

**MINUTES  
FREEPORT PROJECT REVIEW BOARD  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
WEDNESDAY, APRIL 19, 2023  
6:00 PM**

**Attending:** Brent Heesemann, James Monteleone, Ford Reiche, Tod Yankee and Town Planner, Caroline Pelletier

**On Zoom:** Lynn Hamlen

**Excused:** Linda Berger and Jason Donahue

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

**ITEM I:** Election of officers for the positions of Chairperson, Vice-Chairperson, and Secretary.

Vice Chair Yankee suggested going in the reverse order. For Secretary he asked if there are any nominations for Secretary? He also asked who our current Secretary is? He asked Ms. Hamlen if she is the current Secretary? She replied that she is not. Mr. Reiche nominated Ms. Hamlen to serve as Secretary. Mr. Monteleone seconded the motion. Ms. Hamlen noted that she is comfortable with that. **ROLL CALL VOTE:** (5 Yes) (2 Excused: Berger and Donahue) (0 No)

For Vice Chair, Mr. Reiche nominated Mr. Yankee to serve as Vice Chair. Ms. Hamlen seconded the motion. **ROLL CALL VOTE:** (5 Yes) (2 Excused: Berger and Donahue) (0 No)

For Chair, Mr. Monteleone nominated Mr. Reiche to serve as Chair. Ms. Hamlen seconded the motion. **ROLL CALL VOTE:** (5 Yes) (2 Excused: Berger and Donahue) (0 No)

Vice Chair Yankee turned the gavel over to Chair Reiche.

Mr. Heesemann left the meeting briefly to be sworn in. Ms. Pelletier introduced Mr. Heesemann as the newest member of the PRB. She asked him to introduce himself and tell the Board a little bit about himself. Mr. Heesemann pointed out that he is a Civil Engineer and he and his family moved here from Denver about 10 months ago. They are putting down roots here but still have family in Ellsworth. They are building on the north side of town. He is looking forward to getting involved in the community and getting to know everybody. He was welcomed.

**ITEM II:** Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that there has been a little bit of Staff Approvals going on which happens this time of the year. The first was for replacement signage for Isabella's. They are replacing their existing ground sign with a new logo which she showed the Board. They had a coffee mug sign before and they also will be adding a building mounted sign out in front.

Next, we have a replacement sign panel on the existing kiosk sign at Shaw's Freeport Crossing. Night Hawk Kitchen is putting on a new panel on the sign there. These were all previously approved signs in the same size, similar material and style to what was previously there. Maine Beer Company got Staff Approval for the provision that allows for seasonal temporary outside seating. They had a tent that was put up the last couple of years. She did not have a picture but it remains unchanged from the previous year. Toad and Company on Bow

Street also got Staff Approval for replacement signs. These were all in the digital packet so the Board can see what they look like.

2) Update on topics reviewed by the Planning Board

The Planning Board has been busy talking about Accessory Dwelling Units. They are having a general policy discussion on Accessory Dwelling Units and if there are components they want to change. They are also doing some background on the discussion in preparation for the implementation of LD 2003 which is the housing provision that just came out of the State of Maine. They are starting to take a look at LD 2003 to see what some of the impacts might be to Freeport. We will talk about it later tonight but before today there were a lot of unknowns. The State just released its final rule making and responded to all public comments on the initial draft rule making so the Board will see the Planning Board have that on a regular agenda item for discussion.

3) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier mentioned that the Vision Task Force continues to do their work. They presented their charters to the Council. The remaining items that needed funding, many of which got put into the Municipal Budget. The Council is continuing to talk about budget because it is budget season, both the Capital and Operating Budgets. The requests for ordinance-related work, she thinks we have \$40,000 in there for general ordinance clean-up, more for miscellaneous. We already have funding for the Comp Plan and funding to update the Design Review Ordinance but this would be to do continued work. One of the things the Council requested we focus on is further streamlining the Site Plan and Subdivision Review processes to make them more efficient and further examine some of the thresholds and comparison to surrounding municipalities. If that keeps its place in the budget, that would be something that would have funding available as of July 1.

4) Update on the Town of Freeport Climate Action Plan

Ms. Pelletier advised that Meddy, Smith our shared Sustainability Coordinator with Yarmouth will start in Town Hall's Planning Department May 1. She will be working here three days a week. We only get her for half time and the other half time she will be working for Yarmouth. She will be working closely with the Sustainability Committee and GPCOG on the Climate Action Plan. There will be a Community Workshop coming up on May 15 at the Community Center about the Climate Action Plan and getting some goals and priorities of the community identified. You will get to see some baseline data as to where we are at, where some areas of population are concerns are and to complete a survey and give feedback that will all be used in the completion of a plan. As we get more information, she will send it out to you. We are hoping as many members of the public that are interested will come to that event.

5) We have talked about getting this Board together to do some training and review ordinances. She would like to see if we could potentially get that scheduled for May. If we don't get a lot of agenda items, we could use the May 17<sup>th</sup> meeting. Her other question for the Board is whether there is a second date that potentially people would be able to meet.

She mentioned this time of year, weekdays seem to work best because no one wants to come to Town Hall on the weekend to talk about ordinances. If there are days and times that are good or not good, she asked that the Board let her know and she will see about getting something on the books for that. Mr. Yankee suggested the fourth Wednesday which is May 24 at 6 p.m. Ms. Pelletier agreed to send out an e-mail to make sure everybody can meet and will try to find a meeting spot for that night. We will plan on 6-8 p.m. If the Board gets nothing for the 17<sup>th</sup>, she will put it on the 17<sup>th</sup>. If not, we will just have the 17<sup>th</sup> be the regular meeting and on the 24<sup>th</sup>, it will be ordinance work.

**ITEM III:** Review of the minutes from the March 15th, 2023, Project Review Board meetings.

Ms. Pelletier pointed out that the minutes have 47 pages and if there are corrections or the Board has not had time to go through them, they can be tabled until everybody has had ample time to review them.

Mr. Yankee referred to page 28, there is a strike through at the top. It is at the start of the motion but the rest of the motion is not struck through. He agreed with tabling. Sharon checked it out and recommends deleting the stricken words.

**MOVED AND SECONDED:** To table the minutes to the next meeting. (Yankee & Monteleone) **ROLL CALL VOTE:** (5 Yes) (2 Excused-Berger & Donahue) (0 No)

Ms. Pelletier noted that if anyone has questions or discussions and want to talk about it quickly now, it is not official but Sharon can take another look before we send out another draft in the next packet.

Mr. Monteleone mentioned he had an amendment but would wait until next month.

**ITEM IV: Reviews**

Chair Reiche explained that the Board has three items tonight. For our new member, he explained that we have one of each of the three things we normally do: Site Plan Amendment, Design Review Certificate and Subdivision. All four items will require action if we choose to move forward. There is a motion for each. The Chair doesn't present motions and the last item is a Public Hearing before we act.

