-profit corporation and partner very closely with the Town of Freeport. The only other town that does it this way is Scarborough where we have instead of a Municipal employee that is paid, the Town has chosen to operate through a non-profit.

Their mission is to partner with the Town of Freeport to promote sustainable economic growth that strengthens and diversifies the economic base that enhances the quality of life and the unique character of Freeport. It is written at the top of every single meeting agenda they have and is a statement that guides all of their activities and decisions going forward. They are very community driven and are always looking for more feedback to guide their priorities going forward. Their Board of Directors are primarily Freeport residents and are a Board of experts and people he relies on in areas like real estate, finance, entrepreneurship, law and real estate development. It isn't just him.

He has been a director since 2012 but did not offer to read his resume. They operate with high levels of transparency which is one of their goals. They are constantly trying to improve their communication out to the community on what they are doing and what their priorities are. He will answer any questions and take any feedback about how they can be a better resource to the Project Review Board. He is glad to hear feedback from the Board. He asked the Board to please bring any questions it has about FEDC to him. There should not be any confusion about what they are doing and what they are trying to accomplish or their positions on different things. They want to be part of the community and want to be visible and active in what they are trying to accomplish because they believe they are doing so as community members. He appreciated the opportunity to give the Board the elevator pitch on who he is and who his organization is and what they consider their call to action. If the Board has ideas about bringing in FEDC to further this conversation about how they can be a resource, he would be glad to have that conversation at another time. He thanked the Board for the work they do.

ITEM VI: Adjourn.

MOVED AND SECONDED: To adjourn at 8:47 p.m. (Troidl & Campanelli) **ROLL CALL VOTE:** (6 Yes) (1 Excused-Bond) (0 No)

Recorded by Sharon Coffin