

**MINUTES**  
**FREEPORT PROJECT REVIEW BOARD**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**WEDNESDAY, OCTOBER 18, 2023**  
**6:00 p.m.**

**Attending:** Chair Ford Reiche, Linda Berger, Jason Donahue, Lynn Hamlen, Fred Madeira, James Monteleone, Tod Yankee and Caroline Pelletier, Town Planner

Chair Reiche called the meeting to order at 6:05 p.m.

**ITEM I: Information Exchange**

Ms. Pelletier advised that for Staff Approval, Shaw's at Freeport Crossing is proposing to reface two ground signs. Instead of being an off-white on the peak top they will go gray with a black top. They are resurfacing and painting the top.

1) Update on topics reviewed by the Planning Board

Ms. Pelletier mentioned that the Planning Board has been working on LD 2003. They have been participating as have some members of the Project Review Board in the Comprehensive Plan Interview Team in the Commercial Core Working Group Team and they have had a couple of applicant-driven agenda items coming in.

2) Update on the Downtown Implementation Vision Task Force Implementation Group

Ms. Pelletier advised that the Downtown Implementation Vision Task Force has been a little quiet through the summer. There has been a lot of other things going on. She expects they will meet this month so she will have an update next month.

3) Update on the Town of Freeport Climate Action Plan

Ms. Pelletier mentioned that we are continuing to work on our Climate Action Plan. The Sustainability Committee is trying to get together a public session to talk about some golden implementation strategies that will be incorporated into the Plan. A meeting date should be announced soon and she assured the Board it would be shared with them.

4) Update on the Freeport Comprehensive Plan Update

Ms. Pelletier advised that last night at the Council meeting, the Freeport Town Council took the recommendation of the Comprehensive Plan Update Interview Committee and awarded the bid to North Star Planning. They will have an initial meeting with the Planning Board probably in early December to kick off the process of starting to update the Comprehensive Plan. A lot of the first few months will be working on updating the data chapters so there will be a lot of behind the scenes work on finishing the Climate Action Plan but we will start to see them pretty regularly in early spring and we will, of course, reach out to PRB members to participate in that process.

Chair Reiche added that the Center Core Working Group which is the group of several Board chairs and Committee members throughout the town to try to steam line our Zoning Ordinances, particularly the Design Review Ordinance as they are meeting weekly. There will be an update after the last agenda item tonight.

**ITEM II:** Review of the minutes from the September 20, 2023 Project Review Board meeting.

Chair Reiche asked if there were any comments on the meeting minutes of September 20? No comments were provided.

**MOVED AND SECONDED:** To approve the minutes of September 20 as presented.  
(Hamlen & Berger) **VOTE:** (6 Yes) (1 Abstention: Yankee) (0 No)

**ITEM III: Public Hearing**

**Whitetail Drive Subdivision – 1473 US Route One (North) – PUBLIC HEARING**

The applicant is seeking approval of the Preliminary Subdivision plans for the Whitetail Drive Subdivision, a four-lot (8 units in four duplexes) open space subdivision. There is an existing driveway on the property which will be expanded and upgraded to a subdivision road. Approximately 137,825 square feet of open space is proposed. Zoning District: Medium Density A (MDA). Tax Assessor Map 18, Lots 17 & 17-2 (1473 US Route One & 0 US Route One). William Davenport and Todd Harrison, applicants; Todd and Michelle Harrison (Lot 17) & William Davenport (Lot 17-2), owners; Adrienne Fine, Terradyn Consultants, representative.

Chair Reiche advised that the Board did a site walk on August 16. He requested that Ms. Pelletier provide an update.

Ms. Pelletier mentioned that the layout remains fairly unchanged from the site walk and when the Board last granted conceptual approval on the number of units and the utilities. It is considered a major subdivision so they could get conceptual review and then they go away and work on some of the preliminary engineering and come back with plans. If you take action on it tonight figuratively, they will go back and finish up the engineering and comply with all the final submission requirements and return to you for final approval. You might remember there is an existing duplex on the property. They are proposing to create four new lots for a total of eight new units. One of the things we talked about at the last couple of meetings was utilities. They have existing utilities going into the duplex and they are proposing underground utilities anywhere where they are installing new utilities.

The Ordinance does have a provision about subdivisions and underground utilities. It does not address situations where you have existing utilities. The applicant has included information about the cost of switching the current above ground to underground and also the potential impact it could have on the wetland and the vernal pool. She doesn't necessarily think the Board needs to grant a waiver if the Board is okay with leaving the existing above ground but at minimum, she thinks you would need to clearly note that in your findings when you take final action or put a note on the plan that you approved it that way for various reasons just because the ordinance is not explicit for the existing location. Again, there will be private wells and septic. They will upgrade the existing driveway to meet road standards typical for this phase. If they go forward, they will need to get the road approved by 9-1-1 addressing officer. We will need a breakdown of costs in the financial capacity letter resubmitted with a little more information. The applicants are here and can walk the Board through any changes of where they are at. Chair Reiche asked Ms. Fine to give the Board an update and then we will go through Board questions and then have a vote to open the public hearing.

Adrienne Fine advised that she has a plan that Tom Pierce will be showing. She introduced herself noting she met a lot of the Board on the site walk in August. She offered to provide an update on anything that has changed since that last meeting. As shown on the plan displayed, it is a four lot,

eight-unit project but two of the units are filled already so it is only six new units. The existing duplex is served with a gravel driveway that they are upgrading to a road in the same location but with some modifications with widening and lengthening and improving it to meet road standards. It will be paved and will have gravel shoulders on both sides. The proposed driveways will be gravel but the road itself will be paved. They talked a lot in the past about the wetlands, vernal pools, and the vernal pool setbacks and all those environmental pieces. They worked through all of that so they received their DEP permit which has been submitted to the Board in both of their submissions at this point. They have their permitting from the DEP for anything that has to do with the wetlands, the vernal pool or the vernal pool setbacks. This project also requires a stormwater permit and the Town Engineer reviews those on behalf of the DEP. They have submitted those materials to the Town and had some preliminary discussions with the Town Engineer. They are expecting review comments from him next week so they will continue to work towards finalizing everything ahead of the final meeting. They have designed the project to provide stormwater treatment and peak flow attenuation for the whole project, the road and the lots which is a requirement for this type of development. They have a under drain soil filter that is just south of the Lot 4 driveway and some stormwater buffers. Their big plan update was finalizing the stormwater management at those locations on the plan. As Caroline mentioned, there were not a lot of changes with layout. The lot lines are the same as they were before. The road length and road location is the same as it was before. They have a little more detail on where they expect clearing for buildings. The building footprints are a bit more accurate. They looked at the driveways more specifically during their stormwater and have done some grading so they know they fit in where they are showing them. That being said, things may change slightly during construction but this is generally as expected and they tried to keep the clearing limits close to the buildings which is a concern that was talked about at the last meeting. We also talked about the area between Lot 2 and 3 where it appears there are no trees that go across the property line and during the site walk, we determined there was no clearing across the property line. It was a natural cleared area and it did seem like there was no vegetation there naturally so one of the requests was to add some trees there. They are showing them on the plan now. The final thing Caroline mentioned was the electric utilities. They do have existing poles overhead electric going to that existing house along the existing driveway. It was all installed over the last few years and they are proposing to leave that as is overhead, drop down to underground from the last pole and extend along the road extension underground to Lots 2, 3 and 4 where they would have one transformer on a pad set so any new electrical utilities would be underground. Whether that would need a waiver, she provided a cost estimate showing that it would be at least \$50,000 more to convert everything to underground versus just the extension from where the utilities currently end. That has a large impact on this type of project which is going to be more of an affordable rental project and not high-end luxury homes so every cost counts.

There were two other things that came up from some preliminary comments from the Town Engineer that she wanted to mention. He questioned if they need two other waivers. One was for the road center line radius. They have their proposed road right on top of the existing driveway because of the vernal setbacks and that is where gravel is already on site and clearing has already occurred and in order to stay on top of that existing gravel driveway and improve the road there, they had to tighten up that radius a bit. It is supposed to be 190' and they are at 150' around that corner. She believes the Engineer feels they need a waiver request for that. They wrote to that in a common response and sent it yesterday. She is not sure the Board has seen that. The other one was the access spacing of where the driveway connects to Route One. She pointed out the DOT permitted location and where they have a wetland impact but it is about 72' from the next road and the Ordinance says 100'. The Engineer noted it would also be a waiver. She offered to answer questions.

Ms. Hamlen asked Ms. Fine to clarify that the overhead electrical comes in from across the road to the driveway entrance and the last pole is where the turn is? Ms. Fine agreed and pointed it out on the plan. Ms. Hamlen noted the applicants are proposing to keep the overheads to that point and Ms. Fine agreed and added there are three poles with the wires up high and are not noticeable as you drive in. They required a lot of effort by CMP to get them established. It is a big cost saving and it is better environmentally to leave them where they are.

Chair Reiche explained that his understanding of the situation is as follows: we require underground utilities. It can be waived by us if the applicant submits cost data and a comparison that shows the burden of going underground makes these lots impractical to build or by comparison to other lots in the neighborhood too expensive in the market. We could waive that or we could avoid that because of the unique circumstances with your application, one is the State environmental laws would cause so much disruption with the vernal pools it would take precedence over our requirement to go underground. To him, it is also compelling that our ordinance does not say you need to go underground with lines that are already in. There are lines already in so in a sense, if the Board wanted to, the Town Attorney advised that we could say the lines are existing and your only obligation is to go beyond the existing which is what you are proposing to do. Ms. Fine added they will be underground for anything new.

Mr. Monteleone pointed out that when it was a single-family line, which CMP treats differently than it would if it served multiple owners, the standard would change. It causes him concern to create an exception that is not written in the ordinance. Chair Reiche suggested bringing it up when we are doing our consideration at the end of the public hearing. He noted that it is one way the Board can interpret it. Ms. Pelletier added that the Board has options if you want to see if the Board wants to waive, that is fine. They went ahead and put together the financial information. You also have to consider the environmental impacts of it and if there is a conflict between your standards or if you are comfortable with it and you want to work in the findings, that is another thing you can do. There are two ways you can do it.

Ms. Hamlen asked if the proposed buildings are two-story buildings or one-story? Ms. Fine advised that they are two-story buildings but they are different than the building that is out there today. Each unit is 38' x 40' and there is a garage connected to each building in front. The total width is 80'.

Ms. Berger asked is this subdivision is going to be condominiums? She heard they were rentals. Ms. Fine advised that they will be four separate lots. The lots will be owned and there will be two units on each lot. Whoever owns the lot could rent either of the units out. There will be a Homeowner's Association that covers the road maintenance, the stormwater maintenance and open space management. Ms. Pelletier added that they submitted their legal documents and they will get legal review after preliminary is granted and before they come in for final. Ms. Fine explained there are two owners of this partnership. One of them has already built one of them but the plan was for each one of them to have two lots to build the units and rent out the four units.