**L.L. Bean (5 Campus Drive) – Site Plan Amendment**

The applicant is seeking approval of a Site Plan Amendment for a rear parking lot renovation at 5 Campus Drive. The changes include alterations to parking lot islands and changes to the striping of stalls and aisle widths to accommodate commercial vehicles. All changes are within the boundaries of the existing parking lot area. Zoning District: Industrial II (I-II). Tax Assessor Map 22, Lot 22 (5 Campus Drive). L.L. Bean, Inc, applicant & owner; Kylie Mason, RLA, Sebago Technics, representative.

Ms. Pelletier Advised that L.L. Bean is before the Board tonight. They have an existing parking lot on the back of the Order Fulfillment Center on Desert Road. It is mostly striped for standard vehicular parking. They want to change the striping for large trucks as they have in another part of the existing parking lot today. It is all within the existing developed area. In order to accommodate the stalls, they did need to take out some islands to ensure they are not increasing the impervious area. They are putting in a new additional island in that will be grassed and will have a tree. Therefore, they have no increase in the amount of impervious area and no changes to stormwater. They have some existing light poles. They are going to take out and reuse. They previously were approved for a height of 40 feet. They will replace the fixture head to an LED full-cutoff fixture and reinstall those. There are not a lot of changes but due to the square footage that they are changing around, it does trigger Project Review which is why it is here tonight. Sebago Technics is here representing the application.

Kylie Mason of Sebago Technics introduced Dan Clifford from L.L. Bean representing the project. As Caroline described, it is a unique project. They are restriping some parking spaces and eliminating an outdated somewhat vegetated and compacted island and some barricades they had in an area she pointed out to create a cohesive arrangement for tractor-trailer storage. They are installing a new island and removing a section of pavement to make it a net zero change. She noted that that is the bulk of it.

Mr. Heesemann asked if there were any proposed grading changes. Ms. Mason assured him that there are none.

Mr. Monteleone advised Ms. Pelletier that this seems like a very straight forward issue and we have received a tremendous amount of technical data and professional reports that were prepared on this project. Is this not what we expect from most applicants that are seeking to make a change like this? Ms. Pelletier explained that they have to meet the submission requirements of the ordinance for which they include a check list. They include a lot of measurements and details on the island. She thinks the Board has a very thorough and complete submission. Often times if they have full drawings, they will give you what they have even if it is above and beyond what the Board requires. Yes, the Board has a lot of drawings here. Ms. Pelletier explained that this was not the first version. They had a second version where they were proposing to change some stuff around but it would have triggered stormwater treatment because as they indicated in their application, they have future plans that they will return to you for approval in the future. They did go back and revise it so they could keep with the current stormwater system so that probably contributed to why you have such a thorough plan set before you tonight. Ms. Monteleone noted he is not complaining and Ms. Mason added she will take it as a compliment.

Chair Reiche asked Ms. Mason why they are doing this before the larger site plan application? Ms. Mason explained that they need it more immediately and if we went for stormwater changes in the full expansion, they would be waiting for a DEP time limit and there would be a site law amendment to their permit as well as in the interim the minor expansion would trigger stormwater at a local level which adds a complication to the constructability of the major master plan. Even still, the expansion is not much. It would just be off the back side of the parking lot but it would trigger stormwater and would impair their ability to use it immediately which is really important.

There were no Board comments and no public comments provided.

#### **Proposed 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 changes include alterations to parking lot islands and changes to the striping of stalls and aisle widths to accommodate commercial vehicles. All changes are within the boundaries of the existing parking lot area. Existing landscaping and buffers will be retained with the exception of some existing parking lot islands. No changes to the building are 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 changes to the building are proposed with this application. 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 not be altered. 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.

*The area is currently stiped for standard vehicular parking however will be restriped to accommodate commercial vehicles using the site. Aisle width and stall dimensions will be updated to accommodate the length and turning radius required for the commercial vehicles. The aisle width will be 50 feet wide and the stalls will be 12 feet in width by 60 feet in length. This will mostly involve restriping. 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.

*This will mostly involve restriping, however some existing landscaped islands will be removed and a new large landscaped island (grass with a tree) will be installed for no overall increase in the amount of impervious area. The applicant does have an existing Site Location of Development Permit for the site, however due to the size and nature of the changes, an amendment will not be required. 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.

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

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

*No signs 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.

*The applicant will remove and re-install existing light poles which are 40 feet in height. The lighting fixture itself will be updated to a full cut-off LED style, as shown in the submission. An updated photometrics plan has also been included. 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.

*Existing landscaping and buffers will be retained with the exception of some existing parking lot islands. A new larger landscaped parking lot island will be installed and will contain grass and a tree. Based upon this information, the Board finds that this standard has been met.*

- I. Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- a. Will maintain safe and healthful conditions;
  - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
  - c. Will adequately provide for the disposal of all wastewater;
  - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
  - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
  - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
  - g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
  - h. Will avoid problems associated with floodplain development and use; and
  - i. 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. No changes to existing utility connections are proposed. 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:** that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for LL Bean, Inc for a parking lots alterations at the L.L. Bean Order Fulfillment Center at 5 Campus Drive (Tax Assessor Map 22 Lot 22), to be built substantially as proposed, plan set dated 02/15/23, revised through 02/28/23, 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) Prior to any site work associated with this approval, the applicant do the following:
  - a) Establish an escrow account, in the amount of \$1,000 to cover the cost of inspections of the site improvements by the Town.
  - b) The developer have a pre-construction meeting with Town staff.
  - c) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.  
(Yankee & Hamlen)

Mr. Monteleone pointed out that if we are proposing a condition to establish an escrow account but can't identify the amount that needs to be in that escrow, it seems problematic. Given the circumstances, he

proposed that the Board strike the requirement. Ms. Pelletier explained what the normal procedure is. We often do a TBD but, in this situation, she suggested putting in \$1,000 and assured Mr. Monteleone that going forward, we will put a guesstimate in there. Mr. Reiche added that going forward it will be tough on performance guarantees and Ms. Pelletier agreed but noted the Board could discuss that later.

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

**Gritty McDuff's – Design Review Certificate**

The applicant is seeking approval of a Design Review Certificate for changes to an existing ground sign at their property at 187 Lower Main Street. No other changes are proposed. Zoning Districts: Commercial III (C-3), Design Review District One– Class C & Color Overlay District. Tax Assessor Map 8, Lot 23 (187 Lower Main Street). Center Cotton, LLC, DBA Gritty McDuff's, applicant; FPS Corp., owner.

