

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 20, 2023
6:00 PM

Attending: Linda Berger, Jason Donahue, Fred Madeira, James Monteleone, Chair Ford Reiche and Town Planner Caroline Pelletier

Excused: Tod Yankee

On Zoom: Lynn Hamlen

Chair Reiche called the meeting to order at 6:05 p.m. with a quorum. He asked that the Board turn on their microphones

ITEM I: Information Exchange

1) Update on topics reviewed by the Planning Board

Ms. Pelletier advised that the Planning Board just had a big public workshop on the first draft of the Zoning Ordinance text pertaining to the implementation of LD 2003. Cecilia had to mail 3,500 postcards to invite the community to that meeting due to the Planning Board's public notification policy. Those discussions will continue and will require changes to the Zoning Ordinance, Subdivision Ordinance and Shoreland Zoning Ordinance, all to hopefully be wrapped up and implemented by January 1. It has been taking up a lot of the Planning Board's time. They also recently made some amendments to the Zoning and Subdivision Ordinances and a couple of other municipal ordinances that pertain to the requirement for erosion control plans for certain projects. This is required as part of our DEP permitting with the State of Maine. Those went before the Council to set the hearing last night and they will be before the Council on October 3rd so the Board might have updated versions of the ordinance by the middle of October to reflect some of the erosion control standards. One of the things that went in was adding the requirement that they submit a plan even though we usually get them and just putting that in the appropriate sections of the Subdivision and Site Plan Ordinance and then setting a minimum so that any project that disturbs 5,000 sq. ft. or greater would have that requirement up front as they submit a plan. There will be more information coming on that.

2) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier advised that the Downtown Vision Task Force Implementation Group did not meet last month.

3) Update on the Climate Action Plan

We continued to work on their climate action plan and continue to work with GPCOG. At this point, before the Council for consideration were some numbers to consider for setting targets for greenhouse gas emissions. Setting those targets will help them in the planning process at the next community input session to identify some goals for the implementation strategy for how to achieve those targets. The Council is not ready to make a decision in one meeting so they will take that item up at their October 3rd meeting if anyone is interested. They are definitely interested in input from the community on what those targets might be if anyone is interested in participating in that.

Ms. Pelletier asked Chair Reiche if he wanted to jump over to the Update on the Central Core Working Group

4) Update on the Central Core Working Group

Chair Reiche agreed and mentioned that most of us were at the meeting in the Town Library a month ago when the Housing Task Force presented their plan to the Council. It was a well-attended public hearing and he thinks it ended positively with a lot of consensus to move quickly with some zoning changes. The Council put together a committee of several committee chairs called the Central Core Working Group. They have had three meetings and everybody is going in the same direction. There is a short list of what they are calling the low hanging fruit. This ordinance change is a

mechanical clunky and can be easily improved. Some have real substance like what to do to make the Design Review Ordinance more objective. Next Wednesday there will be recommendations for the first time for the group to look at and discuss reduction of the Design Review District I which is theoretically shrinking that and looking more closely at a sample Design Review Ordinance from Bar harbor which we have already seen and it goes in the right direction and discussions about specific items that can be delegated to Staff to try to keep some things within the Staff Review and not come here.

Ms. Pelletier added that one of the recommendations that came out of today's meeting with pretty solid consensus on is bringing forward consideration to remove the Color Overlay District. The group feels that as written, it is not that effective. That change came out of today's meeting. Chair Reiche added that it does keep color among our considerations. Ms. Pelletier added that that is so if something is coming before the Board. Chair Reiche explained how the process works. The Planning Board makes recommendations, not us. The Council approves them but he will update this Board as soon as anything comes out that looks like the Planning Board is going to act on them.

Mr. Monteleone asked what is the most effective way to communicate suggestions to that group? Ms. Pelletier explained that she received an e-mail today from a member of the public that had some thoughts. If Mr. Monteleone has some personal thoughts or ideas, he could e-mail them to her. She would be happy to share them with the group. Right now, they will be meeting once a week on Wednesday. When she gets them, she will share them. She mentioned they are hybrid meetings and they are a little clunky because the group sits down here in a U shape and Ford is the camera person. If you want to listen in, they have an audio recording. When the group was formed, they realized that the people on the committee needed to be spreading the word back to their committees which is really diverse. She explained the various committees that are involved as well as a FEDC and a developer but there will be no minutes.

