

**MINUTES  
FREEPORT PROJECT REVIEW BOARD  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
WEDNESDAY, AUGUST 16, 2023  
6:00 PM**

**SITE WALK – 4:45p.m.:** The Board held a site walk of the proposed Whitetail Drive Subdivision at 1493 US Route One

**Attending:** Chair Ford Reiche, Jason Donahue, Lynn Hamlen and Fred Madeira,

**On Zoom:** Tod Yankee and Town Planner, Caroline Pelletier. James Monteleone arrived at 6:22 p.m.

**Excused:** Linda Berger

Chair Reiche called the meeting to order at 6:06 p.m. and noted the Board has a quorum.

**ITEM I: Information Exchange**

1) Update on topics reviewed by the Planning Board

Ms. Pelletier advised that the Planning Board has been putting in a lot of time discussing the new State regulations popularly known as LD 2003 and starting to look at what the impacts will be for Freeport. They just held a community workshop to give the public an opportunity to ask questions and hear some of the concerns or comments from the public. She suspects the Board will be hearing her reporting on this monthly between now and January which is when municipalities are supposed to have these changes in the books. In Freeport we anticipate required amendments to the Zoning Ordinance and the Subdivision Ordinance and the Shoreland Zoning Ordinance.

2) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier mentioned that the group had a meeting and talked about some grant programs, one of which the Council approved and had previously allocated some funding. There is a new business grant program that will be coming out. It has \$60,000 allocated towards it. FEDC will be overseeing it and will award funds for people to enhance their businesses or enhance spaces that are not utilized so they activate it, they could provide funds for utility connections, accessibility improvements or code updates that they have not been able to make.

3) Update on the Town of Freeport Climate Action Plan

Ms. Pelletier pointed out that we continue to work with GPCOG on this. We have had a bit of a delay. One of the things that Freeport needs to do is set some carbon reduction targets for the community. The Sustainability Committee will be going to the Council in September with some recommendations and to give an understanding of what that would mean for Freeport. When she has more information, she will share it with the Board in case you are interested in participating. Once that is done, we will see a little uptick in the work on the plan. We will start to see some drafts. There will be another community workshop that is tentatively scheduled for October.

4) Update on upcoming Town Council Workshop regarding recommendations from the Freeport Housing Committee

Ms. Pelletier wanted to give the Board an update on the August 1<sup>st</sup> Town Council meeting. The Town Council was presented with some recommendations from the Freeport Housing Task Force. That is a group that was put

together and appointed by the Council to look at housing in Freeport and make some recommendations on things we can do to encourage housing in Freeport while we have other things going on, and also some affordable housing. That group did make a series of recommendations. The Council didn't really take public comment at the meeting. That was the first time it was introduced so they did set a community workshop just to get some feedback from the community on the recommendations presented. That workshop is tentatively set for August 22<sup>nd</sup> and it will be held at the Freeport Community Library. We know that it is a really busy time of year for people but the hope was that the Planning Board members, Project Review Board members, the Council and Housing Task Force can be there to share thoughts and ideas and also hear from members of the public.

Chair Reiche asked the Board if they had any questions for Caroline on any of those items including the Housing Committee Report? No one indicated they did. Chair Reiche advised Ms. Pelletier that he spoke with the Chair of the Planning Board today as he told her he intended to do, and he and the Planning Board Chair will be at that meeting on the 22<sup>nd</sup>. He encouraged anyone else that has thoughts to either be there or share them with Ms. Pelletier and she will get them to the Council before the meeting. Ms. Pelletier agreed that she will get them to the Council before the meeting. Ms. Pelletier noted she would be happy to do so and suggested that the Board send their comments to her in an e-mail. Anyone planning to attend should rsvp to the Town Clerk so the room can be set up with microphones. If anyone can't make it, she suggested that they reach out to her or their Councilor with their thoughts and she would be happy to share those thoughts on their behalf.

Chair Reiche asked how a meeting with one week notice gets broadcast to the public? Ms. Pelletier advised that some people knew if they were watching the Council, that they set this as a special workshop at that meeting. The delay in getting more notice out was actually finding a space to hold a meeting at that point in time. The Council typically puts out their agendas the end of the week before. In this case, we circulated it in advance of that to the Planning Board, Project Review Board and the Housing Committee. Some people were there watching the initial presentation so the Boards also got notice that way.

**ITEM II:** Review of the minutes from the July 19, 2023 Project Review Board meeting.

**MOVED AND SECONDED:** To approve the minutes as written. (Hamlen & Madeira)

**ROLL CALL VOTE:** (5 Yes) (2 Excused: Berger & Monteleone) (0 No)

**ITEM III:** Tabled Items

**48 Bow Street – Design Review Certificate & Demolition Permit Request- PUBLIC HEARING**

The applicant is seeking approval of a Design Review Certificate for exterior building alterations at 48 Bow Street. Changes include but are not limited replacing a 20'x20' structure with a 20'x24' structure. There is an existing structure proposed to be demolished. The structure is Class B in Design Review District 2 and a four-month notice period for demolition is required. Zoning District: Village I (V-I); Freeport Village Overlay District, Design Review District 2 - Class B. Tax Assessor Map 13, Lot 88 (48 Bow Street). Bruce Macomber, applicant. Bruce Macomber Jr. and Shelbee Macomber, owners.