Mr. Donahue mentioned discussing the regrading of the driveway during the site walk. Ms. Fine explained that today when you are coming off Route One, the driveway doesn't drop right off. There are standards that require them to be at a certain percentage coming off the road and part of the reason for that is sight distance. They are bringing the beginning of the road up to match with Route One and she believes they are allowed to have a 3% grade away and they are closer to 2% so it is a

little less and means it will drop off more slowly than the ordinance allows. They are definitely bringing in gravel to bring the road up at the beginning.

Mr. Donahue had a question on Lot 4. It looks like it is precise in terms of where the lot line and setback is. There is no grading change shown on that particular side and asked how someone building on Lot 4 could deal with the challenges of Lot 3? Ms. Fine advised that the buildings and driveways are subject to change slightly, especially the exact placement of that building so it could slide a bit within reason while still meeting all the setbacks, the clearing limits and the setbacks from the septic and all that. They own everything today so there may be some site prep work while they are building so the same person could have grading across Lots 3 and 4 during construction not be an issue.

Mrs. Harrison added that she believes Lot 4 needs to turn a bit which would assist with the grading and she and her husband will retain Lots 3 and 4. They do excavation work and they do not feel it is a big concern. Ms. Fine pointed out that all of that area goes to stormwater management so it does not matter from a stormwater matter because it will all be captured and treated. Mr. Donahue feels there is the potential to cut into Lot 3 to make Lot 4 work. Mrs. Harrison agreed but feels they can be altered slightly. If they get in there and find the grade on Lot 4 lends itself to a daylight section, that will come to light when they get their permits. Ms. Fine noted that a lot of details come into play with a building permit. She feels everything will work out with a stormwater permit even if the building has to move around a bit.

Mr. Donahue noted it seems like the driveway on Lot 4 is better than what we saw on the last plan. Ms. Hamlen asked if these units will have basements or will they be on slab? She asked because of ledge.

Mrs. Harrison replied that they feel that Lot 4 is the only one that potentially can have a basement. Just because there is ledge there, they can blast but are trying to keep it as cost effective as possible, it is not their direction. They are not seeing as much ledge on 4. Ms. Berger asked Ms. Fine to point on Lot 4, where she believes they are sharing septic which she sees on the plan but where is the anticipated well area. She noted she knows that happens out in the field but feels it is pretty tight between where the septic is going to be and the house. Ms. Fine advised that each lot has its own septic and well. There is no shared septic. While it may be hard to see on the plan, there is 100' setback around every septic and the well exclusions cannot be in that zone. She showed where the wells and septic are proposed. Ms. Pelletier advised that they are on Sheet 3. Chair Reiche added that Mark Sensi submitted a letter saying that the applicants are expecting adequate water supply for the wells. He noted there is an ordinance provision that the applicant has to guarantee that. He did not see it in the draft declaration of restrictions. Ms. Pelletier advised that they normally put a note on the recorded Platte. Chair Reiche added that the other is financial capacity. Ms. Fine advised that they provided a preliminary letter but they understand that often needs to have more detail for final.

Chair Reiche called for a motion to open the public hearing.

**MOVED AND SECONDED:** To open the public hearing. (Yankee & Berger)

**VOTE:** (7 Yes) (0 No)

Chris Roney advised that he lives behind Lot 2 and is actually in favor of this project. He feels it is well laid out and appreciates all the work that has been done to retain trees. He has asked them to make a slight modification on the septic system that is closest to his lot and is close to the property line just to

preserve a wooded buffer there. He is not here on behalf of the Freeport Housing Trust but he is on the Board and is interested in housing. He feels this project is ideal to add to Freeport's housing stock and appreciates all the work done by the applicants and the engineers.

There were no other public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Yankee & Berger) **VOTE:** (7 Yes)  
(0 No)

Chair Reiche mentioned there is potentially one waiver we are being asked to address. Ms. Pelletier explained she will leave it up to the Board on how it wants to handle the underground utilities. If you want to consider a waiver on that, she feels it is fine if the Board makes a finding based on the financial information submitted by the applicants that switching the utilities to underground will raise the cost of housing beyond the market in that area. You could also consider the impact to the vernal pool or wetland. There is the separation requirement the Town Engineer flagged between residential access points and she noted the Article where it can be found. That is something she thinks the Board can take action on if you want to. He did not really weigh in on a separation. This is the case where the entrance permits issued by the state. They do not get a municipal entrance permit and it is already there. She does not have a problem if the Board wants to take action on that waiver given the situation. She does not feel the Board needs to take a waiver on the road location because it says it shall be in the center line to the greatest extent possible. As long as the Board feels that given the uniqueness of the application and the site that it has been done, she feels it is fine and is something that the Board can incorporate in the findings but it doesn't say you cannot have a different location. She feels the Board can act on one or two of them. She explained that the Board would want to take action on the waivers tonight in fairness to the applicant. The waivers have to be shown on the face of the recording plan and would impact the design so she feels it would be good to take action on these tonight if you feel you are ready.

Chair Reiche noted he is looking for the language that we specifically can waive the separation requirement. Ms. Pelletier noted the Board could waive the separation requirement. It does not give a specific threshold but the Board has waived some of those before. She felt the Board has done it for sight distance because ours are actually stricter in certain areas than the state's in the Subdivision Ordinance even though they have jurisdiction.

Mr. Yankee asked if the utility work and the cost assessment is included in the applicant's package? Chair Reiche explained the estimates for Attorney Tchao. Ms. Fine mentioned that the \$70,000 is an estimate with the additional permitting they will need. There are certain ways that could go and could be substantially more than that. They did their best in estimating what it will be for getting additional permitting.

Mr. Monteleone asked if there is documentation in the submission identifying the anticipated sales price of these lots are and what the anticipated average market value is? Mr. Fine explained that she does not have that information. The applicants are going to retain the lots and rent the units so she inserted in the document at the end a summary of the anticipated rental increase per unit. For this type of project, she felt it made the most sense. This is putting six new rental units onto the Freeport market and they are hoping to keep them at a low affordable rate but anticipating having to build everything underground would make the rents increase at least \$700 a month per unit. Ms. Berger asked if she indicates a price without the increase? Ms. Fine did not. She feels it depends on the market at the time. Rents today will not be the same in two years once everything is built out. Mr. Monteleone added \$700

per month per unit to pay for a \$50,000 utility project is a one-year payback and the next year is not an issue.

As to the waiver, Mr. Monteleone feels the Board is limited in what allows us to grant a waiver. The ordinance allows us one category of waiver if the applicant demonstrates the value of the unit would be increased above the market rate. We do not have sufficient evidence to make a finding of what the market rate is and what the sales price of these units would be with underground utilities. We lack sufficient information to make findings that will satisfy this waiver option. Ms. Pelletier added that the Board could look at the environmental impact if you feel requiring them to dig them up, reinstall them and impact the wetland conflicts with another standard, the stricter of the two. Mr. Monteleone did not see that as an alternate waiver that this Board has the authority to grant. Ms. Pelletier explained that that discussion was raised with the attorney if the Board is not comfortable, we could get advice in writing from them. She could not recall a situation where the Board made someone take down the overheads and put them underground. Mr. Yankee asked what the attorney said about pre-existing since they are already there? Ms. Pelletier noted the ordinance does not clearly call out new or existing. In this case, where they are putting the new ones underground that is really clear. Mr. Yankee agrees the Board could use some more information on the cost assessment. Logically, if this were new and whether it makes sense environmentally to dig up going through there, he is not sure it would. To him, going overhead and dropping them down logically makes more sense to him environmentally. The fact that it is pre-existing, makes it even more so makes sense and maybe we have the ability to say it has to be underground for the new part but it is pre-existing. It is not consistent with what we want to be doing environmentally. Mr. Madeira agreed with Mr. Yankee. He feels the equipment is already in place and it doesn't make sense to go ahead and take the existing overhead utilities down. Ms. Hamlen pointed out that what is driving this is the fact that it has gone from a residential property to a subdivision. It is just the language and a different standard so from an environmental standard having it the way it is, has not been an issue except it has a title change. Mr. Monteleone added that instead of serving one dwelling, it will serve multiple dwellings. He asked if the Board has anything from the DEP identifying there is an environmental protection aspect of avoiding the underground or are we just speculating that that would be environmentally friendly to not doing underground utilities? Ms. Fine it is less about the actual trench in the roadway and more about all the other impacts of the poles that would have to be done right next to the wetland and the vernal pools. There are poles that have been put in so they are done and there is nothing they can do about that. There are three poles with significant vernal pool setbacks and they would have to set at least one other pole in order to follow CMP's requirement on how you have to have electric provided. They would be taking out three poles from a significant vernal pool setback area that have already been put in. They would then be putting another new pool somewhere else in the vernal pool setback with a guy wire coming down to the ground and possibly in the wetlands that are connected to the vernal pool setback as well as a different pole across the street in a different location as it is today. There is the potential that DEP would need them to pay tens of thousands in order to do that permitting because it is beyond whatever has been done today. Chair Reiche asked if there are any other thoughts on this requested waiver?

Mr. Donahue asked Ms. Fine to point out where the poles are located which she did. Mr. Yankee added that they are shown on C-I. More discussion followed. Chair Reiche asked if there are any further thoughts on this waiver? Mr. Yankee advised that based on that it is pre-existing and he is not sure we even need a waiver. If it is pre-existing to the pole, we don't need a waiver. If we say the pole is there, it is the interpretation that it needs to be underground from that source so he doesn't believe we need a waiver.

Ms. Pelletier advised that it sounds like we are at a technicality so she asked if the Board is in favor of allowing this proposal to let the existing utilities to remain above ground and the new ones to be underground if we can find a way to do that? Mr. Monteleone advised that he feels it is inconsistent with the way the ordinance says. If there is a legal and viable way to do it that is not in conflict with the ordinance, conceptually he has no problem with it. Mr. Donahue feels a little more comfortable with it in the precedence sense. Why would anyone then who wants to subdivide their property go out and put a single-family residence on it and then come back later and say it is already there. Ms. Berger asked if in the last phase of the Board's approval, can we hold this off and put it into the last phase? Ms. Pelletier advised that it impacts their design so if the Board doesn't act on it now, it kind of leaves them in the unknown. They do need to resolve it. If the Board feels you need legal guidance, you could table it. It is a really unique situation where there is existing utilities and a significant vernal pool and we don't see them very often.

Chair Reiche feels there are three different ways we can look at this. Three of them will get us to the result that applicant wants. He would like to avoid dragging this out if we can. Caroline has talked with our attorney about this notion that it is not something that needs a waiver because we cannot require them to replace what is existing. If the Board is comfortable proceeding without the waiver granting them the outcome they want subject to Caroline confirming that this is what she heard from our attorney allowing us to go forward.

Ms. Pelletier advised that she does not like leaving the applicant having an unknown and the Board taking an action. It doesn't help anybody to go for a plan where they don't have positive clarification on utilities because it can have such an impact on this case. Mr. Yankee suggested taking the cost piece of \$70,000 and amortize it over 15 years at 6%, that is \$600 a month. Divided by eight units, that is \$75 a unit monthly over 15 years.

Ms. Berger went back to her question; can we make this waiver based on a significant vernal pool? Ms. Pelletier advised that in that case, the Board would have to look at its standards and see if you feel there is a conflict being created. If you feel that the provisions for protecting the natural features conflict with the requirement for underground utilities, you could make the finding that because of that stricter standard the underground utilities do not apply and we are talking about just a portion of it.

