

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 20, 2019
6 p.m.

Attending: Chair GERALYN Campanelli, Guy Blanchard, Adam Troidl, Suzanne Watson, Drew Wing and Interim Planner, Caroline Pelletier

Excused: Gordon Hamlin and Ford Reiche

CALL TO ORDER: Chair Campanelli called the meeting to order at 6:02 p.m. and explained that Mr. Hamlin and Mr. Reiche are excused this evening.

ITEM I: Informational Exchange

Ms. Pelletier explained that the Board has presents in front of it tonight. It has a Comp Plan and she wants to be sure everyone has one in their binder. The Board also has the Zoning Ordinance. There have been changes but the only thing not in that document is the colored 8 1/2x11 map which the Board should have in its current version and noted the Board should keep that. The Board also has a Design Review Ordinance and there were changes made to that ordinance. One of them impacts one of the applications before the Board tonight. That language was cut and pasted into the Staff Report so the Board has it. If the Board has paper copies and does not want them, she requested that they leave them here so she can repurpose them at the end of the meeting. There are two handouts in front of the Board tonight. One is a letter from Maine Water regarding the Divine Capital Project and also comments from Nick Adams our Codes Officer also on the Divine Capital Project.

The historic inventory for the six parcels is underway. She signed a contract with them. That is getting done and she believes we will see the results within the next month.

a) Update on Staff Approvals

Ms. Pelletier advised that last month there was discussion on how she is starting to see parking recalculation requests trickle in. Shulsky Properties who own quite a few properties in Freeport came in for a parking recalculation. For all of their properties, their parking requirement dropped to 125 parking spaces. It was significantly higher prior to the recalculation. This is the biggest parking recalculation she has seen and she is keeping track. At some meeting she will report to the Board so it can see the impact because it might create opportunities down the road for new stuff in the village. Chair Campanelli asked Ms. Pelletier to explain what happened when the parking requirements in the village dropped which she did. Chair Campanelli wanted to make it clear that we are not seeing these parking spaces go away immediately. Ms. Pelletier mentioned this was an interesting point to bring up because if someone has an entire vacant parking lot not needed, and if they choose to not plow it for the winter, she doesn't know if there is anything we can do about it because it is not required parking for them. She has not heard that anyone is planning to do that but it could be an effect of that.

A replacement sign was staff approved for Wunderlust Juicery on Mechanic Street where the Chowder Express was formerly located. Replacement signs were approved for Dove Trail Preschool at 48 West Street. Kennebec Savings on Lower Main Street altered their signs because they were a loan center before and now, they are a bank branch. We have a new restaurant named The Perfect Spell on Mechanic Street where Homage and the Corsican were formerly located that replaced the signage that was there.

Circle K down near Desert Road (a/k/a Maggie's) did some signage refacing. The replacement panel is internally illuminated. The last item is a building for Maguire Construction next to Cold River Vodka. Due to some code and egress issues, they had to switch the overhead door and another door so they could meet the egress on the second level. It faces the back façade but it was a change to the building.

ITEM II: Approval of the minutes from the Wednesday, October 16, 2019 Project Review Board meeting. Chair Campanelli explained that these cannot be approved tonight because we do not have a quorum of the Board members that were in attendance at that meeting. They will be tabled to the next meeting.

Approval of the minutes from the Wednesday, October 23, 2019 Project Review Board meetings

MOVED AND SECONDED: To approve the minutes from the October 23, 2019 Project Review Board meeting. (Watson & Blanchard) **VOTE:** (4 Ayes) (1 Recused-Wing) (2 Excused-Hamlin & Reiche)

ITEM III: Reviews

Maine Beer Company – Site Plan Amendment

The applicant is seeking approval of an after-the-fact Site Plan Amendment for minor site alterations and changes to the previously approved landscaping plan. No other changes are proposed. Zoning District: Commercial I (C-I). Tax Assessor Map 23, Lot 61A. Maine Beer Company, applicant; MBC RE Holdings, LLC., owner; Adrienne Fine, Terradyn Consultants, LLC, representative.

Mr. Wing explained that he is recusing himself because he has been previously involved in Maine Beer and a portion of the work being discussed tonight is something he may have also been involved in.

Ms. Pelletier explained that Maine Beer was here approximately three years ago for their most recent site plan approval. They had an extensive landscaping plan and came back to the Board separately. Approvals come from the Board and the applicants have to build what they got approved and then post performance guarantees. When they want their money back, we have our Town Engineer go out and inspect. Mr. Bliss went out and compared the site plan and counted plants and found some changes to the site. Given the in-depth history of the review on the application, Ms. Pelletier felt it was appropriate to come back to the Board to do the review in a public setting. She summarized the minor changes for the Board. One thing they do want to add is a ground sign on the Pine Street side of the property. A rendering is in the Board's packet. They have experienced problems with people cutting through so they want to note that the entrance goes to Maine Beer. Staff does not have any outstanding items with the application. It is in the Commercial District so Section 527 is applicable.

Adrienne Fine from Terradyn Consultants pointed out that Ms. Pelletier did a great summary. The plan they submitted shows the as built site plan that reflects the current conditions. In the center she had a red circle around ADA spaces and two of them were planned to be striped at a different location that were not actually close to a public door. She showed where they were relocated to. She also pointed to a circle where one foot of pavers will be added to a parking space that didn't have enough pavement. She mentioned the fence that is in a slightly different location than it was shown on the approved plan. The dumpster enclosure detail that was approved was a typical detail that did have the front doors on the enclosure which wasn't specific to this site. Once it was built, it was known it wouldn't be feasible in this location. She noted that it is in the back parking lot and doesn't feel it is a concern. She pointed out some circles that were added showing small walkways that improved the site and the way it functions. She then pointed out the sign location and it is proposed to be a 48" high wooden structure but the sign itself is 11" x 35". It is black with white lettering and a rendering and a photo of the actual sign is in the Board's packets. She explained that the landscaping plan was installed in 2017 and 90% of it died by the end of 2018. Maine Beer contracted with Gnome Landscaping to come up with a new plan. It was installed in the summer of 2019 and included native species and pollinator plants. It is doing well and that is

the reason it looks different than what was approved. Gnome provided a plan that reflects what is there today for landscaping which is appropriate for the location. She pointed out that there are trees throughout the site as well.