Ms. Pelletier explained that this parcel is on Lower Main Street in C-3. Because it is in Design Review, her Staff Approval ability for a sign is pretty limited to minor modifications. Due to the fact that they have an old fashion changeable letter sign and are going to a modern LED sign, she felt it was beyond the threshold for Staff Approval. They are really replacing the existing sign face on the existing ground sign in the same location on their property. It is a material and appearance change. The drawings didn't scan that great but the Sign Company is here tonight and they can probably show the Board better. There were two copies in the Board's digital submission and they can answer questions on the sign. The applicants were asked to introduce themselves. Ed Stebbins mentioned he is a co-owner of Gritty's and Mike Mathew advised that he is with Neocraft Signs.

Chair Reiche asked if this internally-lit sign is not at odds with other signs that are in town? Ms. Pelletier advised that in this part of town you can have them such as at Shaw's Freeport Crossing.

Mr. Stebbins pointed out that they are just trying to replace the sign that they have had there for 27 years. It is time to replace it. Mr. Mathew added that it is the exact same sign in the make and model that the Town has out front of the Public Safety Building that he installed last year. Mr. Monteleone clarified that this is not a sign that has a light on it. This sign has a digital screen that can change and rotate or flash. He was informed that it would not flash. Ms. Pelletier added that the State regulates how often they can rotate, they can't flash and they would have to adhere to State regulations on that. There is no scrolling allowed by the State so the message has to change in an instant. You can't roll it in or slide it out or anything like that.

Mr. Monteleone asked if there are limitations on how bright those signs can be from the State? Mr. Mathew mentioned there are limitations but usually the Town sets it up. The State does not have a standard for it but they can be dimmed as needed and they usually recommend dimming them at night. Ms. Pelletier added that they are in C-3 so Section 527 design standards would come into play there. The requirement is for a darker background with lighter renderings and it would appear like a black background when it is not illuminated, kind of like the one outside of Public Safety. Chair Reiche asked the applicant if he is aware of those requirements and would comply with them. Mr. Stebbins agreed.

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

**Design Review Ordinance: Chapter 22 Section VII.C.**

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

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

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

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

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

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

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

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

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

*The proportions of openings within the facility will not be altered. Based upon this information, the Board finds that this standard has been met.*

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

*The roof shape will not be altered. Based upon this information, the Board finds that this standard has*

*been met.*

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

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

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

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

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

*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".**

*The sign is located near the driveway entrance to the property with the proposal to include no changes to the location of the ground sign itself, but rather a change to the panel that currently has changeable letters. The sign face is now proposed to be an internally illuminated electronic message display sign with full color options. The overall dimensions of the sign face will be three feet by four feet. Based upon this information, the Board finds that this standard has been met.*

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

**MOVED AND SECONDED:** that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Center Cotton LLC dba Gritty McDuff's, for alterations to an existing ground sign at 187 Lower Main Street (Tax Assessor Map 8, Lot 23), to be built substantially as proposed, application dated 03/27/2023, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
  - 2) Prior to any construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
  - 3) The sign will be lit consistent with their hours of operation in the restaurant.
  - 4) A dark background and a font that is consistent with the color and style that is on the existing permanent sign.
- (Hamlen & Yankee) ROLL **CALL VOTE:** (5 Yes) (2 Excused-Berger & Donahue) (0 No)

Mr. Stebbins advised that he has already submitted a check with the permit application and was brought to the Board for review. Ms. Pelletier noted that he has to get any permits from the Freeport Codes Enforcement Officer and do whatever he needs to do with him. She does not know his case status.

Mr. Monteleone pointed out that he has concerns about bright signs. He has concerns about how the sign works at the Public Safety Building and how that works within Design Review. He thinks that presents issues with regard to our criteria as to relationship with façade materials as to site features. He has concerns about that imagery and without specific limitations and understanding of about how the sign would be used, he is generally opposed to that digital sign post. Mr. Yankee noted he would not disagree with that. Ms. Pelletier added that the Board can't regulate the content of the sign. The relationship of the façade materials is the side of the building and not the sign. You have one standard in here for signs and internally-illuminated signs are not prohibited there. They are allowed. The Town sign because it was for municipal purposes was exempt from Design Review. We have other internally illuminated but she can't think of any other digital message boards that we have in Design Review. She asked Mr. Mathew if he has installed any others. He noted that he is not aware of any recently, no.

Mr. Monteleone explained that this is an example of things such as brightness and the font we are forfeiting to regulate with an everchanging digital sign. He thinks it is inconsistent with what our Design Review Ordinance imposes for requiring this subjective review of signs. Ms. Pelletier referred the Board to Standard 10 that is the standard the Board has to go for signage. Chair Reiche read the standard into the public record and feels illumination is the one Mr. Monteleone is raising the issue on. Mr. Monteleone added that the digital screen as opposed to a solid faced sign and colors which here are unknown.

Mr. Mathew advised that this would be a full color and the applicant has the capability to use any color they would like. He was not aware that font was a thing but the applicant can go to whatever font they would like. It is computer based so whatever you have on your computer, you are sending to it such as colors or anything like that. It can look just like a normal letter-changing board with a black background and white letters in whatever font you want. They could stick to that or agree to that effect. Mr. Stebbins pointed out that as you are driving south, there is a huge telephone pole right in front of their sign so you can hardly read the sign if you are heading south. The only way you can see their sign is if you are driving north on Main Street coming into town. As far as materials, Mr. Mathew added that signs are made of all different materials and in this area as well, whether it be wood, acrylic, aluminum or anything. This is just an aluminum-based material as a screen. It is not like a television screen so it is aluminum material that has light modules in it. Mr. Monteleone noted it is a modern screen as opposed to the antique one currently in existence.

Ms. Hamlen asked if we are talking about the section underneath the main sign that says, "Nightly Special?" Mr. Stebbins replied yes. Ms. Hamlen mentioned that the main Gritty McDuff sign is old fashioned on a board. Mr. Stebbins noted it would remain. Ms. Hamlen asked if anyone else has a neon sign? Mr. Mathew advised that it is

an LCD display and the only one he knows is at the Public Safety Building in the same make, model, controls and same capabilities. Mr. Heesemann noted that Mr. Mathew mentioned there are limitations on brightness, lumens, time of day and asked if this is something that is programmed into the sign itself but not to exceed that value? Mr. Mathew agreed and explained that the operator can program it all the way down to zero when there is nothing on the screen or bring it back up to 100%. They could ask the manufacturer to limit the color brightness that they could do or limit it down and they agreed on 70% maximum lumens. They could have it done internally where they couldn't adjust it past that. It can be programmed Time On/Time Off, Time to Dim, Time to Brighten so during the day is when you generally have it brighter so you can see it. At night, it dims down and they can turn it off every night at 11 when they close if they want to and not turn it on until 10 in the morning. It is all pre-programmable. They could have this documented if it needed to be. It is made in New Hampshire. Chair Reiche asked Mr. Stebbins if it would be agreeable to only have it on when they are open for business? Mr. Stebbins feels it makes sense to him.