Chair Reiche returned to the waiver for the separation of the driveway being 72' instead of the required 100'. He asked if anyone on the Board has a problem waiving that particular requirement? No one indicated they were opposed to this waiver. Chair Reiche suggested that if the Board is inclined to give preliminary approval on the project tonight and we are inclined to grant the separation requirement waiver, why doesn't someone make a motion and address this underground utility requirement anyway you want. It can be that we not require a waiver but would permit it because of the environmental disruption, we can grant it without a waiver because there are utilities in place or we can grant it because they met the specific financial requirement in the ordinance and any of those three if there is a majority vote would get this thing moved ahead. If we are uncomfortable because of the last issue, then we won't be able to give you approval tonight.

Mr. Monteleone asked if the applicant would rather have subdivision approval contingent on some immediate follow-up on additional research about the waiver issue rather than just having the whole thing being put on hold? Ms. Fine replied that if it comes back that it won't be granted, where are they? Can they revise and resubmit things? Are they stuck? Ms. Pelletier added that the Board could table them until November but it sounds like there might be enough consensus to act on something. The



Board would want to act on the waivers separately and she suggested taking the easier of the two which would be the separation.

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board moved to grant a waiver of Article 11.5.C.2.E.2 to allow access facing a separation of less than 100' from other residential access points and roads that are existing and permits from the Maine Department of Transportation have been issued. (Yankee & Hamlen) **VOTE:** (7 Yes) (0 No)

Ms. Hamlen suggested adding: The Project Review Board grants existing above-ground utilities be allowed to remain in consideration of adverse impact on wetlands and vernal pools should it be required that they be removed and put under ground. Chair Reiche asked the Board if this was presented as a non-binding straw poll, who would be in favor of Lynn's motion? The straw poll **vote** was (5 Yes) (2 No: Donahue and Monteleone)

**MOVED AND SECONDED:** That the Freeport Project Review Board approve the preliminary subdivision plans submitted by William Davenport and Todd Harrison for the proposed Whitetail Subdivision (Tax Assessor Map 18, Lots 17 & 17-2) for a four-lot (8-unit) residential open space subdivision, preliminary plan set dated 01/09/23, revised through 09/26/2023. The Board finds that based upon the materials submitted by the applicant and the information contained in the record, the layout of the development is consistent with the information presented in the conceptual submission, that the applicant has submitted the required information per the Freeport Subdivision Ordinance and the applicant working towards the development of the final plans. The following condition(s) of approval and/or items shall be incorporated into the final submission:

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to final approval, the applicant obtain a final sign-off of the plans by the Town Engineer.
- 3) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management, erosion control, etc. The financial capacity letter should be updated to reflect the names of both applicants, and this estimated sitework amount.
- 4) The final submission shall incorporate the submission requirements of the Freeport Subdivision Ordinance, including, but not limited to Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.
- 5) The Project Review Board grants existing above-ground utilities be allowed to remain in consideration of the adverse impact removal would have on wetlands/vernal pools. (Hamlen & Yankee)

Mr. Monteleone advised that he will vote against this motion because he perceives that it is potentially in violation of the ordinance and given this is a preliminary approval, it will still come back to us and we are fitting ourselves to a position before we are granting final approval and that causes him concern.

**VOTE:** (5 Yes) (2 No: Monteleone & Donahue)

#### **ITEM IV: Reviews**

#### **46-48 Main Street – Design Review Certificate for Exterior Alterations**

The applicant is seeking approval of a Design Review Certificate to replace a wooden timber wall with a concrete wall. No other changes are proposed. Zoning District: Village Commercial III (VC-III); Design Review District I - Class C. Tax Assessor Map 11, Lot 120 (46-48 Main Street). GWB Freeport, LLC., applicant and owner; Janet Kamataris, Boulos Asset Management, representative.

On zoom Scott Labrecque indicated he was representing the application this evening along with Janet Kamataris. Ms. Pelletier explained that they have an existing wall. Part of it was concrete and part of it was wood. The wooden portion was rotten and they wanted to replace it with concrete. It is considered a material change for a wall under the Design Review Ordinance so they are here before you.

Ms. Kamataris explained that she is the Boulos Asset Manager representing GWB Freeport, LLC. and Scott Labrecque Construction Co. will speak to the detail. Mr. Labrecque advised that they are extending the existing concrete wall down to the back side of the driveway. It has been damaged year after year so the owner would like to extend that about 11 feet down the back side of the driveway. He offered to answer questions for the Board.

Ms. Kamataris advised that the extension would be built to match the existing. It has deteriorated for many years. Ms. Hamlen asked if drivers have run over portions of it? She is wondering about the turn radius and feels she would hit the first and second in making the turn. Ms. Kamataris advised that it has just deteriorated. Mr. Donahue pointed out it seems that the proposal for the retaining wall is to follow the slope that is there but if the height of the wall is 18" above the pavement, it would act as a visible curb in effect to protect anyone from driving off the edge.

Chair Reiche asked if there are any comments from the public on this application. None were provided.

Chair Reiche called for a motion.

#### **Proposed Findings of Fact- 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 proportions of openings within the facility will not be altered. 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 shape will not be altered. 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 façade materials 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).

*Rhythm of spaces to buildings on the streets are not being altered. Based upon this information, the Board finds that this standard has been met.*

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

*The applicant is proposing to change a wooden timber wall with a concrete wall. The new section of concrete wall will be the same material as an existing wall on the property. The wall will be tapered to match the grade of that portion of 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 signs are proposed. Based upon this information, the Board finds that this standard has been met.*

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for GWB Freeport, LLC, for alterations to an existing wall at 46-48 Main Street (Tax Assessor Map 11, Lot 120), to be built substantially as proposed, application dated 08/08/2023, finding that it meets the standards of 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 any construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Donahue & Madeira) **VOTE:** (7 Yes) (0 No)

**6 Dennison Avenue – Design Review Certificate for Exterior Alterations**

The applicant is seeking approval of a Design Review Certificate to remove an upper chimney and replace a bow window with a double hung window. No other changes are proposed. Zoning District: Village I (V-I); Freeport Village Overlay District, Design Review District II - Class A. Tax Assessor Map 13, Lot 93 (9 Dennison Avenue). Chris O'Brien, Wally J Staples applicant and representative; Luke and Katie Potter, owners.

Chris O'Brien from Wally J. Staples explained that they are renovating a kitchen and there is a chimney and a bow window that is causing some issue with the design of that. The window is about

30-35 years old and needs to be replaced. It is not on the front of the house. Ms. Pelletier advised that the chimney that is there is not being used. It is in the middle and they are getting rid of it due to the renovations. She noted the new window will be vinyl clad, no mullions and PVC exterior trim.

Chair Reiche asked members of the public if they have any thoughts they want to share on this application?

No thoughts were provided. Chair Reiche called for a motion.

**Proposed Findings of Fact:** This project requires a Design Review Certificate. A draft version of proposed findings for each standard is presented here for Board review, consideration and deliberation. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate:

**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.

*No rhythm of solids to voids in the front façade will 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.

*One existing bay window will be replaced with one double hung window. 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 shape will not be altered. An existing chimney will be removed and the roof will be patched with asphalt shingles. Based upon this information, the Board finds that this standard has been met.*

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

*The proposal is to remove an upper chimney and replace a bow window with a double hung window. In the section of the roof where they are proposing to remove the chimney, the roof will be patched to match the existing roof with regards to materials. The existing vinyl-clad bow window will be removed and a single double-hung window will be installed in its place. Any area around the window that needs to be repaired and/or filled in with clapboard-style vinyl siding to match the existing. Trim will be four-inch PVC. 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).

*Rhythm of spaces to buildings on the streets are not being 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.

*No change to any site features are proposed. Based upon this information, the Board finds that this standard has been met.*

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

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

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Wally J Staples Inc on behalf of Luke and Katie Potter for exterior building alterations at 6 Dennison Avenue (Tax Assessor Map 13, Lot 93), to be built substantially as proposed, application dated 09/28/2023, finding that it meets the standards of 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 any construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Madeira & Donahue) **VOTE:** (7 Yes) (0 No)

**Chapnick and Howieson – 30 Island View Lane – Shoreland Stabilization**

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately fifty feet in length will be stabilized with rip rap. The area of rip rap will be about six feet below the Highest Annual Tide (HAT) line. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5A, Lot 52 (30 Island View Lane). Nathan Chapnick and Holly Howieson, applicants & owners.

Ms. Pelletier advised the Board that the applicants have a small .16-acre lot and they are proposing to stabilize about 50' of the shoreland. They would have about 12' in depth of rip rap. It would extend about 6' below the HAT line. The Code Officer did go down to the site today. The biggest concern from the shoreland perspective he always has with these is the amount of clearing and removal they are doing. They do not have to remove any trees but there are a lot of invasive species there that the applicant will be pulling out. They will install the rip rap in the area above the rip rap or any areas they need to replant. They are proposing a native species mix of native blueberries and bayberries. For shoreland stabilization one of the things we look at is how they are accessing the site to do the work. We don't want to have impacts to the land more than necessary so sometimes they will come in with a barge or sometimes over land. The Codes Officer did feel they are proposing to come in over land given

the existing conditions and he did feel they could get in there. In the outlined protections they are going to take to protect their water grass area but if they disturb, they said they will loam and seed with a wildflower mix. One thing to note with a rip rap project, they are changing the grade of that slope a bit hoping it will be more stable. All the details on how they are going to pin, trench and fabric and all of that are included in the plans in the packet.

Ms. Berger pointed out that on their documentation they said the project does not require the removal of vegetation or trees to install the rip rap but they are removing invasive vegetation so one thing does not say exactly the other thing. Ms. Pelletier noted that is why the Codes Enforcement Officer went down there today. Because it is invasive, they were not looking at removing vegetation. Ms. Berger mentioned that it is okay as far as she is concerned but it is inconsistent. Ms. Pelletier advised that if Ms. Berger wanted to clarify it, she could say they are taking out the invasive species and putting in native plants. Mr. Chapnick added that it is something they do every year or two to maintain the embankment. Ms. Hamlen asked what his neighbors are doing next to him? Mr. Chapnick advised that they would be before the Board next month. Ms. Pelletier advised that Freeport's coastline has taken a hit in recent storms. Ms. Berger mentioned if there are going to be multiple people doing work at the same time, she assumes they will be bringing in more material and more vehicle entries and based on where the access point is, she would like to know that there is not going to be use of any of this work at the top. She was informed that everybody has their own access point. More discussion followed.

Chair Reiche asked if there were any members of the public that has questions for the applicant. None were provided. Chair Reiche called for a motion.

Section 306 of the Town of Freeport Shoreland Zoning Ordinance ([050322 chapter 65 shoreland zoning ordinance adopted.pdf \(freeportmaine.com\)](#)) has standards for the various allowable Shoreland Area land uses. These are the standards under which the Board must review the application.