Mr. Donahue, being an abutter, recused himself but mentioned he would stay in the room. Chair Reiche pointed out that the Board still has a quorum.

Ms. Pelletier advised that the applicant was before the Board last month. You will remember that they have an old barn/garage on the property that they are proposing to demolish. They also want to install a new structure. Because it is a Class B in the Design Review District II, a four-month notice period for demolition is required. Because the determination was made at the last meeting, the applicant has since run the first ad in *The Times Record* so this was set as a public hearing and the Board could take public comment tonight. You

will need to open and close the public hearing. There are two parts to this application. One is the new structure that was discussed at the last meeting. She thinks the comments leaned pretty favorably towards the design so the applicant has provided some additional details. She has set it up so that if the Board wanted to take action on the new structure, they could do that. There would be a condition that the applicant could not apply for any permits until the four-month notice period has been deemed complete or in the case that the building has also been saved. Again, the four-month notice period is designed to allow the opportunity for someone to come in and take a building, salvage a building or at least for the Historical Society or other people to come in and document that structure. If someone has interest in the building, and the applicant works out something with them sooner than four months, that would save the structure. They have the ability under the ordinance to come back to the Board sooner. At this meeting, the Board could act on a building design for a Design Review Certificate with a condition as far as the demolition request, you could table it until the requirements of the four-month notice period are complete. There are two parts to this. She was happy to answer questions.

Chair Reiche asked if he is correct in thinking the applicant has to come back to the Board at the end of the four-month period? Ms. Pelletier replied, yes. She did get some clarification from the Town Attorney and that is how she reads it too. We will have them come back as soon as they can or the four-month waiting period is over. She noted that the four-month clock starts today so they are looking at any time December 16 or after that they could come back to you for you to take action as long as they ran a legal ad which they are required to do. We sent notification to the Council, the Planning Board and the Historical Society as well. The applicants are aware that they need to run two more ads as well.

Chair Reiche wanted clarification that if the applicant goes through the required process and comes back before us, it has to be approved by us if they followed the process? Ms. Pelletier advised that the Board does not have the ability to deny the demolition of the structure if the requirements of the four-month notice period has been met. She noted that this is only for Class A and B. Class C structures don't have this notice period.

As information for the public and a reminder for the Board, Chair Reiche advised that the Board asked the applicants to come back tonight so that if the Board is inclined to grant approval for the new building, and if they want to go ahead and order windows and line up their contractors, they can, knowing that whatever the element of the risk is on the four-month notice. The applicant noted it is all contingent on the December 16<sup>th</sup> date.

Mr. Macomber advised that he would like clarification on one thing. He has one person that has been playing telephone tag now but generally he has seen the building and there are parts of it that are salvageable but the building itself will need to be broken into pieces in order for him to repurpose the salvageable parts of it. It won't go down the road as it is. It is 20 x 20 and rickety. His question is what is the Board's definition of salvaging the building versus repurposing bits and pieces of it? He is not sure where to go with the conversation with him and then how does he present it to the Board if he is suggesting he can take it apart and put it on a flatbed and once he gets it to Standish, go through it and repurpose what he can? What is the burden of proof, contract or agreement that needs to be presented to the Board in order to meet the requirement? Ms. Pelletier advised Chair Reiche to take the question. She will pull up the ordinance while he gives the beginning of an answer. Chair Reiche explained the four-month process is to encourage Mr. Macomber to have those types of discussions and if somebody else in the meantime steps forward and says he will take the whole building or something like that, it is perhaps an opportunity to have a second opportunity. Chair Reiche asked Ms. Pelletier that if Mr. Macomber works out an arrangement for removal of

the building, does it shorten the four-month process? Ms. Pelletier displayed a portion of the ordinance on a screen and read it into the public record. She thinks the applicant will have to come back with information on what parts he will preserve. The applicant did look a little further off the structure and understands what the existing condition is and it is unlikely that it could be moved in its entirety due to its condition.

Chair Reiche added that it seems like all of the steps that could shorten up the four-month period require keeping the building looking like a building and not breaking it down for parts. He mentioned the Board will be holding a public hearing and asked if the applicant has any other questions before the Board starts that? Mr. Macomber did not have any.

**MOVED AND SECONDED:** To open the public hearing for the demolition permit aspect of the building at 48 Bow Street. (Madeira & Hamlen) **ROLL CALL VOTE:** (4 Yes) 1 Abstention: Donahue) (2 Excused: Berger & Monteleone) (0 Nays)

NOTE: Mr. Monteleone arrived at 6:22 p.m.