Chair Reiche mentioned on the brightness, Ms. Pelletier says we don't have a specified number of lumens or however you measure brightness. Is there some way we could impose a requirement that it wouldn't be brighter than the Credit Union across the street or something like that? One reason he is not personally troubled by the notion of this is that it is in a part of town where there are a fair number of lit signs. Mr. Mathew advised that their sign is white and if you are controlling straight white, as soon as you add color to it, the lumens diminish anyway. As soon as you put a blue to that white light, you are going to get a lower number of lumens coming out. It is not pure white at that point. They can try to bring it to a point that satisfies everybody but still be beneficial to his client as well. Ms. Pelletier feels that might be too subjective because if you go LED or traditional light, they really do look different. That is part of the reason why down there 527 has preferred a dark background because it is not so bright. Gritty's is not open that late anymore so if the Board wants to time it around that, she is sure if people feel it is too bright and distracting, we will get complaints and they will probably complain to the state due to the location and proximity to U.S. Route One. More discussion followed. Ms. Pelletier asked the Board with some conditions that have been discussed, do you have what you need to make a decision? Do you need more information to better understand how this could operate and what it could look like, knowing that they are not prohibited?

Mr. Monteleone advised that as it stands, in his opinion, we have inadequate information as to colors, lettering style, and this can perpetually change colors or lettering styles without coming back for a secondary review. If we move forward today, he would vote against it because we don't have adequate decisions on those points. He would suggest that we table and they can come back and commit to a fixed color scheme and a fixed lettering scheme with which the message can change so long as we have a defined color and lettering pattern.

Mr. Stebbins pointed out with all due respect, that is exactly what they have now. He has a fixed white sign with green letters. Mr. Monteleone pointed out that the core sign is great. Mr. Stebbins mentioned that the problem is that the sign has been there for 27 years and he has to replace it. Mr. Monteleone added that he is not saying it should be limited to old signs. He is saying that the current sign has a predictable color, predictable color pattern and predictable lettering pattern. The new sign proposed does not have a predictable color, predictable color pattern and predictable lettering pattern and because it is in the Design Review District, what is presented to us is whether or not it is a reasonably agreeable color and lettering pattern. He needs additional information about conditions for that and to be able to satisfy those. Mr. Yankee pointed out that the current sign is not back lit. It is front lit and the current sign is white and the back is white with green lettering. The options are pretty limited in terms of what they can put out there in terms of colors and light.

Chair Reiche noted that this is unplowed ground for us. He asked a few things that might get us over this hurdle. He feels it would be nice to get the applicant out of here with an approval if it is possible tonight. Limiting the

light on the sign to hours of operation are something Mr. Stebbins would agree to? Mr. Stebbins agreed. Is a dark background something Mr. Stebbins would agree to? Mr. Monteleone asked if a dark green background with white or white/ yellow lettering would be reasonable? Mr. Stebbins feels it sounds reasonable to him. Mr. Monteleone asked what about a lettering scheme that is consistent with what is shown near the existing lettering scheme design? Mr. Stebbins feels it has worked great for him for the past 27 years. It is not broken and he is not trying to fix it. Mr. Mathew added that they could replicate what is changeable letters and can replicate the same font. Mr. Monteleone he is saying to have a similar font to the letters that will remain for the restaurant/pub brewery. Ms. Pelletier added that there will always be a variation between whatever fonts are on the computer program and the exact colors. The condition could say that the colors and fonts used on the sign shall match the existing signage as closely as possible or something like that. It will leave it broad enough to give a little flexibility to match as close as they can. It is being a little more realistic and practical. The green will be different than the flat but it will give you an idea of how it will blend in and what it is going to look like.

After the motion passed, Mr. Stebbins mentioned he appreciated the Board working with them.

#### **4 Park Street – Design Review Certificate**

The applicant is seeking approval of a Design Review Certificate to add roof mounted solar panels at a residential property at 4 Park Street. Zoning Districts: Village Mixed Use District II (VMU-II), Freeport Village Overlay District (FVOD), and Design Review District II – Class B. Tax Assessor Map 13, Lot 68 (4 Park Street). Kristine Corey, Revision Energy, applicant; Gail and Mark Spruiell, owners.

Ms. Pelletier explained that this is a Class B structure in Design Review II. The applicant is proposing roof-mounted solar panels. She went down and looked at it and they are partially visible from Bow Street. It is on two sections of the existing property. Since there is visibility, it is why it is here before you. This is the same property that you approved some fencing for a couple of months ago or perhaps longer. In Design Review this is considered a material change even though it is not something very clearly addressed by Design Review. We have had other instances where the Board has considered solar panels on the roofs of other properties in the district so the applicant is here before you tonight for a roofing material change.

Kristine Corey from Revision Energy that is the company proposing to install these panels. She introduced homeowner Mark Spruiell. The proposal is 30 roof-mounted solar panels on the back side of the house. There are two back type roofs and she believed the Board had the Site Plan. There will be 19 panels on one side and then 11 on the other. Mr. Spruiell noted that if you looked really hard at it, you could probably see it from Bow Street if you looked through two properties toward their house. The house faces to Park Street and is an ell shape and all the panels will be on the back side.

Mr. Monteleone asked if there is a color contrast between the existing shingles and the color of the solar panels. Mr. Spruiell advised that the shingles on both parts of the house are black and there should be pretty minimal difference there.

Since there were no further Board comments and no comments from the public, Chair Reiche called for a motion.

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

**Design Review Ordinance: Chapter 22 Section VII.C.**

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

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

- 2. Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height or 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 two sections of the roof, with varying visibility. 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:** that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Kristine Corey (on behalf of Mark Spruiell) for exterior alterations at 4 Park Street (Tax Assessor Map 13, Lot 68), to be substantially as proposed, application dated 03/27/2023, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated

- conditions.
- 2) Prior to any construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Yankee & Hamlen)

Mr. Monteleone advised that it is not related to this application but as we are planning for things in the future to talk with the Council, he thinks carve outs for solar panels in Design Review are something that should happen by ordinance rather than reviewing the view of solar panels.

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

Chair Reiche explained to Mr. Heesemann that for historic structures we don't have a real historic zoning ordinance for the preservation of historic buildings. We classify buildings in certain parts of town as Class A, B, or C and A is the most historically important. We have two historic districts that are on the National Historic Register. Those are buildings that are more precious to historic preservation. He mentioned to Mr. Monteleone that he was going to get feedback from the Council and Planning Board on easing up and maybe not even coming before us, if it is residential and is not a Class A building with discretion from Staff. Staff can review it and if there is anything funky about it, you can bring it to us. Ms. Pelletier noted we have funding to overhaul the Design Review Ordinance which is already in the work plan of the Planning Board. She asked if Chair Reiche feels we can wait six months until that project is underway or there is a more immediate need? Chair Reiche mentioned he would like to get this before the Council on an interim basis. He asked if the Board is okay with it? Ms. Hamlen added that she is okay with it and this came up before and would like to see it get on their agenda. Ms. Pelletier offered to put this on the next agenda for discussion and bring something forward for the Board to consider.