Ms. Watson asked if there is a lesson to be learned from the death of 90% of the plants. Eben Jocelyn, Facility Manager of Maine Beer Company explained that the lesson to be learned is to not do site plantings at the end of November. They had a tough winter. They took this as an opportunity to improve the plan and introduce some more plants that would fit the local ecosystem and provide more benefit. Ms. Watson requested that at some time in the future, he could provide information on replacement plants that might help the Board in the future. Mr. Jocelyn agreed and mentioned the adjustments made to the soil that Gnome provided.

Proposed Findings of Fact: (Section 602.F. of the 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 parcel is already developed with a structure and parking lot. The application before the Board is for after-the-fact approval and no additional clearing is proposed. 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.

No new buildings are proposed. 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

No changes to vehicular access are proposed. 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 circulation are proposed. One parking stall is having pavers added to it to make the dimensions comply with the requirements of Section 514 of the Freeport Zoning Ordinance. 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.

Based upon the size and nature of the changes, information on surface water drainage was not included with the submission. Based upon this information, the Board finds that this standard has been met.

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

There will be no new connections to the public water or public sewer systems. 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.

The plan does show a new ground sign on the Pine Street side of the property. The sign frame will be constructed of wood and the sign face will be ABS plastic with a vinyl wrap for the text. The sign will be four feet in height and the sign face will be 11"x35". 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.

The location of the fence between this property and the abutting property has been updated. The existing conditions with a combination of fencing and plantings complies with the landscaping and buffering requirements for the Commercial District and Section 527 of the Freeport Zoning Ordinance. 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 additional 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 department 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.

The applicant is seeking an after-the-fact approval for some modifications to a previously approved landscaping plan. Original plantings were installed but many did not survive. The new plants have been planted, are well established and include species appropriate for the growing conditions. The existing conditions with a combination of fencing and plantings in the setbacks and throughout the site, complies with the landscaping and buffering requirements for the Commercial District and Section 527 of the Freeport Zoning Ordinance. 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) The project will not result in water pollution, erosion or sedimentation to surface waters;
 - (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 - (3) The project will conserve shoreland vegetation;
 - (4) The project will conserve points of public access to waters;
 - (5) The project will adequately provide for the disposal of all wastewater;
 - (6) The project will protect archaeological and historic resources;
 - (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. 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: That the Project Review Board accept the proposed motion as read and written in the Staff Report. (Troidl & Blanchard) **VOTE:** (4 Ayes) (1 Recused-Wing) (2 Excused-Hamlin & Reiche)

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and

Site Plan Amendment for Maine Beer Company, at 525 US Route One (Tax Assessor Map 23, Lot 61A), plans dated 09/20/16 and most recently revised 10/16/19, for after the fact site changes including minor alterations, a new sign, and changes to the landscaping plan, to be substantially as proposed, 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 his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to installation, the applicant obtain a sign permit from the Freeport Codes Enforcement Officer.

Mr. Wing returned to the Board

Granite Park Subdivision – Conceptual Review

The applicant is presenting conceptual plans for a five lot, Open Space Subdivision. Two of the lots/units are existing and are located on Wood Thrush Lane. A new road off US Route One is proposed for the three additional units. Open space is required. Zoning District: Medium Density B (MD-B). Tax Assessor Map 20. Lots 4 & 4-1. Granite Park, LLC., applicant and owner; Thomas Greer, Walsh Engineering Associates, Inc., representative.

Ms. Pelletier explained that this is a five-lot residential subdivision north of the village. There are two existing dwellings on an existing driveway. The Board conducted a site walk on October 23rd. They are proposing three additional structures and a new road. It is a minor subdivision so there are two steps to the process, conceptual review and major review. Tonight is the possible completion of the conceptual review if the Board feels they have the information needed and can take action on the plan before it. This is the time the Board acts upon any waivers. The change of use for the driveway entrances would probably trigger a permit from Public Works and it is something the applicant should consider. One thing the Board talked about at the last meeting was the road because they are building a subdivision road which is 18 feet wide, paved with 2-foot gravel shoulders. The Board had comments on whether that could be minimized in some way. The applicant indicated that they would prefer a gravel surface and asked for comments from the Town Engineer. There are comments in the Board's packets that the Town Engineer would prefer that the surface of the road remain paved. Should the Board decide they do want to entertain a waiver to allow a gravel surface, Earl Gibson from Public Works has requested that the Board require that any portion in the right-of-way be paved. The Board does not have waiver language before it but if it is something the Board wants to consider and act on tonight, she can provide some waiver language. They need a little bit of clean-up on their plan since their leach field locations do not align. She added that there is a provision in the Subdivision Ordinance that driveways cannot come off the hammerhead so they might have to revisit Lot #3 to see how they are going to get into that access without going to the turnaround area at the end. This parcel is located in the Frost Gully Brook Watershed and they have been working with Adam Bliss for stormwater management. The Board will see that back in the final submission. They already obtained Permit By Rule from DEP.

Norm Chamberlain of Walsh Engineering explained that he is substituting for Tom Greer. He noted that he did the site walk and is familiar with the site. He displayed a plan and pointed out the biggest thing is the conservation areas and that they are developing the upland area and the shaded areas with the ravines and wetlands that are being protected. He pointed out what they feel is the appropriate area for development and where they are coming into the hammerhead. He then pointed out the road and where all the snow will be plowed to. It would be a hardship for that driveway as the plow would be going by it. To change it would require extending the road even further and he is not sure they could get the treatment levels they have. It would require more pavement and it really doesn't impact plowing the hammerhead. They are requesting a waiver for the pavement. They received the Entrance Permit from Public Works today and can provide that.