Chair Reiche asked if there are any members of the public who would like to be heard on the demolition permit for 48 Bow Street? Eric Smith from the Freeport Historical Society pointed out that they appreciate the process that the Board is following to allow them the opportunity to work with the building owner. It is their intention, although they have not reached out to the applicants yet but are working on that, to photograph the building and document it as well as they can. What they know about the building briefly is that it has been there for quite some time but it may not be as old as the house which is 1790 but it is probably close to that. It was probably a shop used for multiple things and less of a barn but more of a work building. It may have some unique characters that they would like to document. Their other intention based on that look themselves to hopefully try to reach using their own audience to help find a home for it with the hope that perhaps someone in Freeport might be interested in taking it. Of course, the shorter the distance it goes, the easier it is to move but he recognizes that the condition might make it quite difficult to move. They will be in touch with the landowner and will do the best they can to help move this along. Chair Reiche asked Mr. Smith if he got the impression that it is a post and beam frame? Mr. Smith advised that he only has seen photos of the outside that were part of the submission. He has not seen the inside. Chair Reiche advised that there was some confusion at the last meeting where the builder thought it was 2 x4 frame but he went by and could believe it is timber framed. He is glad the Historical Society is on this because it helps the process. Mr. Macomber added that the front door is falling off so Mr. Smith can go in anytime. Chair Reiche suggested that Mr. Macomber and Mr. Smith engage outside of the meeting as part of this process. Chair Reiche asked if there were any other members of the public wishing to be heard on this? No one responded.

**MOVED AND SECONDED:** To close the public hearing for the demolition permit aspect of the building at 48 Bow Street. (Hamlen & Madeira) **ROLL CALL VOTE:** (4 Yes) 2 Abstentions: Donahue & Monteleone) (1 Excused: Berger) (0 Nays)

Chair Reiche explained that the Board has the option to ask the applicant any other questions about the Design Review Certificate for the proposed building. It was reviewed by the Board generally at the last meeting. He asked the applicant if he had any changes in the proposal and was advised that he did not have any. Chair Reiche asked if the Board has any additional questions related to the Design Review Certificate for the new building? Ms. Hamlen wanted to clarify that what the Board is voting on tonight is the design of what he was proposing and nothing to do with the demolition time line? Chair Reiche noted that is correct but if the Board has a motion to approve his project, we would be doing that. He doesn't get to break ground any faster but if he wanted to start making plans, he will be able to do that.

Ms. Pelletier wanted to provide a suggestion before someone makes a motion. She advised that the Board did have a draft motion in the Staff Report. If you wanted to make a motion, she suggested tweaking the second condition so that it does not specifically say the four-month notice period for demolition of the existing structure is complete. You can say that the notice requirements for demolition are met and the applicant returns to the Board. In that way, if they are able to find a way to save the building sooner than that, they do have that option. There were no further questions for the applicant. The applicant felt they did a thorough review at the last meeting and met the criterion. Chair Reiche called for a motion.

**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 new structure will be similar in height to the existing residential barn, at approximately 21 feet measured from the ground to the peak. The new structure will be located in close proximity to the location of the existing structure that is proposed to be demolished. 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 or buildings should be visually compatible with the heights of the buildings in the neighborhood.

*The new structure will be similar in height to the existing residential barn, at approximately 21 feet measured from the ground to the peak. Based upon this information, the Board finds that this standard has been met.*

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

*The front façade will have a set of doors centered on the first level façade and a set of windows centered on the second story façade, which is similar to the existing structure that also had openings centered on this side of the façade. The renderings include dimensions to show the relationship of the width to the height of the 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 façade 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 façade of a new or altered building should be visually compatible with that of its neighbors.

*The front façade will have a set of doors centered on the first level façade and a set of windows centered on the second story façade, which is similar to the existing structure that also had openings centered on*

*this side of the façade. Overall, based upon the renderings included in the submission the rhythm of solids to voids in the façade will follow a rhythm similar to other nearby residential structures. 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.

*Based upon the information included in the submission and the including renderings, the proportions of openings within the facility will be of standard sizes and shapes for residential structures. 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 be peaked with a dormer on one side. There will be a peaked covered entry over the single door on the west side of the structure, although its visibility will be limited. 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 design of the doors has been designed to have a barn door appearance with doors on a track. Doors and windows will be Anderson: 400 Series windows with mullions between the glass and A series door with a composite Fibrex exterior surface. The windows will be vinyl clad on the exterior and pine on the interior. The building will be sided with vertical ship lap of pine material. The trim will also be pine with a width of 3.5 inches to match the existing trim. There will be a dormer on one side of the roof. The roof of the dormer and of the overall structure will be covered in asphalt shingles. 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 new structure will be located in the same general location as the structure that is proposed to be demolished, thereby retaining the rhythm of spaces to building on streets. 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 new structure will be located in the same general location as the structure that is proposed to be demolished and no changes 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 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:** that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Bruce Macomber for a new barn/studio at a property at 48 Bow Street (Tax Assessor Map 13, Lot 88), to be built substantially as proposed, application dated 06/22/2023 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) No building permits for this structure can be issued until such time that the demolition requirement is met.
- 3) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Hamlen & Madeira) **ROLL CALL VOTE:** (5 Yes) (1 Abstention: Donahue) 1 Excused: Berger) (0 Nays)