Mr. Monteleone mentioned that another related issue that has come up recently is handicapped access and feels we really have an obligation to provide those things and like solar panels, ordinance is the right way to address those things. Ms. Pelletier added that applicants are still coming to the Board for ADA ramps. The solar panels we have seen have been pretty uniform but the ramps, though there have been uniform components, there has been a little bit more discussion. Chair Reiche recalled the handrails at the Jamison Tavern. They were meeting code but they were bright and we got them to change the color. Ms. Pelletier suggested putting both of these on an agenda and we will talk about them and you can decide if it is appropriate to break them up.

#### **Young's Lane Subdivision – Subdivision Amendment – PUBLIC HEARING**

The applicant is seeking approval of an amendment to the previously approved subdivision plan for the Young's Lane Subdivision on Young's Lane. The proposed change includes a realignment of the road right-of-way boundary near Unit 6. The actual location of the constructed road will not be altered. There will be no changes to the number or location of previously approved units and/or lots. Zoning District: Rural Residential I (RR-I). Tax Assessor Map 26, Lot 4A-4 (17 Youngs Lane). Fletcher Property Group, LLC, owner; Fletcher Property Group/Justin Fletcher, applicant; Richard Hamilton, PLS, Boundary Engineering Survey Technology, representative.

Ms. Pelletier explained that this was approved a couple of years ago. The only thing before you for review and discussion tonight is an adjustment of the right-of-way. That being said, it is a public hearing and she sent the Board a couple of additional documents she offered to show:

- 1) for subdivisions we like the roadway to be in the center of the right-of-way to the greatest extent possible so the applicant did a close-up rendering showing with the adjustment of the right-of-way, the road would not be exactly in the center while we like them in the center as much as possible but it

doesn't always happen.

- 2.) Some clarification that the applicant owns the road.
- 3) We asked for some additional clean-up to the recording plat. When people update them, they bring them forward and reference the previous book and page but quite often things change. In this case, they needed to add the owners of the lot, the current map and lot, the updated address for the owner and they have to add notes which are on the draft you had in your packet regarding what the changes are.

The applicant and surveyor are here but the short explanation of what happened is the applicant had a permit for a dwelling. They staked the foundation but didn't stake the porch. When they were going to sell, they did the mortgage survey and it came up that the porch was too close to the right-of-way so options were either to A) adjust the area of the right-of-way so that that section of the porch on Unit 6 meets the setback and if they explored all other options, their other option would be to go to the Board of Appeals.

They are here before you tonight for an amendment to the right-of-way. The actual road is not going to change. It is going to stay where it currently is today but that inner boundary of the Young's Lane's right-of-way is proposing to change. The applicant and surveyor are here tonight and can give you more information on the change before you for consideration.

Dick Hamilton, surveyor explained that he has been on this project since Day One and they have a bust down on Unit 6. The foundation is fine but the porch sticks out into the right-of-way. He has gone through and realigned that portion of the road moving about almost 6' center right at where the encroachment was and flattened that curve out. The road is still in the right-of-way. It doesn't affect anything but bring back the Unit 6 porch into compliance. He promised it would not happen again. Ms. Pelletier added that the back units are condo units so the LLC owns the land. Individuals own the units and Mr. Fletcher owns the right-of-way. Notices were sent out within 500 feet.

Mr. Monteleone asked about the area where the right-of-way moved to is designated common or limited common providing a unique front yard survey? Mr. Hamilton explained that they are not changing any monumentation. Everything fits right back in there and it is only common elements that they are affecting. Mr. Monteleone clarified that as the declaration is written, Unit 5 has the right to walk over and utilize this portion of the right-of-way no differently than Unit 10 does. Mr. Hamilton agreed and mentioned they would have to do amended copies to reflect the change in the right-of-way with a new description of the declaration declaring the rights of the road. Mr. Fletcher advised that Units 7, 8, 9, 10, 11 and 12 have not been sold.

Chair Reiche clarified that what Mr. Monteleone is asking for is what documents are in place that require approvals, condo declarations or subdivisions or declaration restrictions? He read an e-mail from the Town Attorney into the public record regarding the Young's Lane Condo Association. Mr. Monteleone added that he understands the right-of-way is common. He would like confirmation that what was initially laid out being outside of the right-of-way, in other words one of the unit's front lawns is also designated as common and not limited common. However, the standard to move from limited common to common is essentially converting limited common to the right-of-way is a higher standard than that. It was common and is still common. Ms. Pelletier pointed out that that is a legal technicality that this Board has not gotten into. Mr. Monteleone added that because 7, 8, 9, 10, 11 and 12 have not been sold, in essence it doesn't make a difference. They can incorporate it into their declaration before it is sold and that would be fine.

Ms. Pelletier asked if Mr. Monteleone wanted to add a condition requiring that they submit the updated copy so we will have it in the record? He agreed that it is important to add the revised declaration incorporating

this change as well as to reference in the record that our action is in reliance on the representation that Units 7, 8,9, 10, 11 and 12 have not been sold.

Ms. Hamlen asked if this applicant was going to the Zoning Board of Appeals, would it be a different issue? He had a choice of coming to us or going to the Appeals Board. What is the difference? Ms. Pelletier explained that the Zoning Board of Appeals has very specific things they can do. The first question they would ask him is have you explored all other options? In this case where it is on the common land and he still has interest in a lot of the units and still has the right-of-way, this seemed to make a logical first step because when he got to the Appeals Board, they were going to ask him if he explored all other options so yes, you were Stop One. Chair Reiche added that if it went to the Board of Appeals, it is a different standard of proof and you have to prove hardship and probably it would be a much tougher thing for the applicant to prevail on. It seems to him that as long as the applicant is truly in legal control of this road and both sides of this road without any rights that need approval from condo owners or lot owners, it seems we can approve it if we want to. Ms. Pelletier advised that in this case given all the factors, it has already been through subdivision and the Board had previously determined that all the subdivision standards had been met, they are really just changing the right-of-way, it seemed to make procedural sense for them to stop here first.

**MOVED AND SECONDED:** To open the public hearing. (Yankee and Monteleone) **ROLL CALL VOTE:**  
(5 Yes) (2 Excused-Berger & Donahue) (0 No)

There were no public comments provided

**MOVED AND SECONDED:** To close the public hearing. (Yankee and Hamlen) **ROLL CALL VOTE:**  
(5 Yes) (2 Excused-Berger & Donahue) (0 No)

Chair Reiche called for a motion. Ms. Pelletier advised that if someone wants to make a motion, there is a TBD on the date of the recording plat and it should be changed to 03/29/23.