Mr. Madeira asked about the process once the Core Group comes up with its recommendation and the timing? Ms. Pelletier explained that the timing is really quick. They are hoping to get some low hanging fruit changes before the Council for consideration. Right now, they are really just looking at Design Review so if it goes from Planning Board straight to Council, that is a bit up in the air. As we go into other ordinances, legally Zoning the way we are set up has to go through Planning Board and then to Council so it will depend on the different ordinances they are working on. The goal is to get something for Design Review through to this current Council before the turnover in November. Chair Reiche assured the Board that he would get a note out to them on what those look like. It is our Board more than any other Board that works with ordinances and he does not feel there is anything coming along that will be a surprise.

Mr. Madeira asked if once Council approves, are they effective immediately? Ms. Pelletier advised that typically they are. She mentioned that Chair Reiche has done a good job representing the Board's opinion on certain things such as accessibility ramps. She noted that Ms. Berger brought that up as well. This kind of got reinvigorated from a community discussion pertaining to mixed use in housing. The people that use the ordinance every day know it is more than just that. There are some other things in here so she feels both of you have brought things up that this Board has already flagged.

Mr. Monteleone asked if it is possible to join the list for sending out meeting materials to stay in touch with details? Ms. Pelletier explained that the only thing they have been sending so far are agendas. She is confident they can find a way to do that. Chair Reiche noted that the Bar Harbor sample ordinance has not been distributed within the working group we are talking about but he has seen it and he would be happy to send that along as well. Mr. Monteleone feels it would be helpful to get drafts and substantive materials. Ms. Berger asked if other people, not Board related, ask if there is some way they can see it, she doesn't know how that works. Ms. Pelletier advised that working groups usually keep a recording of the meetings so they could reach out to Cable TV to get a recording. Chair Reiche mentioned that a lot goes on in that hour.

5) Update on the Freeport Comprehensive Plan Update

Ms. Pelletier advised that they put the RFP out for Comprehensive Plan consultants. Our Comprehensive Plan is good for 11 years and our consistency is going to expire so that means we still have a Comp Plan and it is still the most current

one but it kind of goes into this unknown status. We are like many other communities around here, that are updating our Comp Plan. We got four consultants to respond to our RFP. We are trying to take a collaborative approach to an Interview Committee. We have two members of this Board, Ford and James, two members of the Planning Board and two members of the Council and then we will have three Staff members conducting interviews with the four candidates. We will have two interviews tomorrow, two interviews on Monday and then if we need a wrap up or regroup next Tuesday, we will do that. Depending on the outcome of the interviews, we could either do a second round or make a recommendation to the Council. Due to the budget being over \$100,000, that contract would have to go to the Council to be awarded.

Ms. Pelletier noted that on the table there is a handout for a Community Voices Forum. This impacts the whole community and it was rolled out last night. Unfortunately, we have had a couple of occurrences of offensive graffiti found in Freeport so we are getting a lot of outreaches from different members of the community that are concerned and offended raising good questions. It seems we need the opportunity to come together again to discuss this. She mentioned there have been four cases that came up. Friday at 4 o'clock at Town Hall there will be an informal opportunity for people to gather and share their thoughts. The Council will be there along with someone from the Police Department. The public is welcome to attend. It is an opportunity to get a conversation started in a casual gathering. They know everyone is busy and it is on short notice but it seemed that there were some conversations that people wanted to get started so they felt like it was important to get it started in the short term. The fliers are on the table

ITEM II: Review of the minutes from the August 16, 2023 Project Review Board meeting.

MOVED AND SECONDED: To approve the minutes of the August 16, 2023 Project Review Board meeting as presented. (Madeira & Monteleone) **VOTE:** (4 Yes) (1 Abstention-Berger) (2 Excused: Yankee & Hamlen)

NOTE: Ms. Hamlen arrived on zoom at 6:20 p.m.)