Ms. Pelletier advised that to clarify for the process, the Board would also need to table the issuance of approval to demolish it until the requirements of the ordinance are met for the existing structure. In this case, the Board issued approval for the new structure and it would be good to clarify that they still need to come back for the demolition permit once they meet the requirements. Chair Reiche felt there was no harm in doing it this way and called for a motion to table action on the demolition permit pending the four-month notice requirement.

**MOVED AND SECONDED:** To table action on the demolition permit pending the four-month notice requirement. (Madeira & Hamlen) **ROLL CALL VOTE:** (5 Yes) (1 Abstention: Donahue) 1 Excused: Berger) (0 Nays)

#### **Whitetail Drive Subdivision – 1493 US Route One (North)**

The applicant is presenting conceptual 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 73,091 square feet of open space is proposed. Zoning District: Medium Density A (MD-A). Tax Assessor Map 18, Lots 17 & 17-2 (1493 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 requested a report from Ms. Pelletier on the Whitetail Drive Subdivision and shared with her that the Board had a site walk this afternoon with Hamlen, Madeira, Donahue and Reiche present and came straight here.

Ms. Pelletier noted she feels the Board has the latest information but the application and plan remain unchanged since the original meeting. The Board was going to do a site walk and we will want to hear from the applicant where their requests for waivers stand. The Board could act on any waivers tonight but if they need more information, you could do that at a subsequent meeting when they come back. This is a four lot eight-unit subdivision with an existing duplex. They want to add another three duplexes. There is an existing road that will require some upgrades. They did have to do some after-the-fact permitting with the DEP which we talked about at the last meeting. Due to the size and nature of the layout of utility connections, it is considered a minor subdivision. This would be kind of Staff looking at the concept plan to decide if the appropriate areas have been determined for development and for open space based on the information submitted on the site walk. If you do that, they will start some engineering and will start working with the Town Engineer and come back for preliminary and then return for final approval.

Chair Reiche asked Ms. Pelletier that if the Board has a proposed motion that is in the Staff Report does not envision any waivers. Normally those are discussed and approved as part of the concept review and we do have the right to differ consideration of those until preliminary right? Ms. Pelletier advised that the Board can. If there is a case where there is a waiver that would impact the layout, you will want to do that now. For example, you gave feedback on the road surface and is something the applicant will talk about. One of the waivers is possibly for culvert size but they don't know that yet. They won't know that until they get in and start the engineering so it makes sense to wait on that. With regards to the underground utilities, there is a specific standard in cases where additional information may be required. She thinks that was going to be one of the things you were going to look at when you were on the site today. She doesn't think it will overall impact the layout.

Adrienne Fine displayed a plan and mentioned it is the same plan they presented last time with an aerial and the proposed layout of the roadway and the driveway locations overlaid with the wetland areas, vernal pool areas and setback area. When we were out there on the site today, we walked through all of these areas so hopefully the Board has a little more context of what you are looking at on the plan. The things she wanted to address from last time and the site walk, the biggest things are kind of clarifying those waivers. The first waiver we had last time was about waiving the paved surface so they are no longer requesting that waiver. The second one is about pipe size for a culvert that exists today under a driveway she pointed out. It is right up against where the wetlands and vernal pool are located. Through their process of permitting with DEP, they requested that if we can, leave that culvert in place. They would like us to but it is not a hard and fast that we have to leave it in place but it would be better environmentally if we can. The second part of that is does it work for stormwater? Obviously, they are adding in some more impervious area and they are going to have stormwater management features but it is a 12- inch pipe and it may not be large enough. The ordinance requires it to be an 18-inch pipe. They are studying it and when they come back for preliminary, they will know if they are going to be actually asking for that waiver to keep it as a 12-inch pipe as it is today or if they are going to need to upsize it anyway. That consideration is something they will discuss with the Town Engineer and look at with their stormwater design. She does not think she wants the Board to take any action on that waiver tonight but wanted the Board to be aware of it and get any feedback.