#### **Findings of Fact – Freeport Subdivision Ordinance:**

##### **11.1 Pollution**

###### **A. State Standard**

**Pollution.** The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the floodplains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

*No changes are proposed other than the location of a right-of-way boundary. Based upon this information, the Board finds that this standard has been met.*

##### **11.2 Sufficient Water**

###### **A. State Standard**

**Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

*No changes to water usage are proposed. Based upon this information, the Board finds that this standard has*

been met.

### **11.3 Impact on Existing Water Supplies**

#### *A. State Standard*

**Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

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

### **11.4 Soil Erosion**

#### *A. State Standard*

**Erosion.** The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

*No changes are proposed other than the location of a right-of-way boundary. Based upon this information, the Board finds that this standard has been met.*

### **11.5 Traffic Conditions**

#### *A. State Standards*

**Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

*No changes to vehicular access are proposed. The area of the right-of-way near unit 6 is being adjusted slightly and since the location of the actual road is not proposing to change, it will not be located exactly in the center of the right of way in that area. The remainder of the right of way boundaries will remain as previously approved. Based upon this information, the Board finds that this standard has been met.*

### **11.6 Sewage Disposal**

#### *A. State Standards*

**Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

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

### **11.7 Solid Waste**

#### *A. State Standard*

**Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

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

### **11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline**

#### *A. State Standard*

**Aesthetic, cultural, and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

*The only change proposed is to a small section of the right-of-way boundary. Based upon this information, the Board finds that this standard has been met.*

#### **11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.**

*A. State Standard*

**Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

*No changes impacting the space and bulk standards are proposed. Based upon this information, the Board finds that this standard has been met.*

#### **11.10 Financial and Technical Capacity**

*A. State Standard*

**Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section.

*The updated recording plan was prepared by Richard Hamilton, Professional Land Surveyor. No site changes are proposed other than a change to the right-of-way boundary. Based upon this information, the Board finds that this standard has been met.*

#### **11.11 Impact on Water Quality or Shoreline**

*A. State Standard*

**Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B<sup>1</sup>, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

*This parcel is not located within the watershed of a great pond or lake nor is it within the Shoreland Zone. Based upon this information, the Board finds that this standard has been met.*

#### **11.12 Impact on Ground Water Quality or Quantity**

**Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

*No changes that would impact water quality or quantity are proposed. Based upon this information, the Board finds that this standard has been met.*

#### **11.13 Floodplain Management**

*A. State Standard*

**Flood areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps,

Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

*The area of the right-of-way is not shown to be in a flood plain. Based upon this information, the Board finds that this standard has been met.*

#### **11.14 Identification of Freshwater Wetlands**

*A. State Standard*

**Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

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

#### **11.15 Rivers, Streams, and Brooks**

*A. State Standard*

**River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

*No changes impacting any rivers, streams or brooks are proposed. Based upon this information, the Board finds that this standard has been met.*

#### **11.16 Storm Water Management**

*A. State Standard*

**Storm water.** The proposed subdivision will provide for adequate storm water management.

*No changes to the previously approved stormwater management plans are proposed. Based upon this information, the Board finds that this standard has been met.*

#### **11.17 Spaghetti Lots**

**Spaghetti lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

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

#### **11.18 Phosphorus Impacts on Great Ponds**

*A. State Standard*

**Lake phosphorus concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

*The development is not within the watershed of a great pond. Based upon this information, the Board finds that this standard has been met.*

### **11.19 Impacts on Adjoining Municipalities**

#### **A. State Standard**

**Impact on adjoining municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

*The parcels do not abut or cross the municipal boundary. 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 Subdivision Ordinance.**

**MOVED AND SECONDED:** that the Freeport Project Review Board approve the printed Findings of Fact and Amended Subdivision Plan for Fletcher Property Group., for a change to the boundary of the right-of-way in the Young's Lane Subdivision (Tax Assessor Map 26, Lot 4A-4), recording plat dated 03/29/23 to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision 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) This approval incorporates reliance on representations from the applicant that Unit 7, 8, 9, 10, 11 and 12 of the condominium are owned by the applicant.
- 3) Prior to the sale of Unit 6, the applicant shall provide the Town Planner with a letter from a Professional Land Surveyor stating that all monumentation shown on the plan has been installed.
- 4) The final signed copy of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed, otherwise the plan shall become null and void.
- 5) The applicant shall provide the Town with revised declaration reflecting the amendment subject to review and approval by the Town Attorney.
- 6) The applicant shall provide the Town with a digital file, in a format compatible with the Assessor's records, containing the information shown on the recording plan. (Monteleone & Yankee)

Chair Reiche asked to add an additional condition:

- 7) This approval is subject to a letter from the applicant's attorney that this approval is consistent with the rights granted under the condominium subdivision documents. (Mr. Monteleone and Mr. Yankee approved of this addition.

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

Mr. Mathew asked if a letter from their attorney stating that it was properly taken care of satisfy the Town's needs? Mr. Monteleone agreed that it would.

**ITEM V:** Discussion of Rules of Order and Procedure of the Freeport Project Review Board.

Ms. Pelletier explained that the Board has had discussions in the past about Rules of Order and Procedure so we have had these in place for quite a number of years. We took a stab working with the Board and feedback from the Board to reflect current practice and got some legal guidance from the Town Attorney about changes that needed to be made. Due to the ongoing workload of the Board and changes we hadn't revisited them. She is bringing them to you tonight based on some questions. She knows Mr. Monteleone had questions on things we might want to look at. Are we doing things this way or are there things we might want to do differently? She thought this could be a good time to review and see if there are things the Board wants to flag to look at. If you do, she will take those back and see if those are things we already flagged to amend. If not, she will reach out to the Town Attorney and get her guidance and bring you back amended versions.

Mr. Monteleone referred to Page 3 in Subsection 7, our current rules require that the Board must allow the public to comment prior to any Board vote during order or procedure. He would propose striking the sentence that starts: Before the Board votes on any order or procedure, the Board must allow the public to comment.

Ms. Pelletier added that any comments the Board talks about tonight, she will run them through the Town Attorney and explained how a new version would be brought back to the Board for discussion in a full track change version. The Board can make more changes before it goes to the Town Council.

Mr. Monteleone referred to Page 4 in Subsection 8. After 9:30 agenda items that have not been discussed may be tabled to a future meeting. He would propose making a change to the phrase from *that have not been discussed* to *not yet been acted upon* to at least give us some flexibility of saying not too long, we are going to roll over so as not to force us into the 11 o'clock hour.