Ms. Watson mentioned that in the documentation, the applicant talks about leaving the roadway in the project unpaved for environmental reasons and asked that they expand on that. Jonathan Nichols, owner of the project, explained that his intent is to build three net zero, low-carbon footprint houses with native species for low impact on landscaping. He

feels less pavement fits into the philosophy of his project. There will be a soil filter so any sediment that comes off the road will end up in it. Ms. Pelletier advised that the Ordinance does not allow a driveway on a hammerhead but the Board has the ability to waive it. She can have the Fire Chief take another look at it but snow removal could be an issue as well as fire trucks and rescue vehicles maneuvering the site. Mr. Troidl mentioned that not in the hammerhead means the full 90 degrees and noted where the driveway would have to be located to be totally away. Mr. Chamberlain pointed out that the driveway does not take up any more room for emergency vehicles but having a driveway on a hammerhead is always a problem for snow plowing. He pointed out where it would be a problem and where it is most open. Ms. Pelletier referred to Page 43 of the Subdivision Ordinance and read it into the public record. Mr. Wing advised that his interpretation is that the driveway does not enter into the turnaround; it enters onto the road. It is across from the hammerhead. He sees no practical reason that what is proposed here would be problematic. He feels the Ordinance is clear when it says it cannot enter onto the hammerhead which it doesn't do as far as he can see. Ms. Pelletier advised that if the Board feels strongly that way, it could make a finding as such under the standard that the driveway does not enter into what the Board considers the turnaround.

Chair Campanelli mentioned that the other thing to consider is the paving. Her concern about waiving this is that the Board is setting a precedent and when do, we stop saying that they need to be paved. This is a subdivision and the applicant is choosing to do the three lots whereas he could have done as he did before with two houses and a driveway. It was the applicant's choice to put in the third lot and now he needs a road which is wider and paved. We are seeing a lot of subdivisions and this is something the Board needs to consider. Mr. Wing noted that the reason he has been supportive of the idea of allowing smaller subdivisions to not pave is because they are private roads. They are not maintained by the Town. In some cases, he feels it is a bit of overreach to pave what are private roads, particularly if they are small subdivisions. He feels the gravel roads can fit in much better and are more appropriate for some of these areas where you are trying to create a feel of smaller subdivisions with narrower roads and less of a maintained look. Environmentally it is a friendlier approach, with less impervious surface and less petroleum products. He feels it depends on the size of the subdivision and he does not have an answer for what a cut-off is but understands Chair Campanelli's concern. Ms. Pelletier asked the Board to keep in mind that there is a provision in the Ordinance that does allow gravel surfaces but it is very specific and explained the specifications to the Board.

Town Engineer Adam Bliss explained that Mr. Wing and Chair Campanelli have raised great points. If we waive the standards, we set a precedent. As far as the environment, it can be argued both ways. His concern is with the maintenance of that road to make sure the gravel is stable and not disturbed by snowplows.

There were no public comments provided. Mr. Blanchard advised that he is inclined to follow the recommendation of the Town Engineer but understands the environmental impacts. Chair Campanelli noted that she feels the same way and maybe down the road this is something the Board can look at.

Ms. Pelletier mentioned that the applicant did request a waiver so the Board should act on it. She provided language.

BE IT ORDERED: That the Freeport Project Review Board waive the requirement of Article 11.5.C.2.j that the road be paved with the exception of the paved apron in the right-of-way and that based on the size and nature of the development, gravel surface will provide safe and adequate access to the site.

MOVED AND SECONDED To approve the motion as read. (Wing & Blanchard) **VOTE:** (2 Ayes) (3 Nays) The motion failed.

Mr. Wing brought up the turn around and Ms. Pelletier advised that the Board does not need to waive that but needs to be clear when they come back for final, that the Board is not considering that turn around and does not have to waive it.

MOVED AND SECONDED: That the Freeport Project Review Board approve conceptual plans for the Granite Park Subdivision as written and read. (Wing & Troidl) **VOTE:** (5 Ayes) (2 Excused-Hamlin & Reiche)

BE IT ORDERED: That the Freeport Project Review Board finds that the review of the Site Inventory Map and Conceptual Plan for Granite Park Subdivision (Tax Assessor Map 20, Lots 4 & 4-1) is complete, as based upon plans dated 08/30/19 and revised through 10/30/19, the Board finds that the appropriate areas have been determined for development and for open space as the open space in accordance with the standards of the Freeport Subdivision.

The Beacon Residences – Commercial Open Space Subdivision – PUBLIC HEARING

The applicant is seeking approval of preliminary plans for a Commercial Open Space Subdivision. 144 units (in six residential buildings), 5 garage buildings, a clubhouse with pool and associated site improvements are proposed. Open space is required. Site Plan Review and Subdivision review are required. Zoning District: Commercial IV (C-IV). Tax Assessor Map 22, Lots 24 & 24B. Ben Devine, Devine Capital LLC, applicant; L.L. Bean, Inc, owner; Kylie Mason, Sebago Technics, representative.

Mr. Wing recused himself because he has been involved with the owner of the property and in discussions of potential uses and studies regarding the parcel.

Ms. Pelletier explained that the applicants are before the Board with a proposal for a commercial open space residential subdivision that contains 144 units in six residential buildings, five garages, a club house and pool. The applicant will go through the proposed site improvements. It does require both Site Plan Review and Subdivision Review. It is a major subdivision due to the size and nature of the development. The process would involve three levels of review, conceptual review which they already completed with the Board, preliminary and then final. The Board held a site walk. They are back before the Board for a preliminary review and this is the time when the Board holds a public hearing. The abutters have been notified within 500 feet of the parcel. The Board granted a waiver at the last meeting to allow reduced parking stall dimensions and that was incorporated into the plan before the Board. She read language from the Subdivision Ordinance explaining to the Board what preliminary approval is.

She noted there was a lot of information in the Staff Report and offered to go through and note things the Board needs to talk about. The first thing is the road. They are proposing a new entrance off of Desert Road which will require approval from Freeport Public Works. It is 1,000 feet in length and will be paved and 24 feet wide with sidewalks and some parking on one side. The Town Engineer did an initial review of the road engineering and his comments were attached to the Staff Report. The first thing for the Board to consider tonight would be the request for a waiver. Under Article 11.5 of the Subdivision Ordinance there is a requirement for separation when there are commercial uses. This is considered a multi-family development since there are more than three units in each of the buildings. The abutting property is owned by MDOT and they have a testing lab in their facility. In this case, it would require 200 feet of separation and they only have 158 feet. This is something the Board should discuss tonight.

A traffic study was included in the submission. The applicant stated that they did not need a Traffic Movement Permit from the MDOT. They did update their plan to show two potential areas for possible future connection to an abutting property should that property ever be developed in the future. There was quite a bit of comment attached in the Staff Report from the Town Engineer and Police Chief with questions and concerns about traffic. Another item for the Board to discuss tonight is Section 512 of the Ordinance which was in the Town Engineer's memo regarding acceleration and deceleration lanes. She explained what these are. The applicant will give more information on this.