Chair Reiche clarified that Ms. Fine indicated that the DEP process is completed and one of their comments is that they would like to see that minimized. Ms. Fine replied, yes so it is less about the size of the pipe being minimized and more about the fact that the pipe exists right next to a wetland and they will be working on the road but that is different than digging up a culvert. If they can avoid it then they are having less of an impact right next to a wetland. They are not proposing any additional wetland impacts but it is right next to the wetland but again, it may not be possible from a stormwater perspective so that is why they are asking the Board to not take action on it until they know. She advised that their permitting process with DEP from an environmental permitting standpoint is complete. They issued a permit which she believes was included in their submission from the very beginning. They have had it since May and it allows for the wetland impacts that occurred for the driveway. They were minimal but they still did an after-the-fact permit on those and allows for the driveway being expanded into a road within that 250-foot vernal pool setback. As she pointed out on the site walk today, they had a few areas for revegetation as part of that permit. She thinks this is in the Board's original packets and has been fully issued. The stormwater permit piece is reviewed by the town Engineer and they are still working on that part of their permitting.

Back to the waiver on overhead electric, Ms. Fine pointed out on the site walk today the utility pole locations and overhead lines that exist today. They are requesting a waiver to allow those to continue to exist in the final condition and then dropping to overhead from that pole and extending underground from that last pole to the three new lots. That is going to reduce their impacts to the wetlands and the vernal pool setbacks. One of the things we didn't talk about is that all these poles have to have guide wires that come off of them to the ground in the same direction as where the power is going overhead. It has to be the opposite way so it kind of restricts where you can drop a new pole and CMP has specific requirements for that. She noted there was mention of putting a new pole right at the property so they would end up putting in two new poles and a guide wire that goes down into the wetlands. She noted it is really tight with the wetlands and what we have now is an overhead line that comes from across the street and stands over all the wetlands, passed the vernal pool and the wetlands. They don't have any poles adjacent to them, any guide wires coming down into them. There are no transformer pads or anything on the ground next to them. They just have a limited area trying to reduce their impacts to the wetlands or the vernal pools. That is their biggest reasoning and secondary, all these new poles are an added cost for something that exists today. Those power lines have been there for about two years and to replace that is an added cost that is unnecessary for them to function and then provide future power to the other three lots. She mentioned reading through the minutes and she understands the Board might want like a cost analysis or something but she wants to get some feedback on that tonight as well.

Ms. Hamlen pointed out that she is looking at Adam Bliss' notes and he says that utilities are required to be constructed underground as defined in the ordinance. If it is just two years ago that they put in those overhead wires, does that mean that this is new or is it specific to subdivisions? Chair Reiche advised that it is specific to subdivisions. He opened the meeting up for Board comments or questions.

Mr. Donahue advised that as he was driving in and out today, he noticed that the driveway elevations as they exist currently really feel unsafe when it comes to getting out onto Route One and turning south because of the lower elevation and the fact the way Route One North is arched, you can't see vehicles very well. He feels it is not apparent in the current plans if the applicant is improving the grades and improving the sight lines?

Ms. Fine replied, yes but they haven't submitted a grading plan yet but today the gravel does drop off of the edge of pavement. They will smooth that out by bringing the future paved road up to be more level with Route One where you are stopping. That would make it so you have sight distance because there is sight distance there as measured by the surveyor and DOT but she thinks the current condition of how the current

driveway is dropping down makes it so you don't have as much sight distance. Yes, they will raise the road. Chair Reiche asked Ms. Fine if she would be sharing it with the Board at preliminary? Ms. Fine agreed and added she would have the full grading plan, the plan and profile and all of the design for that.

Chair Reiche added that he assumes the DEP Permit prohibits them from taking the shoulders any further into the environmentally sensitive areas? Ms. Fine replied yes, and added that the area that is up against Route One today is a really wide apron and so they will be decreasing that some along the wetlands but it still will show the radii that are required for a typical road and the width will be per ordinance.

Mr. Yankee asked if the Board could pass on any observations from the site walk? Chair Reiche mentioned that there were 3 or 4 abutters present with the applicant and Ms. Fine. They walked to the likely center of the building location on each of the four lots. One of the lots is already built upon. No new issues presented themselves to him and nothing looked different to him than he expected. There was a question about a clearing that might have been across a lot line. His observation was that there probably was a natural clearing that is adjacent to the clearing that was done on this property a couple of years ago and that abutter expressed concerns about buffering. We can require buffering inside of the subdivision and that is something we will talk about.

Mr. Madeira mentioned that the abutter was asking for more delineation in terms of property lines so the applicant agreed to put more posts in to show where the property lines are as part of the process to help the abutter out. Chair Reiche thinks if the applicant can do both abutters on the southwest side and the north side, it would be good. Ms. Fine agreed.

Mr. Yankee asked if there were any observations about the power line and the poles? Chair Reiche noted he has some he will raise in his questions after everybody else. Mr. Yankee wanted to say he does not feel comfortable taking someone's word without an engineering report on the impact to the vernal pools in saying that that is the primary reason for trying to get the waiver. He thinks there may be some merit to that but he would like to get some more information on that and upfront, he thinks it is a cost issue and rightly so but it legitimately could be an issue for the vernal pool trying to minimize the impact on that. There may be other options available as well so he would like to hear some discussion on that and it sounds like Chair Reiche is on that track as well. Chair Reiche noted he is when his turn comes.