In addition to municipal review, permitting from both the Maine Department of Environmental Protection (Natural Resources Protection Act Permit) and the Army Corps of Engineers are required. The applicant is aware of this and those applications have been submitted to the applicable agencies. Those agency reviews are independent of the Board's process with their own standards and should either of those agencies require substantial changes, the applicant may need to return to the Project Review Board for additional review and approval.

**Proposed Findings of Fact:** This project requires a Shoreland Zoning Permit for Shoreland Stabilization. A draft version of proposed findings for each standard is presented here for Board review, consideration and deliberation. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate:

**Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 306.**

**Land Use Standards**

Notwithstanding the standards of the underlying zoning district(s), all land use activities within the Shoreland Zone, shall also conform with the following provisions if applicable:



**A. Space Standards:**

*Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.*

**B. Principal and Accessory Structures**

*Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.*

**C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland**

*Not applicable as no Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland are proposed. Based upon this information, the Board finds that this standard has been met.*

**D. Campgrounds.**

*Not applicable as no campgrounds are proposed. Based upon this information, the Board finds that this standard has been met.*

**E. Individual Private Campsites.**

*Not applicable as no individual private campsites are proposed. Based upon this information, the Board finds that this standard has been met.*

**F. Parking Areas:**

*Not applicable as no parking areas are proposed. Based upon this information, the Board finds that this standard has been met.*

**G. Roads and driveways**

*Not applicable as no new roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.*

**H. Signs:**

*Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.*

**I. Storm Water Runoff**

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

*No changes resulting in an increase of stormwater run-off are proposed. The applicant installed rip rap to stabilize the eroding shoreline. Based upon this information, the Board finds that this standard has been met.*

**J. Septic Waste Disposal**

*Not applicable as no septic waste disposal systems are proposed. Based upon this information, the Board finds that this standard has been met.*

**K. Essential Services**

*Not applicable as no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.*

**L. Mineral Exploration**

*Not applicable as no mineral exploration is proposed. Based upon this information, the Board finds that this standard has been met.*

**M. Agriculture**

*Not applicable as no agriculture is proposed. Based upon this information, the Board finds that this standard has been met.*

**N. Clearing of Vegetation for Activities Other than Timber Harvesting**

*No clearing of trees will be required for this project. The applicant will be removing existing invasive species and will plant native plantings including blueberry and bayberry. Any other disturbed areas will be reseeded and a wildflower mix planted. Based upon this information, the Board finds that this standard has been met.*

**O. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

*No Hazard Trees, Storm-Damaged Trees, and Dead Trees will be removed with this project. Based upon this information, the Board finds that this standard has been met.*

**P. Exemptions to Clearing and Vegetation Removal Requirements**

*No clearing of trees will be required for this project. The applicant will be removing existing invasive species and will plant native plantings including blueberry and bayberry. Any other disturbed areas will be reseeded and a wildflower mix planted. Based upon this information, the Board finds that this standard has been met.*

**Q. Revegetation Requirements**

*The area behind the rip rap and any disturbed areas that will not be covered with rip rap, will be seeded and native plantings will be installed per the plan included in the submission. Any other disturbed areas will be reseeded and a wildflower mix planted. Based upon this information, the Board finds that this standard has been met.*

**R. Erosion and Sedimentation Control**

*The applicant installed rip rap to stabilize the eroding shoreline. No other erosion control was installed for this project. Based upon this information, the Board finds that this standard has been met.*

**S. Water Quality**

*No activity shall deposit on or into the ground or discharge to the waters of the State*

any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

*The applicant will install rip rap to stabilize the eroding shoreline which should improve the water quality by reducing sediments runoff from the land. Based upon this information, the Board finds that this standard has been met.*

#### **T. Shoreline Stabilization**

Vegetation may be removed in excess of the standards in Section 306.N of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board. Construction equipment must access the shoreline by barge when feasible as determined by the Project Review Board.

- (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
- (b) Revegetation must occur in accordance with Section 306.Q

*The applicant will install rip rap to stabilize the eroding shoreline. No clearing of trees will be required for this project. The applicant will be removing existing invasive species and will plant native plantings including blueberry and bayberry. Any other disturbed areas will be reseeded and a wildflower mix planted. Based upon this information, the Board finds that this standard has been met.*

#### **U. Soils**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. In addition, if an on-site investigation for a septic system is needed, a Maine Licensed Site Evaluator shall submit a required report. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed design to counteract soil limitations where they exist.

*This is a shoreline stabilization project and no new land uses are proposed. Based upon this information, the Board finds that this standard has been met.*

#### **V. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Codes Enforcement Officer, during the required review process, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the Codes Enforcement Officer who shall consider comments received from the Commission prior to rendering a decision on the application.

*There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. 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 Town of Freeport Shoreland Zoning Ordinance.**

#### **Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 404. Administering Permits**

The Project Review Board, the Coastal Waters Commission, or the Codes Enforcement Officer shall approve an application for a permit, only upon finding that the use, activity or structure complies with all requirements of this Ordinance and that it meets the following criteria:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;
8. Will avoid problems associated with floodplain development and use; and
9. Is in conformance with the provisions of Section 306, Land Use Standards.

*The project is for shoreline stabilization at a residential property on Island View Lane. The project was designed to minimize impacts to the coastal wetland, however resulted in about 450 square feet of impact. No clearing of trees will be required for this project. The applicant will be removing existing invasive species and will plant native plantings including blueberry and bayberry. Any other disturbed areas will be reseeded and a wildflower mix planted. There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. The property is not within the Marine*

*Waterfront District and there is no public access to the water. 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 Town of Freeport Shoreland Zoning Ordinance.**

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Nathan Chapnick & Holly Howieson, for a Shoreline Stabilization Project (approximately 50 feet in length) at a residential property at Tax Assessor Map 5A, Lot 52 (30 Island View Lane), to be built substantially as proposed in an application dated 09/26/2023, finding that it meets the standards of Section 306 & Section 404 of the Town of Freeport Shoreland Zoning Ordinance, with the following conditions of approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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 the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Yankee & Hamlen) **VOTE:** (7 Yes) (0 No)

**LLBean (95 Main Street) – Justin’s Way Façade and Employee Entrance– Site Plan Amendment and Design Review Certificate**

The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment for site and building modifications to the previously approved plans for the Justin’s Way façade changes and alterations at the L.L. Bean Flagship store at 95 Main Street. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class B & Color Overlay District. Tax Assessor Map 11, Lot 64-ETC (95 Main Street). L.L. Bean, Inc, applicant & owner; Kylie Mason, RLA, Sebago Technics, representative. *(Note: This project was originally approved by the Board in February and March of 2023 and construction is currently underway).*

Ms. Pelletier explained that this application was before the Board back in January/February. The applicant came before the Board for some site and building improvements on the Justin’s Way side. The Board had a winter site walk to look at a utility penthouse that was being installed on the roof. They made some changes and the project is underway but they do want to make some modifications to the pedestrian path going to the door on the Justin’s Way façade and they want to relocate some transformers to the back. There are some small tweaks for utilities on the roof which she will leave for Kylie to go into. They are proposing to make a change to the windows on the second story which she will also leave for Kylie. They are proposing changes to the landscaping to remove some trees. Before they were going to box in the conduit on the side. It is currently not boxed in but is painted to match. They plan to keep it as painted to match and will not box it in.

The second application the Board has tonight is a sketch plan that is very conceptual. There aren’t any building drawings. It just envisions and shows you what the applicant intends to do on the site. It will really be just an introduction and if you want to talk about that and talk about doing a site walk.

The third application really is entwined with the second one that just went through. What is really hidden in L.L. Bean is a Class B structure. Because it is a Class B structure, it requires a four-month notice period so they are really here for Step One in the four-month notice period for the demolition.

They will introduce that and they ran the first ad and will meet all the requirements for the four-month notice period and then they will come back to you. That is what is before you tonight. At some point, the application for the flag ship store and the demolition could intercept or they could just stay on separate tracks. If they complete the demolition before they are back with all their final drawings, the Board could take one conditionally. They are here to get amendments for one and to get the ball rolling on the other two to get the Board familiar and see what kind of questions you might have. Chair Reiche added that they will not be asking for action by us tonight, The Board will be asking for public comment on all three items at the appropriate time.

Katie, a Sr. Manager of Design and Planning at L.L. Bean advised that she met many of the Board members on the site walk. This project which they are calling Freeport Experience represents a continued investment in their flagship campus and Freeport which has been their official home for 110 years. Their retail campus and the buildings they will discuss have really become an unofficial hub of downtown which they embrace. They love the identity and the buildings they believe are their shared future. They want to reaffirm their commitment to Freeport and support the neighboring businesses.

Since they were here last, they have a couple of amendments. For example, on the Justin's Way façade they found a window amendment and they are coming forward to move the window slightly so the Board will see that. They appreciate the care and due diligence the Board has given to them.

Kylie Mason of Sebago Technics advised that the Justin's Way elevation change and the Site Plan changes are really a reduction in what the Board saw the last time. It has been a very long process of envisioning the campus and the building and all it is going to be. They find that things have changed in influencing their site on the rear of the building as well on Justin's Way. Where before they had a much larger canopy and a much greater impact within the right-of-way, they are pulling that back to limit the impact within their property alone. There will be a smaller entry to the employee entrance and not the required entrance they talked about before. The Board will notice there is a much smaller canopy and the change in windows as Katie has mentioned and the electrical ductwork that was framed but will now be painted to match so very similar to what is mounted on the building. Everything else is as you previously approved with the exception of the landscaping which was reduced to utilize ornamental grasses. The biggest changes are to the façade. Mr. Yankee requested that she point out the biggest changes on the screen. She pointed out the windows which were originally square and were two pairs of windows closer together and now they are spread apart so they are single without the transom. She showed a slide showing the original windows. She also showed the canopy. She showed where there was an enclosed electrical duct and where it will be now painted to match. The only change in lighting is where they added two exterior wall packs where they did have a canopy. They are directed down.

Mr. Monteleone advised that when the Board heard about this the first time, he had some concerns about the limited windows and the lack of windows closest to the street as the Board is required to find the balance of solids to voids. That was somewhat offset by the panel of windows that was set in the middle but now is being cut back considerably. He asked what is happening there since now they pursuing fewer windows? Katie explained that they found two large cross bracings to the existing building and did not realize they were there. She showed how they want to replicate an existing design so they used the current volume spacing that is also structure and pointed out where it would be put. The cross bracing just narrowly misses these windows so they have maximized the daylight to their best extent because employees will be back there.

Mr. Monteleone asked if there is some way to further balance the windows on that façade by adding additional windows in the panels that are closer to Main Street? Katie understood the visual aesthetic and noted they would be coming back with fuller designs and their hope that this corner of the Main Street façade and the opening will have a better accessibility entrance so your eye is not drawn to this elevation as it will be to the Main Street corridor. Ms. Pelletier pointed out that closer to Main Street, they had a bump out but then it is all solid currently to the second bump out. Katie displayed a slide showing the bump out. Ms. Berger had a question but was advised to focus on the Justin's Way façade and utility project. Ms. Mason advised that in the next application packet, the Board will see that there are no cuts to the building but there are some aesthetic enhancements. That is the best she can offer. There are some aesthetic improvements and access being considered for future improvements for Justin's Way that would not impact the function on Justin's Way but may add to the aesthetics that Mr. Monteleone is inquiring about so aesthetically there are some considerations but there is no removal of structure that would impact the sight line.