Parking and Circulation – This parcel is in the Commercial District and the applicant figures they need about 2 spaces per unit so the plan shows 293 parking spaces. Looking at the plan, the parking lot with the two garages towards Desert Road, there's some driving area on each end and between the buildings with an island in the middle. Those areas are 20 feet in length. The Ordinance is kind of vague but for aisle width, the parking behind the parking stalls requires 24 feet.

Those are designed at 20 and they don't have parking stalls there so it is not clear what the required width for those areas are. The applicant would like to keep them at 20 feet but that is something for the Board to discuss.

Public Safety – Ms. Pelletier advised that the Board has comments from Police and Fire that are in their packets. The Codes Officer raised questions regarding sprinklers which the applicants can look into as they move forward.

Utilities – The project will be connected to public utilities. Maine Water did submit a letter which is in front of the Board tonight. They reached out to the Freeport Sewer District but have not heard back. One of the requirements of preliminary approval is that the applicant submit a letter from the Freeport Sewer District. She asked if the Board is okay moving forward without the letter. The Board could take action on the plan if it felt it was ready and add that as a condition or could wait until it has that information.

Due to the size and nature of the development, they are triggering a Site Location of Development Permit from Maine DEP. They have applied to the DEP and they are conducting that process. At the same time our Town Engineer is reviewing the stormwater with regards to the local ordinances and subdivision and Site Plan Review. Giving his first glance, he commented that it appears they are headed in the right direction. He is working in great detail to give them additional comments that can be incorporated in the final plan but overall things are looking good in terms of stormwater. The applicant has requested that ultimately they would like the Board to grant final approval of this plan with the Site Location Permit from DEP as a condition of approval. The Ordinance does require that any outside agency permit be submitted before they submit for final approval but it is something the Board could consider adding as a condition of either preliminary or final. That is another item for the Board to discuss tonight.

They do have an open space requirement which is much lower than typical single-family residential developments we see. 7.73 acres are required and 7.7 acres are proposed. There hasn't been discussion on what they are going to do with the open space so this is something the Board could address with the applicant. On the other side of the highway, it is still the Commercial District so it still has to adhere to Section 527 in terms of building design, landscaping, buffering and the pedestrian path. In this case the applicant shows a 5' paved pedestrian path in the public right-of-way. Something the Board needs to consider is whether that meets the standards of 527 and if this is something the Board wants to see, they would have to work with the Council to get approval to do that project and figure out things such as long-term maintenance. She ran this by the Town Manager and he felt this is something the Council would be open to hearing about from the applicant. That is an option the Board would have to determine if it is appropriate for the pedestrian connection.

Kylie Mason introduced Ben Devine, Bill Fletcher, Frank Dougherty, and noted that Ms. Pelletier pretty much summed everything up so she walked the Board through the plan and offered to answer questions. She oriented everybody to the plan pointing out where Desert Road is. The open space is in the center and on the outside there are a series of parking lots with garages built into the parking lots and aligned with each building. She pointed out the location of the maintenance building, club house area, the walkway within the right-of-way.

The road entrance is 150' away from the existing DOT facility. They are hopeful that the waiver can be granted because moving it over gives a great buffer to the property next door which is essentially industrial in its use. They have a stream crossing which is going through DEP and everything seems to be moving as it should. They are prepared to talk about the Traffic Study tonight, specifically the acceleration and deceleration lanes and also about the intersections and how they weigh in. She pointed out the aisle widths and explained that they added a number of internal circulation aisles and that they are used for public safety to circulate around. They did not meet with the Police Chief prior to submitting but Mr. Dougherty did meet with her this afternoon and everything appears to be moving the way she wants to see it. The reason for the accesses is to provide better internal access. It seems to be wasteful to add 4 additional feet. They could make them one way or they could get rid of them all together. The ones at the end are largely to provide fire truck circulation. If it is agreeable to the Board, they would like to keep them as they are.

While the project cannot be built without sewer, they are hoping the Board would be supportive to approval to a condition. They are confident they can resolve that before final.

Mr. Troidl asked which of the cross aisles are 20' and are they all 20'? Ms. Mason pointed them out but was unsure about one of them and offered to check. She noted it is 24'. Chair Campanelli pointed out Garage 2 and Garage 3 and asked about the four that are North/South. She mentioned they look like they are all 20' and Ms. Mason agreed they are all 20' but if it pleases the Board, it would be easy to make them 24'. Chair Campanelli pointed out that the Board is not here to design, the applicant needs to work out what works for the fire truck. Ms. Mason pointed out which one she needs the most. Mr. Troidl feels if they are less than 24', they should be one way. Ms. Mason noted the one that is two way coming into the parking. Mr. Troidl mentioned electric vehicle chargers and at least some spare conduit under the ground where they are digging so it would be easy to add with this many residents there. Ms. Watson agreed to this as well. For the pedestrian path, Mr. Troidl is in favor of the five foot in the right-of-way. At the last time we talked about trying to connect it at the east end of the site but Ms. Mason mentioned it might be tough. Ms. Mason advised that they did look at it but the question was can they bring it through the site. She would be happy to share the plan but the impact was more than they could handle. Mr. Troidl brought up the wetlands in the middle versus where the wet pond is versus where the open space is and asked if the wet pond is not in the wetlands but in the open space? Ms. Mason answered "correct". She pointed out where the pond will be put in.

Chair Campanelli asked if there is a reason why the sidewalk is on public land and not on the applicant's property. Ms. Mason explained the biggest reason is the topography and how to manage the grade. Chair Campanelli asked if they are expecting the Town to maintain that. Ms. Mason believes that is the intention since it is in the public right-of-way. Mr. Troidl suggested putting in an additional sidewalk connection to the first couple of buildings in order to get a little bit of a loop. Chair Campanelli asked what is the intention for the open space. Will they place a picnic table in it or is there some ability to access it for the residents? Ms. Mason feels it is to be preserved as open space. In large part the benefit of that open space is to create the vegetation and natural space around the project. It is not large enough to create fields. It will not be fenced off or restricted to the residents. The wet pond will be filled with water with natural vegetation. It will have standing water in it. Ms. Mason does not believe it will be a hazard and is not proposing a fence.