Mr. Donahue mentioned that looking at the presumed driveway turn to Lot No. 4 and imagining what the grading elevation for that is and the way it effectively turns and goes downhill, it is sort of aiming at the property to the south where the house is located. He thinks that is a place where buffering ought to be considered once the land gets cleared and with the elevation getting altered to the house and headlights coming down the hill, he thinks the glare from that could be uncomfortable for current residents. Chair Reiche asked Ms. Fine to point out where that comment is directed and she pointed it out. Chair Reiche mentioned they already have a driveway crowding the wetlands and asked if they can put buffering inside the wetlands? Ms. Fine advised that there will be no wetland impacts and those are forested wetlands so naturally they have at least a 15' buffer over there. They are not going to build right up against the wetlands. Their driveway is going to hug the other property line so she thinks they are naturally going to leave as many trees along that property line as possible. She asked that if they clear 20' wide to build a driveway and plant along the driveway when there are trees right next to it? Mr. Donahue advised that essentially yes, there is an elevation challenge that will be challenging to resolve because the ?????????????? will be high and the house is down low so it is sort of pitching toward the direction of the house and the line of light. He thinks this could be one of those things that could be disruptive to the people that currently live there, particularly in the winter. Ms. Fine agreed but added there are at least 50 feet of trees there between their cleared area and where they will

be clearing if not more. She is curious if there is actually a view corridor through there to that house. She understands the grade and the lights but is not sure it is an area that would require buffering if it is already built up with a lot of vegetation in the woods. Mr. Donahue noted he thinks it should be considered and it is the point he wanted to make.

Chair Reiche asked if anybody had additional questions for the applicant? No one provided one. Ms. Fine wanted to say something about that clearing area that she did not mention in the beginning. After the last meeting when that question came up about the clearing along the property line, when their survey team was out there setting stakes along the property line we all walked to and saw there were no stumps cleared across the property line. What they were depicting on their plan is the tree line from the aerial photo but they also took a ground shot of this is where the tree canopy is but that in no way indicated that this is where they cleared to. She thinks when we looked out there today, it was apparent that no trees were cut across the property line. All the trees that were cut were on the applicant's property. It was just the nature of the existing tree canopy and there is naturally a clearing there. She wanted to make sure this is on the record today.

Chair Reiche mentioned he has a couple of questions and one is about the proposed waiver for utilities but the other one is on clearing so he will address that one first. As you know, normally when we are looking at a property proposed for subdivision, it has not already been cleared and this property in one spot has been cleared to the property line even though it may actually not be cleared beyond. It happens to be at a point where one of the closest abutters lives. It appears to be deciduous trees all the way to her house so when Ms. Fine brings us the preliminary plan, if she could propose appropriate buffering on their side of the property line there. It is an issue he will raise at that time. Ms. Fine agreed.

Chair Reiche asked Ms. Pelletier about his looking at the requirements for utilities and what we can and cannot waive, the Subdivision Ordinance says that underground utilities are required we can waive but then there is only a specific reason we can waive. He does not know that the Board can waive for any reason other than the stated reason. The stated reason is that the applicant has to establish the cost to go underground will raise the cost of housing in this subdivision above market in that part of time. He thinks it goes back to the applicant to explain to us why it takes the economic needle above developing other lots there and maybe with the environment compliance this does it for you. Ms. Fine explained that if they get into wetland impacts or further vernal pool impacts, there are compensation fees with the DEP or they won't allow it so essentially it would mean that the project can't happen. Their permit does not allow for further impacts to the significant vernal pool setback or the pool itself. They would have to go back and request if they are going to impact wetlands any more. Right now, their permit is based on not having any so it does add fees and if they are required to go underground with a pole, guide wires and the transformer has to be in a wetland, that is a wetland of special significance over there so there will be fees. She does not know the compensation fees off the top of her head but they are pretty steep. She does not have a cost estimate in front of her but that definitely is a factor on top of just poles.

Chair Reiche noted that is math Ms. Fine needs to do to bring to the Board for us to consider it. Ms. Fine agreed that it made sense. Ms. Pelletier added that she wanted to clarify one thing. One thing the ordinance does not address is a situation where it is kind of after-the-fact for Lot No. 1 so all the new subdivision utilities she clearly heard them saying are going to be underground. She thinks the Board should give the applicants a chance to respond to the cost and we will go through the ordinance and look a little closer with them. Her understanding from talking to them is that clearly the utilities above are underground, and impacts the plan but not the layout of the plan. She thinks we should look a little closer at that standard but have them give information and then look at the standard. It is silent on existing utilities and they started this project outside