ITEM III: Tabled Items

174 Lower Main Street – Design Review Certificate for Solar Panels

The applicant is seeking approval of a Design Review Certificate to add additional solar panels to multiple sections of roof at their property on Lower Main Street. No other changes are proposed. Zoning District: Commercial III (C-3); Freeport Village Overlay District, Design Review District I - Class B. Tax Assessor Map 8, Lot 4A (174 Lower Main Street). Andy Wilbur, Wilbur's of Maine, applicant. FCW, LLC, owners; Maureen Williams, Maine Solar Solutions, representative.

Ms. Pelletier explained that the applicant, Andy Wilbur is here tonight because down at the Chocolate Factory on Lower Main Street they have one section of the building that already has solar panels on the roof. They want to add solar panels to two additional sections, two of which are facing the road. Because it is visible from Meeting House and Lower Main Street, it is subject for a material change in Design Review. We are seeing a lot more of these so she left it at that.

Mr. Wilbur feels that Caroline pretty much summarized their application. One element of installation is visible from Lower Main Street and the other one is visible from Meeting House so they are subject to Design Review. He offered to answer questions for the Board. There were no questions for the applicant from the Board or the public.

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.

The applicant is proposing roof mounted solar panels on an existing structure. The solar panels will be installed on three additional sections of the roof and visible from the public right-of-way. 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 Andy Wilbur, Wilbur's of Maine for exterior alterations at 174 Lower Main Street (Tax Assessor Map 8, Lot 4A), to be substantially as proposed, application dated 08/28/23, 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 a building permit from the Freeport Codes Enforcement Officer. (Berger & Monteleone)

Mr. Monteleone noted that the approval is being given to Andy Wilbur individually and he wanted to make sure that that is the right name. It is not an entity. Ms. Pelletier advised that the Board could put Andy Wilbur, Wilbur's of Maine and Mr. Monteleone agreed.

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

Tri-Town LL – Hunter Road Fields - Site Plan Amendment

The applicant is seeking approval for a Site Plan Amendment to add new dugouts and relocate areas of fencing at the baseball and softball fields at Hunter Road Fields on Hunter Road. Minor associated site improvements are also proposed. Zoning District: Rural Residential I (RR-I). Tax Assessor Map 22, Lot 52 (96 Hunter Road). Brian Steele, Tri-town Little League, applicant & representative; Town of Freeport, owner.

Ms. Pelletier advised that this is property owned by the Town of Freeport, the Hunter Road Fields complex. Tri-town Little League is the applicant in this case. Back in March Tri-town Little League went to the Hunter Road Fields Committee with a request that they wanted to add some wood framed dugouts at Hunter Road Fields. They then made a budgetary request to the Council and during budget season the Council was made aware of this project and

supported it by funding dugouts. Tri-town is also contributing. They got the approvals from those two parties and are coming forward for a site plan amendment. Typically, this type of site plan amendment if it were not for the Town of Freeport, it would be over Staff approval but it could go to the Staff Review Board. For transparency, when we made the last round of revisions to Section 602. Site Plan Review, we made it so any municipal projects do need to come before the Project Review Board. Tri-town wants to add six wood dugouts in the existing developed area of Hunter Road Fields. There are some chain link dugouts there now and they want to add in that same approximate location add the wood dugouts. As part of our general agenda circulation, we have over 100 subscribers that get your agendas delivered to their inbox. One of those being Alpha One which is an agency in Portland that looks at a lot of plans and works with a lot of public and private sector clients regarding accessibility. They did look at this and questioned accessibility in Room Four, Wheelchairs. In this case, other accessibility improvements were not proposed because they were not altering existing routes for pedestrian and vehicular circulation and due to the dollar value. That being said, the Board has some comments from Alpha One in your packet. Brian Steele, on behalf of Tri-town Little League did reach out to Jill Jo Hanning for some advice so you got a supplemental package yesterday and in there were two things. One was a plan that had some blue lines on it and the blue lines showed how those dugouts would connect with any pathways. That being said, the Town is aware that when the Hunter Roads facility was constructed and if there are improvements that need to be made so that the ballfield area is accessible, those as a side note has been budgeted and would be a separate municipal project. She will note that for the Board because there was a plan shown how all of this would be tied together once those additional improvements are made.