Ms. Berger noted she feels it is so much easier to have a fuller view of what we are expecting because to say we are changing something now and it's almost piece meal. At what point in time are you going to ask us to do something that would have changed what we saw today by doing something later? She understands it is a giant job and that you are not ready to get it all together but it impacts how we look at one thing in relation to what it is going to look like in another month, six months or a year.

Ms. Hamlen noted the Board approved with the exception of the new entry and the new windows so basically that horse is gone. She proposed that we accept it as is. Mr. Donahue feels it is hard to digest the diminutive windows on this monster of a wall. It just doesn't seem to work well with what is behind there. It is hard to say that the rhythm and scale is well accommodated with the small windows. It is really hard to say yes but he knows it is hard to work out from what is being described in the back room. Ms. Hamlen asked if they could put faux non-functioning windows in the space? Something that would fool us? More discussion followed.

Chair Reiche asked Ms. Mason if she could refresh the Board on what is there now? Ms. Mason felt a trip to Google Earth is warranted but Katie added that what was there a month ago is probably not there now. She advised that only the one bump out is there now. Ms. Berger asked if there is useable space on the first floor where they could put windows in? Katie advised that that space will be storage. In the goal of trying to find some balance here, Mr. Monteleone asked if there were some windows that were clouded that would still offer that window view from the exterior but would give privacy on the interior? Katie advised that they looked at all of that and she feels confident that they have the best design balance using every square inch as well as keeping the best aesthetic of keeping what is the aesthetic for the bump out and to keep that regular pattern and not put in a large glass that doesn't match anything on the ground.

Ms. Berger asked what is the relationship to the new windows and the electrical that is there? Ms. Mason explained that all their electrical exists and will continue to exist. It is one of the reasons they asked for the bump outs to be removed because it is a maintenance issue and it is a safety issue in terms of new construction.

Chair Reiche asked Ms. Mason if he is correct that she was going to box in conduit before and now it is going to be exposed painted? Ms. Mason advised that is so. It is to reduce the secondary construction and focus more of their resources on Main Street and the retail campus central. Chair Reiche asked about the before and after on the vegetation? Ms. Mason mentioned that in an ideal world when they

come back, she would like to have the resources to put more into it but right now they are trying to focus as much as they can on the customer experience, the building and the investment in that structure while also making enhancements to the retail campus and the park area. It is an ongoing balance of if I have a number of trees, where will they make the biggest impact?

Mr. Yankee asked if the conduit going up will be in the recessed area? Ms. Mason mentioned that conduit will move over to the face of the building because the recessed area becomes the employee entrance now. Ms. Pelletier pointed out that this project is well underway. Katie clarified that they had multiple conduits and now they will have one. It is painted to match what is on their buildings today. Mr. Donahue feels the conduit is fine.

Chair Reiche pointed out that money-saving measures on a project this large surprised him. He feels it is a setback from the aesthetic of what we approved. Ms. Mason noted she understands. She can understand the loss of the trees and one of the things to point out was that the utility lines in the trees that exist really limit what they can do there. What they had there was a series of service berries which are not massive trees but it adds to the breaking up of the façade and that perhaps is the middle ground to return the trees to provide that context. They can't put anything large in there because there are power lines above so there is no opportunity for street trees and no opportunity to restore those gigantic red pines because they were in conflict with the lines. Structurally they are up against some pretty significant façade challenges so what sounds small to qualify it as a cost, the reality is that some of the structural requirements to make the aesthetic on the outside match the desirability the Board is seeking is a real challenge for a project where they are trying to make a major impact on a really large building in a very large campus. She totally understands and it is one of the reasons it has taken so long to come back. They have explored many options and they are here and appreciate the Board's feedback and hope the Board will still support the project.

Chair Reiche asked what was the plan the Board approved for vegetation? Ms. Mason advised that it was service berries and grasses and they have taken the service berries out. They grow to 10-15' and they would still work. Ms. Hamlen noted she loves the grid of the big window and asked if Ms. Mason could create trellises that mirror that along that big awning space and possibly have climbing whatever on it so that you could have some sort of climbing evergreen perhaps? Ms. Mason offered to explore some sort of architectural component that would mirror what is further down the building.

Ms. Pelletier asked if the applicant needs those five new windows for code purposes? Ms. Mason replied no. Ms. Pelletier noted it is solid today and asked if the Board likes that better or kept the vegetation to break up the expanse of the façade? We can't design their building. Katie mentioned that it is an employee area and it is one of our company's missions to provide views of daylight and the outdoors to their employees.

Ms. Mason suggested talking about Main Street and Justin's Way and asked if Chair Reiche would be okay with skipping to the second application as a consideration. The only thing she can offer is that it is a sketch plan application and she does not want to tie this to what they are talking about. They are still working on it. Chair Reiche wanted assurance that this is not a trick. Ms. Mason went to the Main Street building's north elevation.

She pointed out the inclusion of more windows, the creation of a door at the corner of Justin's Way and Main Street. It would essentially link up at the end of this very long façade. Discussion followed. Ms. Pelletier cautioned the Board that it cannot design this for the applicant. The Board can give them some ideas but really have to react to what they are bringing.



Mr. Monteleone pointed out that if this proposal came to the Board the first time around, he would have been inclined to vote no because it doesn't meet the balance of solids and voids. What was presented did and we are trying to get there to feel comfortable that this fits in with what we are limited to. Ms. Mason pointed out where the bump out was on a slide and drew a panel or grid to mimic. They won't plant anything on it and perhaps could coordinate with Caroline the color to come back if you are satisfied with this, there are plenty of products they have used in other places so as long as it is creating that textural component, would the Board support that? Mr. Yankee asked what is being proposed?

Ms. Pelletier advised that the Board is being asked to approve the building and site modifications on the Justin's Way façade with the landscaping. Mr. Yankee likes Ms. Hamlen's idea about the trellis breaking it up. It is a good compromise. Personally, he would like to see more aggressive landscaping other than grass. Ms. Mason noted the Board has the façade in their packets of what was originally approved. The service berries were previously approved. Mr. Yankee would like the conduit boxed since it will be on the face of the wall.

Ms. Pelletier added that the previously approved trees were going to be below those windows. They were not going to cover the windows.

Ms. Mason clarified that everyone is in support of the trellis, and in support of the landscape. She asked the Board to still support the project without building impacts. That may be a common ground in agreement and she would really appreciate the efforts and hopes the Board will still support it. Mr. Yankee noted she left out the box around the conduit and he does not understand why. In a project this size he does not understand the cost impact. He feels it is minimal. Ms. Mason explained that if we answer every question with the statement, for a project this size, we hobble both the potential and requirements. Ms. Berger asked if there is a specific reason why Ms. Mason would not say that works? Ms. Mason explained that they are trying to prioritize any improvements on this project to ensure we have the best project possible. That becomes complicated when we answer everything with for a project this size. Ms. Berger feels she is saying, we will go along with things but you need to take things out of what we want. Mr. Yankee added that Ms. Mason can take things out of her original proposal such as the roof over the entrance. She noted there is still a roof over the entrance but it is not as big. She advised that the change in the soffit is \$100,000 addition and it is important that they prioritize as best they can. Mr. Yankee noted it sounds like some of the revisions that are being suggested are cost based and they are reducing the cost of what was previously approved. Ms. Mason agreed.

Chair Reiche mentioned they are surprisingly small items and he doesn't feel they were executed with a great deal of imagination to get to something that is as palatable as what we had before. Chair Reiche asked if anyone has any further comments? Mr. Yankee doesn't know how other Board members feel about the conduit. Ms. Hamlen recalled there were six of them and Mr. Yankee noted they were recessed so you wouldn't notice them walking down the street. Ms. Berger noted she is not opposed to the plain conduit painted. She would desire more trees being planted to take away the long expanse so that is where she is going. Mr. Monteleone does not want to cause delay or add expense but feels this is something that needs additional thinking and he would like them to come back with more particulars that address some of the concerns that have been raised in discussion tonight. Ms. Berger suggested scheduling a site walk and perhaps keep this tabled until after the site walk and look at it from the street.

Ms. Pelletier advised that the Board already did a site walk. They are currently under construction so if there is anything the Board is comfortable acting on tonight. She pulled up the landscape plan and it had sumac, cedar and service berries in there before with grasses. Ms. Mason noted that sumac is a ground cover. The cedar and service berries are 6-7' high. She proposed where the service berries would be planted and she is comfortable to proposing no amendment to the landscaping plan. She understands the Board's desire to see this come back but noted they are under construction and this is a modest change. She understands that they can add a window to the loft as requested so they are reasonable conditions and feels it is some sort of middle ground. Ms. Pelletier clarified that they would add a wood trellis at the second bay and add a third window to replicate the double window pattern. Ms. Mason noted she is happy to submit because the site did change. She will submit an amended landscape plan and come back for that component. It is not ideal but it is a minor component. It is a difficult street and there are a lot of opportunities that they met.

Chair Reiche noted he thought he understood everything until he heard Ms. Mason say she will amend the landscape plan. Ms. Mason displayed the plan and asked the Board to remember they were widening the sidewalk and creating a different entrance. It is going to be different so the landscape plan is going to be different accordingly. She feels it is important to acknowledge that what the Board approved here would not be the same. She is comfortable coming back with what was amended. She pointed out what would remain the same but wanted to show the change at the corner of Main and Justin's Way. The transformer and walkway are definitely different. She wants to make sure she is representing it accurately.

Chair Reiche pointed out how awkward it is for the Board to accommodate a project that is moving ahead on the fly and then comes back. Design Review is under a lot of scrutiny in Town right now and if we do this for you, we will have to do it for other people and he hopes the Board will not have to do it again. Ms. Mason understood and added that they struggled with it themselves. Mr. Yankee noted the Board wants to expedite things as quickly as they can but he has a hunch that the changes that you are proposing for this were in the works some time ago. Ms. Mason agreed that they have struggled with it. Mr. Yankee added that to ask for something quick, is not necessarily fair to the Board to do that for some of the reasons Chair Reiche mentioned.

Mr. Monteleone struggles with the notion that there is a compromise here when there is taking things away from what was approved. It is frustrating that we were presented with plans that showed there is a structural pediment to putting in a window. Now we don't want to hold the applicant up but this does present a challenge.

Chair Reiche asked if anyone has any questions for the applicant? No one presented any questions. Chair Reiche asked if anyone wanted to present a motion?

**MOVED AND SECONDED:** To table the application subject to a resubmitted amended plan that addresses the concerns that have been discussed:

- A. offering more specifics as to a broader landscaping plan that is feasible within the street side.
- B. Details about the proposed trellis setup
- C. Any other aspects that are potentially available to provide the type of balance of rhythms and solids on the Main Street side of this façade.