Mr. Blanchard brought up the subdivision entrance location within that 200-foot requirement, he noted he would prefer to keep it where it is and waive that requirement to keep it as far from the 295 interchange as possible. Board members agreed.

Chair Campanelli mentioned there were a lot of questions from the Police Chief and Town Engineer regarding traffic. She asked Ms. Mason if she wanted to address some of those questions. Ms. Mason explained that she had an opportunity to talk to Ms. Pelletier this morning about the acceleration and deceleration lanes and feels she described it the best way. In the Ordinance, it just says "road" but they would say that the road they are looking at is right in front of the project. Between Hunter Road and their site, the trips are far below the threshold. They are tripping the 5,000 range not 7,000 and that is important. She noted their Traffic Engineer can explain why they feel there is no need for an acceleration lane or a deceleration lane. Mr. Troidl mentioned looking at the first 8 or 10 parking spaces and 150 people are coming home and they are all turning right and people are backing out of those spaces, is that the best place for them? Ms. Mason advised that they are not anticipating that amount of volume there but could look at it but she would like to keep them there.

Traffic Engineer, Derek Caldwell advised that as stated in the Ordinance, exceeding 7,500 vehicles, 200 parking spaces warrant an acceleration lane and deceleration lane. The counts he has from MDOT are more in the 5,000 range so they would be below that threshold. Chair Campanelli pointed out that she looked at Mr. Bliss' recommendations and feels we need a peer review of this. It is a big problem. Because of the school and Bean shift changes, it is not the normal morning/evening kind of rush hour issue. She feels it is important to look at the peer review. Ms. Mason feels it is fine to review the traffic study but they are hopeful that it doesn't hold up preliminary approval. They are confident in the data and also confident in how it applies to the Ordinance and the peer review would validate that.

Chair Campanelli explained that this is a brand-new project and she is not comfortable moving it forward for preliminary approval with so much outstanding information. It is the burden of the applicant to bring the Board this information and make sure it is here for us. We don't have the Sewer capacity letter and we need more traffic information. DEP is still outstanding and she knows that takes a while. Those are pretty significant issues, especially traffic. She wants to save the applicant from going too far down the road with this project without having everything in place. This is a big project for the Town and it is important that we look at everything, particularly traffic.

Ms. Mason explained that they are fine with the peer review. It is not a lack of information, it is a verification of information. She feels it is not a lack of traffic information. They provided all of their information and verifying that in a peer review is completely acceptable. She doesn't know that it should hold up preliminary but will accept it if that is what the Board wants to do.

Frank Dougherty, on behalf of the applicant agrees that no one wants to waste time or money. They recognize that any approval of a preliminary plan does not constitute final approval or intent to give them final approval. They want to be in Freeport and feel it is the right project and the issues they have been presented with can be dealt with in a productive way so they will have a nice project. He understands the concern about the Sewer District. He talked to the Director. Their goal is to start construction with the DEP permit by May 2nd. A delay now from their standpoint would put them working into the winter next fall with perhaps a partially unstabilized site. It would be beneficial to have it stabilized through the winter to finish it up. That is why not waiting has appeal to them. With regard to traffic, it warrants Conversation about the applicability of what standards they have to meet so when they do a peer review, they will all be talking about the same scopes.

Ms. Mason asked the Board what additional information they would want on traffic since they have a traffic engineer here.

Town Engineer, Adam Bliss explained that when he reviews applications, he looks at them technically based on the Ordinance. He feels the applicant has put together a fine application and they have a fine reputation. This is a nice discussion. Regarding traffic, he is glad there is perception from all people to have this peer review. Peer reviewers will have access to software and tools that he does not have access to. Regarding the traffic counts, the numbers presented in the study are based on 2016 data. He believes traffic counts were conducted in 2019 but they are not yet published and it would be beneficial to request if those data are available from the DOT. The Ordinance does reference the threshold of 200 parking spaces and the project certainly triggers that threshold. There is the 7,500 in average daily trip threshold and the operative word here is "road" and the definition of road in the Ordinance is that which is serviced by the project. It does not distinguish what section of road so really that is what the discussion is about. Is it the section of road directly in front of the parcel or do we look at it more holistically as a section of road from the bridge westbound and from the Order Fulfillment Center at eastbound? That is a conversation that the Board should entertain. He reviewed this based on the Ordinance and the definitions that we have, not a purely objective manner. Ms. Mason feels it would be helpful for the Board to use Mr. Bliss' advice on the things it would like the peer reviewer to look at. Mr. Bliss pointed out that he feels we should leave it up to the peer reviewer to review the document as a whole, not specific sections of it. There are performance standards in the Ordinance specific to commercial districts to provide safe flow of vehicular traffic, again another discussion item for the Board. There is language in there about pedestrian and bicyclists connectivity. He also serves on the Complete Streets Committee that has expressed concern for pedestrians and bicyclists.

Chair Campanelli advised Ms. Mason that this information is in Section 527 and on page 24 of the Comp Plan. Ms. Mason noted the question she has is on Complete Streets or the bike path because they are providing that pedestrian connectivity and it is there. If it is not satisfactory, they can talk about that. She thinks at its core the questions the Board might have on traffic that relate to the Study, so that burden of proof that they are providing to the Board is the level of service which is a discussion item and how the Ordinance asks the Board to look at that and how they did it in the Study.

To the acceleration and deceleration lanes, she thinks they provided data as to where that count takes place and feels it is from the bridge heading west. It has a number that is lower than the threshold. They will ask for the 2019 data from DOT. She wanted Derek to explain the level of service and how it was calculated and why it is relevant to this application and spend time talking about the counts and where they generate from. They are asking that they consider from the bridge west. They don't feel it is reasonable to consider from the bridge heading towards Route One. It will be the most amount of trips because you have exits coming up and heading that way. Chair Campanelli noted the peer reviewer will review all this and she doesn't feel it is our job to tell the peer reviewer how to do their job. Similarly, it is not the Board's job to design the project so she feels they will look at it in its entirety. Hopefully, whoever we get is competent and will know to do that. Ms. Mason feels the data is complex and needs to be walked through to reach an understanding. Ms. Pelletier explained that in the last instance with a peer reviewer, the Board gave them specific instruction. In this case because this project is triggering Site Plan Review and Subdivision Review, the basic directive we would give them is the Plan so they can see the context and we would give them all the traffic information and ask them to peer review that data. They are not going out and generating their own data but will review the data we give them. What we would need back is the Board is reviewing this for very specific standards, traffic covered in Article 15 so we would ask the peer reviewer to review the information presented by the applicant on the Board's behalf and give comments in regards to the standard before the Board in Article 11.5 of the Ordinance and also anything highlighted in Adam Bliss' memo, the standards of Section 602 for traffic under Site Plan Review. If there is anything else specific the Board needs clarity on, that would be a good directive to add. She is sensing that the Board might be feeling it is too early to have discussion on the acceleration and deceleration lanes. She asked for clarity. Chair Campanelli noted she would prefer to have the peer review. Ms. Watson felt that she did not have enough information at this time. The Board is trying to answer its own questions. Chair Campanelli mentioned she would like them to address Chief Nourse's memo and Staff's concerns as well.