of subdivision and then had to change the number of units they want to create. Before the Board wraps up, she wants to bounce back on the comment Mr. Donahue made about sight distance. She asked the Board to tell her when she can do that. Chair Reiche noted he wanted to beat on this a bit more. He asked Ms. Fine to explain to him why they wouldn't run another pole where this driveway meets Route One and then trench in the road that they are going to build all underground in place? Ms. Fine explained that when she comes back with the information, she can provide a plan or diagram of what that would look like but essentially in order to put a pole where Chair Reiche is saying where the driveway intersects with Route One today, it has to be on their property and not within the Route One right-of-way. That is a CMP requirement and then they would have to set a pole there and there is no pole directly across the road from that so they would have to set a pole directly across the road too which is really close to a pole on the other side of the road already. They would have to work out with CMP what they would allow so they would either have to do that or go from the pole they are going from currently, but put a guy wire in a different direction on to someone else's property over there. It gets into more added poles, added guy wires than what is already there plus when they set the pole on their property, they don't have a wire extending overhead from that up the road so they would have to have a guy wire and that is definitely going to go down into the wetlands if they put the pole there. She is not sure if there is a location along the frontage where they could put a pole and the guy wire wouldn't go into the wetlands.

Chair Reiche asked Ms. Fine to help the Board understand why it is too expensive according to the standard and impractical. He does not think the Board can consider the requested waiver. Ms. Fine asked if the Board would be all right putting this item off to preliminary and she would provide the information then. She pointed out on the plan where the pole is we were talking about and where the wetlands are. All the additional requirements for anchoring, angles and all of that for CMP have already been met.

Chair Reiche noted the Board will be asking the public for comments in a second but what did Ms. Pelletier have. She wanted to look at the standard a little closer with Ms. Fine because it is not clear for existing utilities and get some information from her to understand the financial and environmental impacts and whether or not the Board could allow to exist. Since the Board is not going to act on this tonight, she feels she has the ability to work with her if she pulls together some information. She also wanted to go back to a question that Mr. Donahue raised about sight distance. Although they need a driveway entrance permit from others. If it is from the State, she is not sure the State would require a change of use. For municipalities, entrances under our regulations do require a change of use for a subdivision but there are also strictly more stringent standards for sight distance in the Subdivision Ordinance that the applicant will need to look at and demonstrate that they meet. If they don't meet them, request some kind of relief from the Board which is all outlined. She wanted to note that there is a second set of sight distance standards that need to be considered for the entrance.

Ms. Hamlen requested that someone explain why there is this requirement for subdivisions for them to go underground? Is it for aesthetics? Why is this an ordinance where obviously, historically it wasn't because we have wires going all over our heads? Mr. Yankee noted he was going to ask the same question. What is the intent of this? Ms. Pelletier advised that this has been in the ordinance since she came to Freeport. She does not know the origin. Chair Reiche added that it is an ordinance in every town he can think of. It is preferred. Ms. Hamlen pointed out that high overhead wires exist today and have no impact today on the vernal pool or the wetlands on the other side and then the applicants propose dropping it and going underground as they approach the subdivision. Her question is what is the intent and the fact that that process would happen long before they get to the first driveway or in front of the existing house seems common sensical and makes sense to her. She would need to know what the problem is. Chair Reiche explained that lots of times subdivision roads remain private and there is a public utility on a private road and there may be less maintenance if they

are underground but he doesn't know. It has been like that since the 80s as far as he knows. Mr. Yankee asked if it is possible to put the underground at the first pole? It looks like as the driveway turns in, there is a pole on the right side of the driveway, what looks like the downhill side of the driveway and put the transformer there and then trench up from there. It is outside of the vernal pool. Ms. Fine advised that it is still within their 250-foot setback of the vernal pool. They can look at how many impacts there would be and what is required. Typically, you need to have some infrastructure on the ground so that would not be allowed in that setback area by their DEP Permit.

Chair Reiche asked if the transformer has to be at the point of drop or where it serves the house? Ms. Fine noted it depends on a lot of factors and cost is one of them. CMP kind of rules the roost and tells you what to do without you getting a lot of say. Environmental permitting might be one way to try to dictate to CMP on what they want. Chair Reiche advised that the Board wants to help the applicants but can't just waive this without meeting the requirements. Ms. Fine understood and advised that she does not have all the answers for the Board today. They will prepare that information for next time and get some figures together.

Chair Reiche added that if they can go in the first pole on the road and go into conduit and go straight underground, without additional guy wires, he would ask the same question. Ms. Fine advised that they would still need an additional guy wire. If they were to do that and go underground there, what happens to the house that is currently served? There is currently an overhead line from that pole to another pole that has a transformer on it for a single duplex and overhead from that pole to the duplex and a guy wire so the Board is asking that we take existing infrastructure that was allowed for a duplex with a building permit and removing it, that is an added cost as well. Chair Reiche mentioned that works in their favor in asking for the waiver and that is the point Caroline is making. Ms. Fine advised that Chair Reiche is saying they would have to remove it all if they are not technically supposed to have overhead. If they don't get the waiver, they will have to remove it all. Chair Reiche suggested that she work with Ms. Pelletier because it may be because you have that in place, the subdivision requirement starts where the new work goes in. Ms. Fine agreed.