- D. Identifying the additional 6<sup>th</sup> window that has been discussed tonight. (Monteleone & Berger)

Ms. Pelletier asked if adding the sixth window addresses the Board's concern of rhythm to solids and voids? Mr. Yankee advised that it does for him and the trellis and the landscaping helps. Mr. Monteleone feels it is a combination of all of these things. All these things in concert give us a sense of whether we restored the balance to this. In order to understand if this is going to do it, we need to see it and so we need to see a rendering that incorporates some of the landscaping that is possible. That could contribute a lot to breaking up this solid block as well as the trellis features, the window features and any other features that you can dream up to address what has been raised.

Ms. Mason noted this is a previously approved façade and the only thing that has changed is the canopy, a duct and the windows. She thinks they found the balance in the windows with the incorporation of a trellis. Is she to understand that in addition to those things, a rendering of what was previously approved is also a desire? Is there a way for this Board to find supporting application for the inclusions you suggested because it is the addition of a window, and two trellises and the retaining of the landscaping that was previously approved. It seems really reasonable to move that forward. It seems really impactful to make them come back for what could be a couple of months because even if she submits right away, we are talking about two months and it is important to understand the impact.

Chair Reiche mentioned there is a motion and a second. Mr. Yankee feels the trellis is important enough to see what it looks like for him. Ms. Berger added that in addition, Ms. Mason mentioned that the existing landscaping plan will have one end different. She would like to see it on a plan. Ms. Mason feels it is important at this point to leave the landscaping as it is. Ms. Pelletier added that they are not going to plant the landscaping now so if the Board wanted to do it conditionally, it is not a big deal but the Board needs to act on what it is comfortable with and you heard from the applicant that this delays their project. Mr. Yankee would not want to set a precedent going forward that we are approving projects on taking someone's word without seeing it.

Again, Chair Reiche advised that there is a motion and a second. Ms. Hamlen asked if the motion could be read again which Mr. Monteleone did.

Chair Reiche offered that he thinks the applicant senses the Board's frustration. He can't believe that holding this project up for two months will be impactful. He would prefer approving the motion to amend the site plan as presented with the four things we discussed. He will be holding off on his vote. Ms. Pelletier advised that the trellis is not going to hold them up. It is everything else. If the Board approves it conditionally, it will be with the understanding to add a window. They will come back with the landscaping plan and details on the trellis as part of the next submission. Ms. Berger clarified that the condition is they have to come back with an updated landscaping plan and a rendering showing the details of the trellis.

Mr. Monteleone advised that his concern with this approach is that just like today, we have heard repeatedly you already approved it and so go with what you approved. He is concerned about going deeper down in that hole. Ms. Hamlen seconded his thought. Her hope is that this discussion tonight by all of us shows you how if we approve something and you come back and say it is really nothing, it clearly is to us so as we look at this huge project, we have a lot more steps to climb. She hopes that with your Plan B, our intent is to make it as wonderful as you want it to be but we can't just say yes, go ahead with a change like this.

Ms. Berger advised that she seconded the motion but is concerned because Chair Reiche sounds reasonable and there is still the option to come back. Ms. Pelletier asked if the Board would be more comfortable with them coming back if the motion were more explicit on the trees? They have to come back with the trellis but the landscaping was also a part of it. Ms. Berger asked if we are going to have them come back anyway, we might as well do the whole approval at that time. Mr. Yankee explained that they can move forward with the window and the revised entrance so there is a lot that they can do. Ms. Pelletier explained that this is a huge sitework project so we are putting the whole sitework on halt until they come back in December. Recognizing this, Mr. Yankee would not vote to table. Ms. Berger rescinded her second and no other second was offered.

**Proposed Findings of Fact:** This project requires a Design Review Certificate and Site Plan Amendment. A draft version of proposed findings for each of those sets of standards is presented here for Board review, consideration and deliberation. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate:

**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 building is existing. Minor changes to the Justin's Way facing building façade are proposed. Proposed changes include modifications to the employee entrance to reduce the proposed canopy area over the door and changes to the windows on the second story. 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 overall structure will not change since the last approval. 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.

*Minor changes to the Justin's Way facing building façade are proposed. Proposed changes include modifications to the employee entrance to reduce the proposed canopy area over the door and changes to the windows on the second story which will not significantly alter the proportions of the buildings front façade. 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.

*Although changes to the previously approved windows are proposed, they will remain in generally the same location although they will change in shape and size. 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.

*Although changes to the previously approved windows are proposed, they will remain in generally the same location although they will change in shape and size. 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.

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

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

*Any new windows will match the material of the existing aluminum windows on this façade. Any siding repairs will be made with wood materials to match the existing façade. 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 location of the structure on the site will not be altered and the only changes to the footprint will be minor in nature due to changes to the canopy over the employee entrance and the covering that will no longer be proposed for the conduit. Based upon this information, the Board finds that this standard has been met.*

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

*The amount of impervious area will change due in part to the new pedestrian connections with the public right of way. This will also result in changes to the landscape plan. In addition, the applicant is no longer proposing to plant trees along the building façade and all grasses are proposed. The applicant is also proposing to relocate an existing generator and transformer from the side along Justin's Way to the southwest loading area. 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.**

**Findings of Fact: Section 602.F.1 of the Town of Freeport Zoning Ordinance**

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

*The building is existing, and any site changes have been designed to comply with the space and bulk requirements for the Village Commercial I Zoning District. New landscaping is proposed. Changes to the building façade are minimal however a*

*Design Review Certificate is required. Based upon this information, the Board finds that this standard has been met.*

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

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

*The building is existing, and any site changes have been designed to comply with the space and bulk requirements for the Village Commercial I Zoning District. The overall location of the building will remain the same, with some footprint changes proposed due to changes the canopy over the new employee entrance and utility enclosures. Based upon this information, the Board finds that this standard has been met.*

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

*Vehicular access to the site will remain unchanged. Based upon this information, the Board finds that this standard has been met.*

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

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

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment

condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

*Overall, there will be a small increase in the amount of impervious area on the site. The Town's peer reviewing engineer did review the changes and had no comments on grading/drainage due to the insignificant amount (see email dated 10/11/2023). Based upon this information, the Board finds that this standard has been met.*

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

*There will be some minor modifications to the utilities including removal of the bump outs for the conduit as it will now just be painted the same color to match the façade. The applicant is also proposing to relocate an existing generator and transformer from the side along Justin's Way to the southwest loading area. Based upon this information, the Board finds that this standard has been met.*

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

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

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

*There are no special features associated with this application. Based upon this information, the Board finds that this standard has been met.*

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards



to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

*A photometrics plan has been included in the submission and lighting has been proposed and updated to comply with Section 521.A Exterior Lighting of the Freeport Zoning Ordinance. All lighting fixtures will be full cut-off. Based upon this information, the Board finds that this standard has been met.*

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

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

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

*A landscaping plan has been included in the submission and prepared by Sebago Technics. A variety of grass species have been included in the design and will help soften the appearance of the building. Based upon this information, the Board finds that this standard has been met.*

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

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in the

- Marine Waterfront District;
- (8) Will avoid problems associated with floodplain development and use; and
  - (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

*This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building is connected to public utilities. There are not areas of flood plain identified on the site. Stormwater will be treated with an existing closed stormwater system. No known historic or archaeological resources will be negatively impacted by this project. Based upon this information, the Board finds that this standard has been met.*

- m. **Erosion and Sedimentation:** The proposed site shall be constructed in accordance with the Maine Department of Environmental Protection's Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

No changes to erosion and sedimentation control plan are proposed with this project due to the small size and nature of the proposal. *Based upon this information, the Board finds that this standard has been met.*

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Design Review Certificate and Site Plan Amendment for LL Bean, Inc for exterior alterations and site changes at the Flagship Store at 95 Main Street – Justin's Way Façade and Employee Entrance (Tax Assessor Map 11 Lot 64-ETC), to be built substantially as proposed, plan set dated 08/29/2023, revised through 09/18/2023, finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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) The conditions of approval from the February 2023 and March 2023 approvals of this project are still applicable, as amended today..
- 3) An additional 6<sup>th</sup> window be added to create a cluster window arrangement composition adjacent to the most northerly window on the façade.
- 4) The applicant return with an amended site plan, updated landscaping and other façade features such as a trellis. (Donahue & Madeira) VOTE: (7 Yes) (0 No)

**LLBean (95 Main Street)– Design Review Certificate & Site Plan Amendment**

The applicant is presenting conceptual plans for proposed site and building alterations at the L.L. Bean Flagship Store Campus on Main Street & Justin's Way. Plans include demolition, building alterations and an addition; alterations to existing parking lots and internal pedestrian and vehicular circulation patterns; and alterations to the outdoor spaces on the campus. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class B & C buildings and Color Overlay District. Tax Assessor Map 11, Lots 36-ETC, 40-ETC and 64-ETC (12 Nathan Nye Street, 57 Main Street & 95 Main Street). L.L. Bean, Inc, applicant & owner (*Note: Downeast Energy is the landowner at 57 Main Street*); Kylie Mason, RLA, Sebago Technics, representative.

Ms. Mason advised that they would like to schedule a site walk. She oriented everyone to this project. The reason why it has taken so long is because they don't want to feel they are taking something away. With a project this big, is at all times an opportunity but also a lot of consideration to make sure we don't do that. To orient everyone to the project area, it is the boundary of the retail campus proper. It does not include any of the off-site parking lots. She pointed out Main Street, Justin's way and Nathan Nye. They have the Home Store, the Bike, Boat and Ski Shop, the Boot and the Hunt/Fish store. She is certain everyone will recognize what was once Morse Street and is now an internal driveway and the park itself. The proposal itself is very different because they are making it a little smaller than what they talked about before. The Boot will remain where it is although the entrance will be relocated. They are proposing a pretty large pedestrian campus experience and pointed out that area. They are maintaining the driveway to provide a drop off and accessible parking and some limited spaces in what was the Moose Parking Lot. An expansion of the park itself, some recirculation of pedestrian walkways to create more lawn area. The restoration of trees in the area. It has been hard to maintain along that roadway since then some landscaping. It is much more modest than what their visions were originally but they feel this supports their goals in maintaining their commitment to the Freeport Town Center. Right now, it is a very modest site to look at but really impactful. The building itself will be pulled back even though it is being renovated to be all new space. It actually reduces its footprint on the site by a sizeable amount which opens up a pretty sizeable pedestrian experience with a brand-new entrance that gives about the same gracious space that it does around the boot currently and as you notice, it feels cozy and expansive so it will fit many groups. Many functions will be maintained on the campus.

Ms. Mason shared the Main Street façade and without massive improvements, the relocation of a door to the side, some new windows that open up a lot of light on the façade and a lot of glass on Main Street. She explained the elevation. As you drive by Boat & Ski, in front of Linda Bean's, you would see this entrance. If you are coming from southbound, as you are passing the bank and all the areas from Justin's Way, this is what you will see. This is the one they have the most done right now. They hope to have something for the Board at a future meeting. In the mean time they would like to schedule a site walk so the Board can get a sense of the existing condition because she feels it is important to recall space. Right now, it feels a bit like an abandoned roadway because it is. It is not functioning. It is an internal driveway. A lot of time you will see some people trying to figure out where they parked at L.L. Bean so they do want to make that enhancement so they can cut it off so they have an enhanced pedestrian experience towards Main Street. Their hope is that they have a much more friendly pedestrian campus while still supporting all the parking people come to appreciate within the L.L. Bean campus itself and establishing a new building. She displayed the new footprint so the Board could get an idea of it. She offered to answer questions as best as she could right now because it is still deeply underway and then talk about a site walk.