Mr. Troidl feels this peer review needs to be a thorough peer review by the book. There is a lot of angst especially with Town Staff across the board about this. His personal opinion is that Freeport should want a good project like this and Exit 20 does not work. It is not their fault but he feels it would be for the Town Council to negotiate with the developer if they have issues. It would not be the Board's place to make any arrangements like that. This Board is here to approve the project per the standards and not make a deal. There is nothing we can do to prevent this project from being there and he doesn't think we should want to. Acceleration and deceleration lanes would bear out in the Traffic data. The point he is interested in is he is curious about those parking spaces by the clubhouse and right turners and what is the volume of that.

Ms. Pelletier explained that one question the Board had at the last meeting was what is going on with the bridge and the exits. We do have Adam Bliss here tonight and he could provide that information. Chair Campanelli noted that she does not want to kill this project but feels the Board is the last review and it is important to turn over every rock. This will be a big impact on Freeport and we need to review this and that is why we are here. If it takes another level of review, in the end she will sleep better at night knowing we looked at all those things as best we can. What happens when we don't review, we end up with messes.

Mr. Bliss explained that he had a conversation with the Project Manager for the Exit 20 Bridge Rehabilitation Project, a Maine DOT bridge. A planning study has been conducted and they looked at six alternatives. They have made a recommendation but there is not much information about that. It will probably include a signal and ramp work but there is not a preliminary design available yet and won't be for many months. Stakeholder meetings will begin in January at the earliest. We don't really know how this will relate to this project.

Ms. Mason explained the reason the DOT piece is important is because in the Ordinance under Performance Standards for Traffic Conditions, it requires that streets providing access to the subdivision and neighboring streets in the first intersection or intersection within 2,000 feet of the street providing access to the subdivision, whichever is less is expected to carry traffic. What is important is that in their studies it is heavily focused on the intersection of the ramps. Those exceed the Ordinance requirement. The one that is triggered is actually Hunter Road. In their overanalyzing, they

have focused heavily on ramps which are “Level F.” What is bound by the Ordinance to look at is Hunter Road and that intersection is at a “C level”. She explained the importance of the DOT piece and that the improvements and design of them are being funded. The most important component is that Hunter Road is actually their study point even though they spent more time focusing on the intersection beyond it. She offered to provide copies of those. In 2019 there was over a million dollars allotted for the bridge construction. It has already started to receive its partial funding and it is important to identify that a public agency is committing to funds on intersections that are beyond their scope and beyond that is Hunter Road.

Frank Dougherty advised that he met with the Police Chief today and he believes their Traffic Report stated that their team met with Public Safety officials and the conclusion was based on that meeting. He disclosed that the meeting did not happen and what they tried to represent was a discussion they had back in August where a representative was there speaking on behalf of the Fire Department. There was no intent to speak on behalf of the Police Chief or infer what she might have said. On behalf of their team, he apologized to her and wanted to clarify the record this evening.

MOVED AND SECONDED: To open the Public Hearing. (Watson & Troidl) VOTE: (4 Ayes) (1 Recused-Wing)
(2 Excused-Hamlin & Reiche)

Mark Grover of 33 Hunter Road advised that his property abuts the north boundary of this development. He asked for a definition of a buffer zone and what can be done to it? He asked if the Board could increase the buffer zone from 50’ to perhaps 75 or 100’. He spent a good deal of money to put his house in the center of a 13-acre parcel. He asked if vernal pools are still important since the northeast corner of the project has wetlands and he assumes they will not be disturbed. He pointed out on the plan where his property is.

Ms. Pelletier explained that he abuts the open space and the developer would have restrictions on what they could do in that open space but they have not submitted them at this point. Ms. Mason noted it is bigger than 50’ and there is a stream. Mr. Grover mentioned it is not pleasant walking in that area and that there is an outhouse there. He feels any more cars will make it difficult to turn onto Desert Road. Ms. Pelletier advised that they have to have a minimum of 50’ of open space since they are abutting a residential district back there but they will have to provide that in a future submission.

Mr. Troidl asked if MDOT looking at the exits. Is Hunter Road a town issue or are of those being looked at together. Ms. Pelletier explained that MDOT is definitely looking at the bridge. It may extend over into the ramps but she has not heard anything about Hunter Road and Desert Road. Mr. Bliss advised that Hunter Road is a town-owned road. Desert Road is a town road from the 295 Southbound ramp headed west outbound. Ms. Mason mentioned Mr. Grover’s point and noted that the open space will have restrictions on there. It is almost increasing the buffer because it is dedicated open space.

Keith McBride of FEDC pointed out he feels this is a situation where it is appropriate to give conditional approval when dealing with the Sewer District’s capacity letter. The applicants’ project is not going to change in anyway pending receipt of that capacity. Either they have capacity at the Sewer Department or they do not. This is dependent on some degree of sewer treatment. Giving them the conditional approval pending receipt of that letter, he feels it will not pose any risk going forward. It is something they have to obtain and it is something the Sewer District will provide. It should not be a major concern. With regard to Exit 20, the Subdivision Ordinance nor the Site Plan Ordinance requires this applicant to be responsible for any improvements at Exit 20. It is a “F level” intersection and will continue to be until DOT and the Town fix that. Those plans are in the works and there is money being allocated. We should be very proactive in encouraging DOT to design a project that addresses these traffic issues and pedestrian and bike safety at that intersection. That is the best thing we can do going forward and the Project Review Board can play an important role in getting that done properly. It has nothing to do with this project. He mentioned there are a lot of other lots that can be developed down Desert Road.