You had a second plan sheet in there which was kind of a zoom in on the dugout so the original site plan submitted showed the location of the six dugouts. She can pull up the new detail on the dugout for the Board based upon their conversation with Jill Jo Hanning, they are proposing to slightly modify the design of the dugout to accommodate space for somebody that might need more space or might be in a wheelchair. She pointed out a new area for an ADA-compliant stone dust pathway so somebody can come in. There would be fencing around the back corner but they could wheel right in to the new dugout which would be on a concrete pad. The Town Engineer has not had a chance to look at this plan. You can't just put down stone dust when you are trying to create an accessible path. He has seen this and they talked about it today. If the Board is ready to take action on this plan, you could add a condition that the design of the stone dust access pathway abutting each of the dugouts be reviewed by the Town Engineer. The Little League is waiting to get started on this work so it is time sensitive before the ground freezes. The only other thing she will note is when the plan originally came in, it showed a concrete pad in the center of the field. That was not something that was discussed with the Council and it was not something that came up before the Hunter Road Fields in a public session yet so your approval tonight, because it has not been approved by the people that oversee would have to grant right, title and interest would not include that tonight. Mr. Steele is here on behalf of Tri-town Little League to answer any questions the Board might have.

Mr. Steele did not have any comments to add. He felt that Caroline did a good job summarizing their progress. They are really excited and he has four Board members with him tonight to answer any questions that he can't. They really want to bring this to the Hunter Road facility for overhead protection from rain and balls from the kids and also make a more useable walking surface. Right now, the dugouts are filled with overgrown grass, mud and benches that are really not well placed. This will be a major improvement for Little League and a huge step to upgrade the facility.

Chair Reiche asked if the Board has any questions for the applicant? Mr. Madeira wanted to clarify that the ADA changes are for all six dugouts? Mr. Steele advised that they are. Mr. Donahue asked if any lighting work is being planned? Mr. Steele advised that there is none planned. Mr. Monteleone asked to what extent are the existing dugouts ADA compliant? Mr. Steele advised that they are not. They are earthen floors, overgrown and being 6' wide with a bench, you cannot get a wheelchair in. They are making them 8' wide with a 5 1/2' corridor. They will all have a broomed surface on a slab that will be slip-resistant. There will be less than a 1/4" lip to the entrance and each dugout will have a handicap location for wheelchair to parking. He provided pictures of the siding and noted they are trying to mimic the existing buildings that are on site. They are a variety of siding. The main field house has a green colored roof and so they will use the same asphalt architectural roof shingles. Mr. Madeira noted that it will look nice. Chair Reiche mentioned that it appears they have put a lot of thought into this. He asked if Mr. Steele has a schedule on the paths?

Mr. Steele noted he would like to get them in as soon as possible but he has to work with Caroline and the Town Engineer. They have hired someone to do the excavation work that is capable of doing the paths. They need a grading plan created with professional civil drawings that will show they looked at all the possibilities in the ADA code requirements and other codes. He is happy to help organize it and will be in touch with the Hunter Road Fields Committee about it and getting them on board to lead the charge. He talked to Jill and she mentioned that yes, it is up to the Town to approve this current design because it meets her current requirement.

Ms. Pelletier added that she spoke with the Town Engineer today and he said we do have funding. The first thing would be to get the engineering because the grades are important to make sure this is all done properly and see if we have the funding to go forward or we need to request additional funding probably through the Capital Improvement planning process. He expected this would be a winter RFP for engineering work on this project.

Mr. Monteleone asked to what extent are these ADA-designed components required as opposed to being like an optional choice? Ms. Pelletier advised that she does not know why they were not installed when the fields were originally done. She does not recall when they were done. It has something to do with the dollar value on overall improvements. She had the Codes Enforcement Officer look at it. If they were proposing to make changes to that path you would be looking at now, but they were not proposing changes due to the overall dollar value, he did not feel they were triggering a need to bring all the paths up. Right now, it could potentially cost more than this project itself because it does need a lot of grading out there, ditching and some other things. Mr. Monteleone feels that is the concern that if a small effort becomes a much larger effort that its ability to go forward is subject to a larger capital outlay and potentially prevents the project from happening. Ms. Pelletier added that this project is not triggering the need for the accessible paths throughout the complex to be created due to the dollar value. That being said, the paths have already been flagged as something in other issues out there, accessibility improvements that need to be made. In this case, we had a group come forward for a dugout project partially with a volunteer effort. In an ideal world, we would have done other site improvements before but they are two independent, yet related projects. She thinks they are one step ahead in trying to design these dugouts in a way so that when this other project takes place, someone will be able to come into the site, get there and use the dugouts as they are designed today. Jill Jo Hanning gave a great example.