Ms. Berger asked if the Ski and Bike building is going to be taken down? Ms. Mason advised that they are not proposing the removal of that building. Ms. Hamlen asked if they are planning to change the pedestrian access from Main Street up to the campus? Ms. Mason explained that right now there is the Morse Street that was rebuilt as the pedestrian way. She pointed out that it would remain and that it would open up to an area she pointed to. There are no new walkways proposed. Mr. Yankee asked if the water feature still says? Ms. Mason advised that it has been decommissioned.

Ms. Pelletier asked Ms. Mason to show the Board where the black line is on the building that they are cutting all that back and they would see some façade upgrades that they would see at a later point. Ms. Mason agreed and noted that they would be coming back with from this point wrapping around and connecting to a place she pointed out. Ms. Pelletier felt it would be good to look at this on the site walk and visibility from the public right-of-way since that is what Design Review is all about. It would be helpful for the Board to get some

visual points. Ms. Mason advised that in an area she pointed out, that largely the building will not be any more visible than it is currently because there is a large amount of vegetation and they are not opening up a new walkway. She pointed to a corner that would be very visible as it is today.

Chair Reiche asked what these changes are about? Is it modernization or is it changing dramatically the public space? Ms. Mason advised that for Justin's Way it is the modernization for many systems but ultimately it is to create a unique customer experience and reenergize the entire building. The entire building is being redone and it is much more internally focused and structurally focused than it is site focused. Mr. Yankee asked if there is a reduction in square footage? Ms. Mason advised that it is a reduction in the footprint. Mr. Yankee asked about Discovery Park and how it will be used going forward? Ms. Mason advised that there are no proposed changes. They don't have a prescribed use for it. It will remain as a green open space but it will be slightly enlarged. They will have concerts there. Mr. Donahue asked if tour bus traffic will move through? Ms. Mason pointed to where tour buses stop and that there will be two entrances if they are on the street.

Chair Reiche asked if the Board could have the site walk when Ms. Mason has some graphics to show that would orient the Board what they plan to do? Ms. Mason agreed that it would be very helpful and felt she could have the graphics available next month if the Board wanted to do the site walk before its meeting. Ms. Hamlen mentioned that it would be dark. Ms. Mason noted she loves Saturday mornings and she would bring the coffee. Chair Reiche mentioned the Board likes 5 o'clock. She displayed a slide showing the oldest section of their building. Mr. Monteleone asked if the north elevation is technically on the Main Street façade and Katie noted that is correct but they did add windows. Chair Reiche noted it is an improvement but is not part of what the Board just approved. Katie agreed. Ms. Mason mentioned it is complicated and suggested moving on to the next application. Mr. Monteleone added that that goes a long way to address some of his concerns about the balancing of that building.

#### **LLBean (95 Main Street)– Design Review Certificate for Building Demolition**

The applicant is seeking approval to demolish a building that is a portion of the L.L. Bean Flagship Store. The portion of the store proposed for demolition includes the removal of a Class B structure; a four-month notice period is required. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class B & C buildings and Color Overlay District. Tax Assessor Map 11, Lot 64-ETC (95 Main Street). L.L. Bean, Inc, applicant & owner; Kylie Mason, RLA, Sebago Technics, representative.

Ms. Mason advised that she is about to schedule a site walk and feels November is a lovely time to take a stroll. Chair Reiche added that if it is not going to be a plan that feels solid, just don't do the site walk. Ms. Mason agreed that she would table it. Ms. Pelletier asked how soon Ms. Mason could have a rendering to send to the Board so they could take on a site walk? Their typical meeting would be on November 15. Mr. Yankee noted that for this, it would be helpful to have hard copies. Ms. Mason feels she could have renderings available on November 1 and if the Board wants to take a stroll during thanksgiving week, it would give you two weeks with renderings prior to the site walk. Ms. Pelletier advised that Thanksgiving week would be hard. Discussion followed. Katie asked if there would be a way to ask for application approval of Main Street knowing that it is much more consistent with the existing architecture than what they will present to the Board in the new addition, knowing you would see the renderings of the new addition but you might not have drawings at this level? Chair Reiche asked if any Board members want to weigh in on that?

Mr. Yankee advised that the Board just saw Justin's Way without a representation of the north facing entrance and if we are going to be asked to review this, we would be asked to be reviewing it with an entrance on the south side which we wouldn't have information on the rest of the south side. If we were to approve it, maybe we could approve what we are looking at without the doors so it all ties together so he

thinks it would be really helpful if we could get here is what your project plan is and lay it all out timewise and here is what it is today and we know the schedule is going to change but here's is where we will be coming to you and here's what to expect rather than this. Katie understood that and they are balancing multiple communication links with a project of this size, whether it be employees, customers, changes so what they would not want to bring something that they are not 100% confident with. It is a razor thin balance of how much to share and obviously this is all public so how do they balance that? Her ask and if it is no, they will regroup in a different way. Her ask would be would the Board be comfortable with this form on Main Street, the two-story structure with the renderings of the full-project scope, the exterior of the site? Would you be comfortable in the coming months to look at a Main Street façade application with only conceptual renderings of the rest of the project and they would be photo realistic architectural renderings. Frankly they are working on pricing and all of that still. Ms. Pelletier advised that at any point any one can come in and make an application to the Board. It doesn't have to be the entire building. If they bring in an entire façade, she thinks that is okay. Showing the Board concept is helpful but they need to keep in mind that it is just a concept so none of it can happen. When you approve a single façade, that is what you are approving. You approved Justin's Way so they can never come back with that door on the corner so she doesn't think it is bad that there is a fine line between. In an ideal world we would see all things in the application with all aspects of it. If they can, she is concerned about showing them a concept that is just a concept.

Ms. Hamlen advised that the construction is obviously being phased in so what we see is phased in. Mr. Yankee went back to the Justin's Way discussion and this entrance. Right now, on Google Earth there is a little mini park there with a stone wall. If you are putting an entrance in on the north side of the elevation, he would imagine that would be gone if it is not already gone. Going back to how we tie these things together, having a whole discussion about the Justin's Way façade, that would have been an important element of that discussion on what goes on at the corner. Ms. Mason advised that that particular corner was part of the discussion and they even talked about it with the owner of the Jamesen Tavern owner because it is serving as the construction entry point. Nothing there has changed. More discussion followed.

Ms. Berger mentioned the application process that we will be doing, if this comes in for conceptual site plan and we were to look at this and say okay these are concepts and you are going to do this and if you gave us an approximate timeline and caused those to be phases. She thought we had seen things come in in Phase 2 construction and Phase 3 construction and on and on. It might be easier to know in advance based on a conceptual plan and work on them in the phases as they are ready. She doesn't like doing things where she is not sure what is happening later to that same property. It is too piece meal. Ms. Mason mentioned that Freeport does not have a process for this but it seems that what perhaps they could do is a master plan progress that would simply be an ongoing update of where we are that would show how applications are potentially coming and tying to the great scheme but also provide phased applications. They could potentially draw some project areas and create Project Area 2. Justin's Way was Project Areas #1 and Main Street would be Project Area #2, and so on for the façade that connects Main Street to the building renovation.

Chair Reiche asked if the Board would be asked to issue approvals on Project Area #1 before Project Area #2? Ms. Mason noted she is thinking out loud. One of the things with a phased plan is generally knowing what you are going to do and having some level of finality. They don't have that on the overall campus so it is tough for her to phase it. What they could do is create project areas within the building which have much shorter timeframes and much bigger finality as progressing. It would sequence the work and they could show the timeline to construction as they approach it but deal with each one as a small project area so that there is more oversight by the Board and certainly more meetings with them but in a much more open dialogue in communications so you will probably see them every month for at least a master plan update.

Ms. Hamlen pointed out that tonight the Board is being asked, short of a site walk, to approve everything we see there. Ms. Pelletier advised that tonight was just an introduction and the Board is not being asked to approve anything. Ms. Mason added they just wanted to show the Board where they were going. She noted that generally, in phased construction, there is some finality but the risk here is that they will be sharing with you things as they are evolving. This is an enormous project and things are ever changing as they are discovering in the building. Estimated costs are coming in and they are reworking certain things so she can't give the Board a finality here because they are still working on those areas. Ms. Pelletier advised that they cannot come in tomorrow with a full concept for this whole building. They have told us they don't have it done but they are happy to come in and give you a timeline or tell you how they are going to break it down or what they are doing next. The Main Street façade is very important to both L.L. Bean and the Town of Freeport. What she likes about the Main Street façade is that there is no room to do any site features so it is a big conversation but they really cannot change much. When you turn the corner, there is going to be a lot of interest in how the left and the right and the boot fit together.

Ms. Hamlen mentioned No 2, Main Street and asked if they know of any structural obstacles to your doing the windows on Justin's Way you have brought to us? Katie advised that they added windows in all of the blank spaces to add all the daylight they could. Mr. Monteleone mentioned that if they present the Main Street façade to the Board and ask them to commit to the façade on the south elevation facing section without the Board having any reasonable understanding of what comes in those separate sections, it would be unpalatable for the Board because we would commit to one side without seeing the whole balance. Ms. Berger feels the word continuous is the operative problem to her.

Ms. Pelletier added that the question is do you want to have a site walk? She is happy to work with the applicant and come back to you with an update. She feels we are not going to solve it tonight. Mr. Yankee feels master plans are great and they constantly change and evolve. Going back to Mr. Monteleone's point, designs criteria and designs standards up front he is sure the applicant has them, so he requested that they share them with the Board upfront. It is something that will help us. The overhead doors and signage are something we haven't seen. Is that in your design standards and is that what we will expect for your other entrances perhaps? What are your design standards? This sounds like it is a 4 or 5 design build project. Some of them are running concurrently. Ms. Mason advised that it didn't start out that way but it is certainly the way they are heading.

Chair Reiche stated he is not comfortable repeating the Justin's Way episode. He asked if Ms. Mason can be ready for a site walk and show us meaningful information On November 29<sup>th</sup>? Ms. Mason replied that she could. It was decided to meet at 8:30 a.m. Ms. Pelletier will send out public notification and will coordinate with the applicant.

Ms. Mason advised that they do not need any action. It is truly just to start the clock for information sharing purposes and the four-month notice for demolition. She showed what they are proposing to demolish between the three floors. It gives the Board an idea what they are proposing to demolish as part of the internal project. They need to start the Design Review certification process. She suggested considering the Camping section of the store. They will be demolishing the three-story section and will build back a two-story addition and tie back to the existing floors. Chair Reiche clarified that this starts the four months and they have given public notice.

Mr. Yankee mentioned that the water feature is located in the lower right. Ms. Mason showed where it is. They don't need the demolition for the Main Street water feature. The water feature wall will remain while they work on the site plan. Ms. Mason advised that they will come back much sooner than four months but

they can't begin the demolition until the four months period is over.