MOVED AND SECONDED: To close the Public Hearing. (Troidl & Blanchard) VOTE: (4 Ayes) (1 Recused-Wing)
(2 Excused-Hamlin & Reiche)

Ben Devine of Devine Capital appreciated the thoughtfulness and the questions being asked. They want this project well studied and supports peer review. He requested preliminary approval because timing is challenging. He has a purchase and sales agreement that will expire and this if this project is delayed, he will not be in a position to execute on the opportunity. He is willing to risk the dollars to get the information out there. He asked the Board to risk its time. They are willing to risk the money and effort but they want the opportunity if they do everything right, to get the approval in the requisite time. They look forward to delivering all the information to the Board in a timely manner.

Mr. Troidl mentioned there are not threshold issues that would cause him to give this preliminary approval. It is their risk if traffic comes back in the Peer Review as an issue. Moving on to the next level, it is on them to improve it and design their project. Mr. Blanchard feels similarly. There is still information the Board is waiting for but he feels it can move on to the next step.

Chair Campanelli suggested asking the Peer Reviewer to look at the internal movement through the property for aisles. Our Codes Officer had concerns with the ADA garage parking and anything that would change dimensions on the Site Plan. The garage plan, the aisles, the parking at the clubhouse that Mr. Bliss has been talking about. If that parking is changed, accessible parking needs to be shown somewhere close to the building and a sidewalk. Those issues need to be worked out, provided the applicant gets preliminary approval.

Ms. Mason mentioned discussion on the 20' aisle widths and it is something the Board can use discretion on. They are comfortable with the areas they discussed and if they need to widen an area. She will look at the parking in the front. The biggest point they can easily address is that of the ADA parking. The standard is 2% of each type of parking and by that standard they are actually exceeding it. They have much more ADA parking than is required.

Ms. Pelletier asked if the Board is going to require the Sewer District capacity letter before they come back for final or leaving it open? If the Board wants it for final, it would be best to put as a condition so it is clear to the applicant that they need that. The Ordinance says that they not only have the capacity letter but the Sewer District needs to sign off on the plan. There was agreement from the Board to add it as a condition. Maine Water already signed off.

Chair Campanelli mentioned possibly providing conduit for a charging station. Mr. Troidl clarified that it is not a requirement but feels it would be wise for the developer as the years go by. Ms. Mason noted that if they didn't provide it, they would indicate future charging conduit.

Ms. Pelletier pointed out the one unknown that would be at the risk of the applicant, is that the Board is waiting for input from the Peer Review Engineer to make a determination or comment on the acceleration and deceleration lanes. Chair Campanelli agreed. Ms. Pelletier explained that there was discussion on Site Location and the Ordinance requires that prior to submitting for final, the applicant obtain approvals from outside agencies. The applicant has requested that the Board consider granting final approval with that Site Location of Development as a condition. The Town Engineer weighed in on that in a memo. She feels it would be good for the Board to provide clarity to the applicant whether or not it is expecting that permit before they apply for final approval.

Mr. Troidl noted that if DEP forces a change in plans, the applicant would have to change the plans. Ms. Pelletier pointed out that the Ordinance says that they get it before hand, the Board has done it in different ways on recent projects. The Board has required applicants to get various levels of DEP permits. If they don't have Subdivision approval, they cannot move forward with marketing. Site Location takes a lot longer than other level DEP permits. There is a lot involved in that review. She feels it would be good to let the applicant know if they can turn around and submit or if they need to wait six months until they have that approval in hand. Depending on the direction the Board takes, they could run into timing with the Ordinance and they would have to come back and review the preliminary in the meantime. If DEP does

require changes, they would have to come back to the Board and amend the plan. The Board would want to make it a condition of the final approval. Mr. Troidl noted they would not be able to pull a building permit. Chair Campanelli advised that she is okay with the condition that they don't have the DEP for the final. Ms. Pelletier offered to write up the language.

Mr. Dougherty feels it is relevant to look at the traffic data that is actually at the site driveway location and not to look at the traffic data for Desert Road on the bridge. ADTs drop off significantly once you get past Exit 20. The DOT data in front of the site is 5,130 vehicles below the 7,500 threshold. When you get on the bridge, it is over 15,000. That is what he would choose to use but the Peer Reviewer might have a different opinion. They compared the need for a right-turn lane with national standards and it is not even close to needing one.

Ms. Pelletier pointed out that she is hearing that the Board would prefer the aisle widths on the two ends be widened up to 24' if the applicant can accommodate them but it would be more challenging at the other end. Chair Campanelli asked if the applicants would be retaining ownership of the open space. Mr. Devine indicated that they would.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the preliminary subdivision plans submitted by Devine Capital, LLC., for the proposed Beacon Residences (Tax Assessor Map 22, Lots 24 & 24B) for a 144 unit commercial open-space subdivision, preliminary plan set dated 08/19/19, revised through 11/13/19. The Board finds that based upon the materials submitted by the applicant and the information contained in the record, the layout of the development is consistent with the information presented in the conceptual submission, that the applicant has submitted the required information per the Freeport Subdivision Ordinance and the applicant working towards the development of the final plans. The following condition(s) of approval and/or items shall be incorporated into the final submission:

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to final approval, the applicant obtain a final sign-off of the plans by the Town Engineer.
- 3) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management, erosion control, etc.
- 4) The final submission shall incorporate the requirements of Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.
- 5) A peer review of the Traffic Study be conducted prior to returning for final approval with review of internal traffic circulation applicable standards of the Freeport Zoning Ordinance and Freeport Subdivision Ordinance and comments made by Staff and appropriateness of parking near the entrance of the abutting clubhouse.
- 6) Prior to submission of a final plan, the applicant obtain a capacity letter and plan sign-off from the Freeport Sewer District.
- 7) The applicant may submit for final review prior to obtaining the Site Location for Development Permit from Maine DEP.
- 8) The applicant meet with the Freeport Town Council regarding the pedestrian path in the public right-of-way prior to submitting for final approval. (Blanchard & Troidl) **VOTE:** (4 Ayes) (1 Recused-Wing) (2 Excused-Hamlin & Reiche).