Ms. Hamlen added that there are two sides to that. We could have people who have a very small item and if you put them last in favor of the bigger issue to provide more people more time to comment. It is going to work against somebody but she is not sure it makes sense to get the little items out of the way and you can spend the rest of the evening on the one that has everybody's attention. Mr. Monteleone clarified that the rules say may and we have the option to change. Alternatively, we could change this rule to say that items can be tabled at out discretion based on timing of the meeting. It would accomplish the same thing. Mr. Yankee noted he is not seeing a problem. Ms. Pelletier explained that when she first started working in Freeport, they could have used that provision at every meeting when they went so late. As time went on, and the Board has become proficient and the applicants have changed, it is pretty rare that we get to that point. Recently we have had some of those applications but that really is not something this Board has had to utilize which is not common in a lot of other towns. Chair Reiche mentioned he had a different approach to this. His concern is with our having the authority to splitting an item part way through and pushing it to another meeting because if you have an absentee problem at the next meeting and we want a lot of respect shown for the public. He is comfortable with us having the latitude to cut off if we have not gotten to that point in the agenda but we can still pursue both. One thing he was going to ask that he feels will solve the problem is if we could always do public hearings first just out of respect for the public. Ms. Pelletier explained that this Board operates differently. Public hearing is a specific legal term and so we have to legally have them for a subdivision for example and what it means is we pay to put an ad in the newspaper because State Law says we have to do and have certain places we circulate the agenda as well as on the website. You typically have the option to set public hearings for Design Review and Site Plan. In certain cases, you trigger them but the practice of Freeport's Boards is that you take public comment so in a way you do typically treat everything like a public hearing. Just because it doesn't say Public Hearing your typical practice is that you do take comments. Chair Reiche agreed that we do it as a courtesy but he thinks that on the ones by ordinance or statute we are required to have a public hearing, those are more formal ones. Ms. Pelletier noted so tonight the Board would have taken the Subdivision out of order and put that ahead of everything else. Chair Reiche disagreed with out of order but suggested drafting agendas in the future, make that first. Ms.

Pelletier feels we should revisit here is the order item. Typically, we had tried to do the smaller items first like Design Review so people would not have to wait here all night. At the last big public hearing, you actually took up the Design Review Certificate so she didn't have to wait all night. When we have gotten into the bigger projects, she has been putting the tabled items first and new items after. Chair Reiche feels there is certain logic in doing public hearings first because it is likely to be a bigger crowd. Ms. Pelletier thinks the Board can but if you are going to do it, she doesn't want the Board to get in the habit of feeling bad and taking things out of order. People come at a certain time and go by the order. She noted that the Town Council does public hearings first. More discussion followed. Mr. Yankee asked if the agenda could be reviewed between the Staff and the Chair? Ms. Pelletier agreed but does not feel it is bad to have an order.

Ms. Hamlen added that if we are going to have a lot of people coming to a public hearing, should the applicant not have the opportunity to put their case coming in for final approval and want to say this is where we started and here we are. There are a lot of people that come to a public hearing that have been told to come but they don't have the background, the discussion by the Board and the presentation by the applicant can offer them. Basically, they are coming to give their opinion before they have sat in the room or been to a meeting to hear the case being made. Chair Reiche added that he is not suggesting that the public hearing go before the presentation of that agenda item. He is saying the whole agenda item would go first. Ms. Pelletier said that maybe we could flag something to look at putting a standard for order of agenda items so we have a procedure. She will look around and see what other towns have. Mr. Yankee suggested that the Chair and Staff work out the agenda order because there may be a reason to set the agenda in a certain way, given the size of a project.

Mr. Monteleone referred to the language in Section 18 which allows for any member of the Board to introduce an item out of order. You can find in language there that essentially sets a preliminary review set by consultation with the Chair. Ms. Pelletier noted it actually says it in here under Board Meeting Agenda. Mr. Yankee feels it is better as a guideline rather than a rule. Others agreed. Ms. Pelletier offered to flag it and look at it and see if there is something we want to add.

Mr. Monteleone feels guilty when we have the presentation and have a room full of people that want to comment on the application and gave up their evening to provide their feedback and we force them to watch us banter for another 45 minutes before they can say their piece. Sometimes it can feel like we have already made up our mind and their opinion doesn't really change that much which he thinks is problematic. He proposed in Section 14 that we actually hear the application and then hear any comment related to it before we chime in related to either the application or comments we heard.

Ms. Pelletier did not have any objection to that but will flag it to the Town Attorney because we always have this process but the separate legal guidance we have gotten has always followed these steps. She wants to make sure there is nothing out there. Mr. Monteleone added that other towns certainly don't do it the way we do it. He feels Biddeford does this very well and explained what they do. Ms. Hamlen asked if the Board could ask questions prior to turning it over to the public? Ms. Pelletier advised that this is what we are trying to figure out if there is a better way to do that over what you are doing now. Mr. Yankee feels there is an opportunity if you are unsure as a Board member upfront to say, I hear what you are saying. I have questions and I am trying to wrestle with this. In listening to people speak, some of them may be experts and that may help with his decision making rather than waiting and not giving them the opportunity to address his concern. He is looking for a little guidance here. He thought it worked well last time where we had some discussion up front. He feels it is helpful for him to have that dialogue and now he has lost that opportunity to elicit feedback from the public or commenters.

Mr. Reiche feels it is crisper if we ask technical questions and then go to the public comment and we have the benefit of the public comment and then we have our full discussion. Ms. Pelletier noted that she thought the Board was saying that your technical questions could sometimes be perceived as concerns. Mr. Yankee agreed that for him it is helpful to get comments maybe to the degree that people are willing to provide comment from here and for people to provide comment on our comments. Ms. Pelletier offered to do some research on it and see what Biddeford has. It might be easier if we see an alternate procedure and react to it and then compare them side by side. Chair Reiche suggested that she ask the Town Attorney how it is addressed in other towns or works well. Mr. Yankee feels the Town Council is doing what we are doing and gave an example of the bike trail discussion.

Mr. Monteleone referred to Section 13 that talks about our ability to limit the amount of time to comment on anything that is not a public hearing. He noted it should read may limit comment. He suggested defining 2 minutes or other time defined determined by the Board. We establish what the go to standard will be. His thinking is that it prevents it from being perceived as we don't want to hear from you so you are limited to 2 minutes and we are treating this in the normal course. Ms. Pelletier clarified that we should keep the ability to limit time but reword it so if you are going to limit time, the base is 2 minutes unless you decide otherwise. Mr. Monteleone clarified to limit it to 2 minutes or other amount of time determined by the Board. Chair Reiche mentioned that we use 2 but it is a wicked short period of time. Mr. Monteleone added that he is okay if we determine the time should be 3 but we should have a base number and he thinks the base number should be smaller rather than larger when we have a room full of people and he doesn't want to send the message that we want to do shorter than normal because it is a controversial issue.