Chair Reiche asked if there were any members of the public that would like to provide comments on this. Eric Smith, Director of the Freeport Historical Society, advised that being a Class B Building, in certain cases they would want to go in and document it for historical record keeping. This with other industrial buildings that L.L. Bean converted to other uses has been changed so much over time that they don't think there are any architectural details they will be able to uncover unless they are revealed in the demolition, he is not requesting that. He asked about the Camping Atrium that was added in 1980, it is not old enough to be a Class B but since it is so integral to that building, is it still considered part of the Class B Building? Ms. Pelletier advised that she would have to go and try to find their historical inventory card from 1986 but she does not feel it would be part of the 1940s part. Mr. Smith made the request that if L.L. Bean discovered anything that was part of the historical structure, that it be could documented, he would appreciate that but he thinks for the most part, the historic photos of what that building was like when it was in integral use are much more important to them. They are not suggesting that this portion should be moved to another location. He noted that this building set part of the tone for what the 1990's addition was in front of the Main Street structure. This was never a particularly great architectural look so when you are looking at the Main Street façade, he is hoping you will keep in mind what that Design Review Ordinance is suggesting in terms of referencing what is appropriate given the existing Class A and Class B Buildings because this will no longer be an existing Class B Building to be referenced. He hasn't seen the rest of the conceptual look but by taking this away means that everything else in comparison will change. Chair Reiche feels it is helpful to have the Historical Society weigh in like this.

Mr. Yankee feels this is a good point and perhaps we need to pass that to our Planning Board if we are losing Class B reference points baselines. How do we adjust our ordinances accordingly? Ms. Pelletier added there will be less of them. Mr. Yankee asked if we have design criteria that will fill in in place of a baseline? Ms. Pelletier feels this is a great segway to the next item. More discussion followed.

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board table the review of an application filed by L.L. Bean to demolish a Class B building at 95 Main Street (Tax Assessor Map 11, Lot 64-ETC) until the requirements of Section VIII.A.2 of the Design Review Ordinance for the four-month notice period for demolition of a Class A and/or B building have been met. (Yankee & Berger) **VOTE:** (7 Yes) (0 No)

#### **ITEM V: Discussion of the work of the Central Core Working Group**

Chair Reiche advised that the Central Core Working Group is made up of Chairs of the Planning Board, the Project Review Board, the Historical Society, FEDC, Social Equity and a private developer. This group is trying to make changes first to the Design Review Ordinance that can bring in some internal consistency and make it a little more efficient and try to maintain the teeth it had but it may be in a smaller geographical area. They meet every Wednesday from 12:30-2 p.m. and met today. They have about 20 changes that they are all in support. He thinks the Board has copies of them.

Ms. Pelletier mentioned that this group has come to a consensus that this is a draft they can support. They wrapped it up today and the next step is to do a final read through and ask the Town Attorney to look at it and give them some feedback and then the Planning Board will be having a public hearing on it and be notifying everyone in the district and abutters before they make a recommendation to the Council.

The first thing they talked about was looking at the Design Review District and re-evaluating the boundaries.

What should be in and what should be out? Could we shorten it? Part of that took account the historical inventory update we did in 2019. The Project Review Board at the time made a forum and hired a historian to go out and document the buildings on the exterior and determined if they were still contributing to the historical architectural significance of downtown or if they were so far modified that they weren't. They did about 120 buildings and 110 of them came back as still contributing in some way to the downtown. She sent the Board potentially a map of this. Today what happened is the group revisited that and their first recommendation is to consider shrinking the District's boundaries so Design Review would remain intact starting at a little past Kendall Lane but it would stop at the railroad tracks. Everything south of the railroad bridge on Main Street would no longer be in Design Review. Everything north of there even if it is down over the tracks off of this part of Main Street would stay in. Ms. Berger added that it was done because they thought some of the housing in the middle needs more public input and maybe people would agree or not agree but it would cause further discussion. Ms. Pelletier advised that they want to move something forward and debated as a group that if this turns into a bigger discussion and want to go through properties one on one, the Planning Board would probably consider waiting for the overhaul of the entire ordinance. This seemed like a good compromise. One of the points that people liked about this section is that it also has the standards of 527 for the commercial districts for the most part so it has some elements of design although at a lesser scale.

Then we get to the main ordinance and while she won't bore the Board with all the work that has been done. There has been a lot of little wordsmithing and the Working Group has gone around and around and had different versions. They had a version that started to talk about materials and roof overhangs and all these other things so we said okay, too much in the weeds. We are going to pay somebody to update the design features so this has been scaled back. Cleaning up the definitions is a big part of it. Reworking the Category 1 and 2, it depends on the size and is hidden in the fee structure of the ordinance and makes no sense so they are moving that to the front. There's some clean-up to historical significance, material change. One thing is there will be a new definition introduced and that would be adding a term for nearby buildings. Nearby buildings would be clearly defined as buildings within 500' of the project seeking a Design Review Certificate and that 500' would be measured from the proposed building's façade via a roadway. A and B Buildings are not in there and are not something that would be considered by the Board. They also added a term for primary facades. In some cases, you have a corner building or take Town Hall, you can see it from so many sides so they added the term. Provisional compatibility, the suggestion was made to clean up the definition and get rid of the reference to the 1930 and 1950. The note was that visual compatibility relates to those ten standards that you do findings on.

The next biggest change would be to recommend removing the Color Overlay District and furthermore, any reference of color regulation other than for signage in the ordinance. That has just not really been effective in the historic color palettes. Everyone has one now and it is so broad it didn't seem to be effective so they decided to get rid of all references of color. The thought was to strike it and we might get a colorful building. There is just a little of reworking and cleaning up for when a Design Review Certificate is required by the Board. Administrative Staff Review would really just add a standard that if somebody wanted to replace their door with an identical style and different material, that would be eligible for a Town Planner review.

Projects exempt from Design Certificates is a new category. These would not require a Design Review Certificate: siding and or trim replacement with wood, cementitious or engineered wood alternative so long as the style, reveal exposure and profile remain the same. Replacement windows of the same approximate size and configuration. When the existing windows have muntins, the existing light patterns shall be maintained and true divided lights or simulated divided lights shall be used. Roof material changes to wood shingles, architectural asphalt shingles, slate or copper. Metal roofs were intentionally left out because the



group could not agree on that. Roof mounted solar panels installed in plane with the existing roof line and as close as it is feasible to the existing roofing. Replacing duct boards using wood or composite materials. Handrail balusters or balustrades on existing exterior ducts or exterior stairs constructed to meet applicable building codes made of wood or composite material. Ramps, balustrades or handrails built to ADA specifications to meet accessibility code. Dura hardware mailboxes and house numbers. Fences less than 5' in height constructed of wood.

Chair Reiche noted that the Board has copies of this. Wordsmithing is still going on. He would have notified you if he saw anything he felt would be alarming to you based on comments made in the past. He thinks when you look at these, you will feel they are improvements. Ms. Hamlen noted that without going through each item, she read them but she knows the impetus for taking appeals straight to court. Ms. Pelletier advised that it was a recommendation. There were some mixed opinions in the group and they are going to have the attorney look at it because they want consistency. Appeals of the Project Review Board would go straight to the Superior Court but appeals of the Town Planner would still go to the Board of Appeals.

Ms. Hamlen asked about the project at 22 Main Street. Ms. Pelletier informed her that it is not going forward and the Board should continue on the ordinance.

Ms. Pelletier encouraged the Board to look at the design guidelines. There is one big change. The language was changed to read that the scale of the building in height would no longer include a reference to the A and B Buildings. It would just be buildings within 500' regardless of their class. It is broadening in the way that it strikes out A and B but it is confining in the fact that it is giving the nearby distance of 500'. There will still be references to the A and B Buildings and there are some minor tweaks but nothing she feels she needs to call out. We went through the appeals.

Mr. Yankee asked how this will impact us? Ms. Pelletier advised that it is when the ordinance is updated and the district is shortened, she will present the Board with a new ordinance. Mr. Yankee asked if that means that south of the Public Safety Building it is the wild wild west down there? If it is residential, yes. If it is commercial, it would trigger Site Plan Review and Section 527. Ms. Hamlen asked about the signage for Gritty's and Ms. Pelletier advised that their signage would not have to go through Design Review but there would be other signage regulations they could be subject to. Mr. Yankee mentioned that he thinks it would be good if the Town also had design standards and also include signage as well. He asked how much consensus there was on what Mr. Pelletier just talked about? Was there any disagreement or were people thinking about moving in the same direction and just doing a little wordsmithing here and there?

Chair Reiche could only think of one instance where there was much back and forth. Ms. Hamlen asked if Ms. Pelletier thinks the wordsmith will make it faster, easier or more user friendly? Ms. Pelletier doesn't feel that anyone is going to run in and do a huge project in Freeport but on Lower Main Street they won't have to go to Design Review and there is a lot of vacant land and opportunity to make a difference there. Things like solar panels, and ADA ramps and someone wanting to change their door are things the Board deals with. Those are not huge to the rest of the world but she thinks they are huge to the homeowners that live downtown. She thinks it is a good combination of trying to look at the bigger picture for big projects. We put in a couple of submission requirements in there which will help take care of some of that low-hanging fruit and more efficient for people that live in the district or property owners that want to do relatively minor things.

Mr. Donahue brought up projects with flat roofs versus an inclination towards pitched roofs and asked if there is anything that will help us? Ms. Pelletier advised that there is not. Now if you are looking at nearby structures, it is within 500' and it is those A and B Buildings. It is not drastically but she thinks it is better.

Mr. Monteleone mentioned that distance is a great aspect. Are you measuring the street by the center line. For example, if there are turns that happen, someone on the opposite side of the street will be able to get a wide expanse of additional feet going around the turn. If it is the center line, it is essentially even regardless of the side of the street the project is on relative to the A and B Buildings. Ms. Berger asked if it is 500' in a circle? Ms. Pelletier noted she likes the circle because she does everything in a circle. She can do property boundaries and look it up on a map. It is not something she can measure when the applicants come. They will have to show you. Mr. Monteleone noted there is no advantage for being on one side of the street versus the other. Ms. Pelletier advised that they talked about the center line but talked about taking another look and maybe having the attorney look. They know it needs more refinement and it is a suggestion. She explained how they do everything with property boundaries so for L.L. Bean they take the entire parcel and say we need to be within 500' and put it on the computer. The group did not have any interest in going that way.

Mr. Monteleone noted he strongly supports the change from the Appeals Board primarily because that change ensures that if there is an approval that is appealed, while the appeal is pending, the approval stays in effect whereas if it goes to the Appeals Board first and there is a reversal, nothing happens until the appeal goes through. If we grant an approval and it is appealed to court, the approval is still valid until the court says it is not. They could build but it would be at their own risk.

Ms. Pelletier advised that she would provide updates and invite you to participate in the Planning Board process.

Chair Reiche noted he has an update on a Project Review Board member that is in the news. He saw where the Maine Bar Association named Jim Monteleone as an outstanding young attorney for exemplifying the ideals of increasing access to justice and contribution to the public good. He was given a round of applause.

**ITEM VI:** Adjourn.

**MOVED AND SECONDED:** To adjourn at 10 p.m. (Madeira & Yankee) **VOTE:** (7 Yes) (0 No)

Recorded by Shron Coffin