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board waive Article 11.5.C.2.E.2 of the Freeport Subdivision Ordinance to allow entrance separation of the proposed road entrance and the entrance of the abutting MDOT property, in that the nature of the use of the abutting property generates minimal vehicular traffic, safe and adequate access is provided to the proposed development, and the proposed location provided further separations from the nearby 295 on/off ramps. (Blanchard & Troidl) **VOTE:** (4 Ayes) (1 Recused-Wing) (2 Excused-Hamlin & Reiche).

Chair Campanelli thanked everyone.

Town of Freeport – Site Plan Amendment

The applicant is seeking approval of a Site Plan Amendment for a new internally illuminated sign at the Public Safety Building at 4/16 Main Street. Design Review approval is not required. Design Review District I – Class B & C. Zoning District: Village Commercial 1 (VC-1). Tax Assessor Map 9, Lot 16. Town of Freeport, applicant and owner; Adam Bliss, Town Engineer, representative.

Ms. Pelletier explained that she feels badly that Mr. Bliss had to stay here all night. This application is from the Town of Freeport and technically could have fallen under the threshold of Staff approval since it is modifying an existing ground sign. The Town is the applicant and for the sake of transparency she felt that it was better to come before the Project Review Board. The applicant is proposing to alter the existing Public Safety sign. They are going to rehab the top panel. They are going to replace the wood posts with granite posts and replace the old school changeable letters with an LED message board. In addition, the sign was put in incorrectly so it is going to shift back about two feet further from the road. They will relocate any plantings. The existing tree is in the way of sight distance and will be removed and a low growing shrub will be installed. The Municipal sign is exempted under the Sign Ordinance and in addition, the sign is exempt from the Design Review Board. They are really here for a Site Plan Amendment. She asked Mr. Bliss if she missed anything.

Adam Bliss, Town Engineer, mentioned that it is not a problem for him to stay late. He feels it is a pleasure to get more face time with the Board. He hopes to be in front of the Board again to continue the education about traffic and storm water. To answer Ms. Pelletier’s question, he explained that those are the elements. There are associated items regarding lighting. They are proposing cut-off lighting in traditional gooseneck fixtures. They are relocating the posts about two feet closer to the building and away from the road. The existing sign was installed in an incorrect location according to the plan but it is not quite in the setback and explained how it became nonconforming when the road was reconstructed. They want to make it right with respect to the setback. This is a replacement of an existing sign. The wooden posts are deteriorating as is the upper part of the wood sign. He felt it would be nice to have granite posts match into the building façade. What is new about this sign is the message board below the Freeport Public Safety portion. There is an upper cabinet and a lower cabinet. The upper cabinet will stay Town of Freeport with gold lettering made of permanent material. The lower cabinet will have an internally illuminated electronic message sign.

Mr. Troidl asked if the trailer that has “Free CPR Class” on it go away? Mr. Bliss noted that the intent is for public safety notification but should the football team win a State Championship, it could read “Go Falcons”. He does not have control of this and does not know who will manage the messages but emphasis is on public safety notification. He recalled that during the 2017 October windstorm, communication was very difficult.

Ms. Pelletier advised that the Board cannot regulate content and the State has regulations on how frequently that can change and it cannot change more than once every 20 minutes. It will not be continuously scrolling. Chair Campanelli agreed that it would be a distraction for sure.

Mr. Bliss noted that he went before the Council to get direction about what the sign should look like and its dimensions. The direction was an adequate display area for the messages, text only, no graphics.

Chair Campanelli noted she is happy it is going there rather than in front of the Town Hall. It fits the scale better to that building and she likes the granite posts and the Board is okay with the tree coming down.

Proposed Findings of Fact: (Section 602.F. of the 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 parcel is already developed with a structure and parking lot. The sign will be moved back about 2 feet further from the road to the location originally approved. Existing plantings beneath the sign will also be relocated and the existing area will be loamed and seeded. One existing evergreen tree which is located in the front setback will be removed and a new lower growing shrub will be installed. 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.

No new buildings are proposed. 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

No changes to vehicular access are proposed. 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 and circulation 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.

Based upon the size and nature of the development, information on surface water drainage was not included with the submission. Based upon this information, the Board finds that this standard has been met.

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

There will be no new connections to the public water or public sewer systems. 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.

This application is not subject to Design Review per Article XII of the Design Review Ordinance. Furthermore, this application is not subject to the Freeport Sign Ordinance. The proposal includes an application to relocate and replace an existing ground sign. The sign will be upgraded with new granite posts, a repaired sign face, and a replacement of the changeable message panel with a new LED message board. State law will regulate the frequency of changing messages on the LED board). The sign will be moved back about 2 feet further from the road to the location originally approved. Existing plantings beneath the sign will also be relocated and the existing area will be loamed and seeded. 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.

Existing gooseneck lighting on the sign will be replaced with new LED gooseneck lighting. 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 department 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.

Existing plantings beneath the sign will also be relocated and the existing area will be loamed and seeded. One existing evergreen tree which is located in the front setback will be removed and a new lower growing shrub will be installed. Based upon this information, the Board finds that this standard has been met.

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

- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;**
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**
- (3) The project will conserve shoreland vegetation;**
- (4) The project will conserve points of public access to waters;**
- (5) The project will adequately provide for the disposal of all wastewater;**
- (6) The project will protect archaeological and historic resources;**
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

This parcel is not within the Marine Waterfront District or the Shoreland Zone. 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: That the Project Review Board approve the motion in the Staff Report as written and read with the exception of it is numbered 3 and 4 in the Conditions and they should be changed to 1 and 2. (Troidl & Blanchard) **VOTE:** (5 Ayes) (2 Excused-Hamlin & Reiche)

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for the Town of Freeport, at 4/16 Main Street (Tax Assessor Map 9, Lot 16), application 10/30/19, a new sign and replacement vegetation, to be substantially as proposed, 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 his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to installation, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.

Chair Campanelli thanked Mr. Bliss for all of his help. Mr. Bliss mentioned they are doing some stormwater retrofits within the Village Concord Gully Brook near Town Hall and will probably be back before the Project Review Board to present what he feels is highly valuable stormwater treatment opportunities, one of which will be here at Town Hall.

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

There were none.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 8:32 p.m. (Troidl & Watson) **VOTE:** (5 Ayes) (2 Excused-Hamlin & Reiche).

Recorded by Sharon Coffin