Ms. Berger asked about the concrete pads in various places that will not be included. Ms. Pelletier explained that the concrete pad in the center was shown as a possible potential use but it will not be going forward at this point in time. The other six are where the existing dugouts are. Ms. Berger asked if that one should be removed from the final plan? Ms. Pelletier mentioned she could mention it in her motion to be clear.

Chair Reiche noted this is not a public hearing but he would welcome public input. Tom Ross was on zoom and advised that he thinks the ADA dugouts are a great idea. He likes the pads. He knows there is a snack bar within 100 or 50 yards of the baseball fields now. He has concerns about approving things before seeing them. He recalled how the Town wanted to maintain the blueberry fields and he coached Little League 25 years ago.

No other comments were provided.

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 site is already developed at the Hunter Road Fields complex. There are existing chain-link dugouts that will be removed, and wood dugouts will be installed in similar locations. The structures will be painted to match other existing structures on the site. No trees or plants will be removed to accommodate the dugouts. 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 site is already developed at the Hunter Road Fields complex. There are existing chain-link dugouts that will be removed and wood dugouts will be installed in similar locations. The structures will be painted to match other existing structures on the site. This parcel is not within the Design Review District or the Commercial District. 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.

The new slabs for the dugouts will be positioned to require minimal grade changes thereby not negatively impacting previously approved grading and drainage plans on the site. Any areas of the site disturbed during construction will be repaired with loam and seed to match existing conditions. This site does come under a Site Location of Development Permit from the Maine DEP; due to the size and nature of the project, an amendment to that permit will not be required, but DEP will need to be notified of these changes. This is something that the Town Engineer will do on behalf of the Town of Freeport. 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 are no changes to water, septic, lighting or electrical utilities with this project. There will be some minor re-routing of the existing sprinkler system. 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 new signs are 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 project. 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.

No new lighting is proposed. 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.

No new landscaping is proposed. 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 dugouts will not be connected to utilities. There are no areas of flood plain identified on the site. 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.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, and Site Plan Amendment for Tri-town Little League, Inc for six new dugouts and associated site improvements at Hunter Road Fields – 96 Hunter Road (Tax Assessor Map 22 Lot 52), to be built substantially as proposed, application dated 09/12/23, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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 applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) The Town Engineer will review the ADA-compliant materials proposed around the dugout areas that were included in the sketch provided by the applicants.

- 4) The applicant will remove the center concrete pad presumed for concessions that has not been approved by the Town Council. (Donahue & Madeira) **ROLL CALL VOTE:** (6 Yes) (1 Excused-Yankee) (0 No)

ITEM IV: Discussion of Rules of Order and Procedure for the Freeport Project Review Board and possible updates. No discussion followed.

Mr. Monteleone wanted to make a comment. He noted it appears that the Gritty's sign is in plain violation of the terms this Board has imposed on its affirmative approval of that material both in operation after hours, in the color and lettering scheme that was proposed and the apparent brightness relative to other signs and in the frequency of motion. He wanted to put it on the Board's radar to the extent it wasn't already and wanted to understand to what extent this Board plays a role in enforcement.

Ms. Pelletier advised that we have one Codes Enforcement Officer in the entire municipality and there is a long list of enforcement issues. Life safety obviously takes priority over everything else. In this case, she is happy to send a friendly reminder to the applicant on what the conditions of the approval were. Chair Reiche added that after Jim raised it a few meetings ago, it caught his attention as well. Ms. Pelletier feels a friendly reminder can go a long way. Ms. Berger asked if those conditions could be sent around to the Board. She does not recall the exact language. Ms. Pelletier agreed to provide a copy of the notice of decision to the Board but asked that no one respond or comment.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 6:45 p.m. (Monteleone & Donahue) **VOTE:** (6 Yes) (1 Excused: Yankee) (0 No)

Recorded by Sharon Coffin