Chair Reiche welcomed members of the public to provide comments. He suggested that they introduce themselves and tell the Board their address.

Steven Taylor of 1469 U.S. Route One pointed out where he lives. The first thing is the driveway. They are talking about 18 feet with 2-foot shoulders. When they cleared the lot, they said they kept 10 feet from the property line and they are saying they need to slide it over a little more to get it out of the wetland as far as roadwork. If you move it over 2 feet, you need a ditch and all of a sudden you are crowding. You mentioned it would be helpful to have the property line defined during construction because when they put in the house, they kind of taped off 10 feet. To put six more families in there seems to be a little heavy on septic systems and wells. Most of the runoff from this will either go in front of his house or behind it but with the folks at 1495 out in front on Route One, a lot of it may come down over the hill depending on where things are. As for lighting, it was a little shocking to have the street light come on. He does not have to use a flashlight or a lantern to throw wood through his wood window on the back side of his house in the winter time. He doesn't know how much more lighting they may put in but he knows the Blanchettes are worried about it. He noted that he sent a letter last month and most of the things were brought up at the last meeting.

Chair Reiche explained that some of the issues he raised and all of them are items that the Board has to go through under the Review Standards. He asked Ms. Fine what she is proposing to do for domestic water assurance to lot buyers? Ms. Fine advised that this is something she talked with Ms. Pelletier at the beginning. The current well has a pretty high flow rate so they are not concerned with water. Chair Reiche suggested that she acquaint herself with the ordinance requirements. Ms. Fine agreed and that Ms. Pelletier mentioned that

to her early on in the process as well.

Chair Reiche asked if there were any other members of the public who have a question? A member of the public identified as “Samsung” raised her hand. Mrs. Blanchette explained that she couldn’t change her name for some reason on her phone. She doesn’t know if it is possible for that street light to come down but wanted it noted if it is at all possible for the Board to consider that, and possibly not put up any more.

Chair Reiche asked if Ms. Fine will have lighting on the plan when she proposes it. Ms. Fine advised that all of the proposed features such as stormwater, utilities, lighting and grading will be in their full design submission on all the plans. Chair Reiche asked if she could do cut-off lighting or anything that minimizes the impact on neighbors. Ms. Fine agreed and added that any proposed lighting would be cut-off lighting. Chair Reiche mentioned that what is there now sounds like it isn’t. Ms. Fine believed it is a standard CMP pole-mounted light which is a cut-off light but it appears to be mounted pretty high. Chair Reiche asked her to see what she could do for the neighbors and she agreed.

Mrs. Blanchette thought of one more item. For the property line, she asked if it could be marked so they could see the buffering for the future. She feels it was discussed and Ms. Fine agreed that they are planning to mark that property line and will get to it as soon as possible. Chair Reiche added that it would give the abutters time to raise concerns. He asked if there were any other questions? None were provided.

Chair Reiche pointed out that the applicant is before the Board for concept review. He asked Ms. Pelletier to remind us again what the three standards are that we need to be satisfied in order to entertain this motion. Ms. Pelletier advised that in the Staff Report the Board should have a motion with the draft finding that you would need to make.

Chair Reiche asked if the Board is ready to make a motion?

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board finds that the review of the Site Inventory Map, Site Analysis and Conceptual Plan for the proposed Whitetail Subdivision is considered complete as the Board finds that based upon the information presented and the plan dated 11/14/22, the appropriate areas have been determined for development and for conservation or open space. (Madeira & Donahue)

Mr. Monteleone pointed out that he intends to vote in support of this concept plan but wanted to emphasize in addition to what has already been said, that the approval of the concept plan at this stage is in no way a reflection about where we stand on the waivers. Considerable additional information is needed for these waivers and in essence, it is not part of our approval of the concept layout whatsoever. He wants to make sure that is clear to the applicant that we are just starting that conversation. In terms of the site layout, he believes this looks good and meets the standards of our concept plan.

**ROLL CALL VOTE:** (6 Yes) (1 Excused: Berger) (0 No)

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

Chair Reiche asked Ms. Pelletier if the Board was in a position to dig into this tonight? Ms. Pelletier advised that she is not ready to dig into this tonight. When she can get into the past discussion, she will give the Board an update when it has another short agenda, and it will magically appear on it. She mentioned that Ms.

Berger wanted to be here for that discussion as well.

Chair Reiche asked if there is any other business to appear before the Board? No one provided anything.

**ITEM V:** Adjourn.

**MOVED AND SECONDED:** To adjourn at 7:08 p.m. (Hamlen & Madeira) **ROLL CALL VOTE:** (6 Yes) (1 Excused: Berger) (0 No)

Recorded by Sharon Coffin