Mr. Yankee said if we do that and most of our discussions we would agree go longer than that, are we setting a precedent that unless we vote at every meeting to say we can go longer on this, are we setting a precedent if we by practice, don't enforce that 2 minutes except when we have to? Do we make that difficult to enforce? Mr. Monteleone added that if we set that as a standard rule, it is just one thing we can do in every other meeting which is to waive the standard time limits and proceed. No one can say, you never enforce it. Chair Reiche advised that he would be more comfortable with 3 minutes rather than 2. If the public is going to go to the trouble of giving up their evening and sitting here, Ms. Pelletier advised that it is not universal. It is only when you decide you are going to limit it. She asked if everything on tonight's agenda, the Board would have had 3-minute public comments? Chair Reiche mentioned he is more comfortable with 3 than 2 so he used 3 in his example and that is what the Council has. He suggested we would have in our procedure public comments 3 minutes unless otherwise approved by the Board. He mentioned that he has been on the Board for five years and it has never been discussed until the last meeting. Ms. Pelletier likes having a base for when the Board does want to implement it but she does not like the Board having to waive it at the beginning of each meeting because now you are choosing to do the same thing and choosing when not to waive it. She likes the base time and feels the Board has to limit it when the room is packed. She feels it is a good point to talk about and look at.

Mr. Monteleone referred to Section 25 that requires that all materials be provided to us by 4 p.m. on the Thursday before the meeting. He feels that is so far out. An example is what happened today where we are getting things at 3 o'clock which is unreasonable. Ms. Pelletier advised that you can definitely cut off but there are some State issues in here because we had this when we worked five days. The problem is that a lot of stuff will get tabled because historically we go through everything with a fine-toothed comb and in 21 days with the workload, we can't always get there. We can have a cut-off to get stuff out earlier but tonight, this would have been tabled. Mr. Monteleone proposed it as close of business on Monday. If applicants feel that they have to get it done by then or it will be tabled, he thinks they will get it done by that deadline if it is feasible to do it. Chair Reiche knows that is how it works in other towns and he agrees with it. Mr. Heesemann feels getting

information two hours before the meeting is not enough time. He would suggest the cut-off on Tuesday at 4 p.m. which would give the Board time to review the information. If the Board wants to have a hard cut-off, Ms. Pelletier doesn't mind that. The only thing that concerns her is like a recording plan. To table somebody and be it oh you know what, this has come up from the public so we are going to propose a condition. They have to have conditions on the plan or if they miss a map and lot to then have to table them after we have run public hearings. Mr. Monteleone added that some substantive written changes or comments and something like that where it is incorporating something written in pen elsewhere that is okay. Anything that requires being circulated and saying make sure you see this. Chair Reiche noted he is comfortable having a hard cut-off with a meaningful lead time because it is not just our convenience, but it is also the public. There are people that follow something.

Ms. Pelletier clarified that 25 is written comments from the public. This is not talking about submission items. Mr. Yankee suggested saying close of business for both public and submittals. Mr. Monteleone agreed. Chair Reiche did not feel strongly about public comment. For public comments, Ms. Pelletier mentioned they have the ability to come to the meeting and if we are going to have a hard cut-off. In her dream world she would love to have the packets done by 4 o'clock on Thursdays. That being said, 4 o'clock Thursdays is a hard time to be getting tons of e-mails in your inbox when you close at 6 o'clock so if you want to keep a hard cut-off on public comment, she would actually suggest moving it up earlier in the day or moving it to Monday. Mr. Monteleone feels there is some value having consistency between the two types of materials rather than one time for submission materials and one time for comment materials. Ms. Pelletier asked if she can flag that to look at and come up with a time line? The Board agreed.

Ms. Pelletier referred back to Item 2 for applications that go to the Town Planner. Chair Reiche feels this one should be strict. An applicant submits by Wednesday at noon, 21 days prior to the meeting then we start circulating it internally to department heads, the Town Engineer and the Town Planner. At that point we start going through them all in preparation for the agenda which goes out the following week. They are gone through with a fine-tooth comb to make sure they submitted what they need to and if they need revisions. Adam will do stormwater review. You rarely see a first submission that comes in 21 days prior because they always need changes and depending on the size and scope of the project and the projects in the queue, they could be getting those comments the week before the meeting. If we don't want to do that, that is fine. We can start tabling applications or having them come to the Board for discussion and table them to another meeting. We do a lot behind the scenes but it can come down to the last minute. It is intended to be business friendly but it can be perceived as business unfriendly. Chair Reiche suggested setting the cut-off back a few days and be firm on it.

Ms. Pelletier advised that we are looking at adding a new section for no additional substantive materials can be submitted by the applicant after a certain cut-off. Board members agreed. She mentioned we would have to look at them because we post stuff Thursday or Friday before the meeting and it would give the public time to look at it for the weekend. She does not post written comments on line. We are just trying to put application materials on line. We can't put them all on line because some are too big and the website can't accommodate them. In this case, these smaller packets, she put the whole thing on line. For L.L. Bean she put the whole plan set. We are trying to put up what most of the public is trying to look at and what our site can handle for capacity. Mr. Yankee asked about 22 Main and Ms. Pelletier advised that she put renderings and site plans but it was so big she could not accommodate the whole submission. Mr. Yankee asked how someone could get plans for something like that. Ms. Pelletier explained that they could come in and look at what we have here and could purchase a copy if we are able to reproduce them. There are multiple ways to get them.

Mr. Yankee mentioned one thing from the Council's perspective and the outcome from the Downtown Visioning project is how can we make the review process more expeditious for not only applicants but residents as well.

How can they get better access to information and better information? Government is inherently inefficient for a lot of good reasons. Ms. Pelletier feels it is a balance. We try to be business friendly to get people through the process and give them a chance to make changes but at the same time it sometimes it contributes to the perception of being difficult to work with. Having a hard cut-off in writing for no substantial material from a Staff perspective, we might need to revisit it if we are constantly putting people off because that is not the direction that Council wants us going in. It is nice to have it documented. She feels those are good changes and she will get something back to the Board on those.

Mr. Monteleone mentioned a minor detail and in the Rules of Order but if we are talking about conducting meetings more efficiently, something we saw in the 22 Main Street project and in other subdivision reviews where we do Design Review, Site Plan Review and Subdivision Review all at the same time in multiple meetings where we break out the discussion in these three categories again and again and again. We have the applicant come and give their full spiel repeatedly in one hand it values having the public see the whole thing but on the other hand it feels woefully redundant to just do this all again. He is interested in exploring if there are ways to carve out talking about Site Plan and if there are ways to act in a way to put that as a placeholder for them to reincorporate down the road and not have to revisit the entirety at each meeting.

Ms. Pelletier thinks the Board cannot use the two recent subdivisions downtown as examples because they brought a lot of public interest and complexity that other projects haven't. Mr. Yankee suggested communication and feels communication is really key along those lines. He thinks the Town can do a much better job. If you pick up *The Forecaster*, Yarmouth and Falmouth have a portion of a page showing their agendas and what is going on that week. He would like to see Freeport do that more aggressively because when both of these projects started going through, it was crickets and then it was why aren't people hearing about this? Had it been posted more aggressively, he thinks the process may have gone smoother or may not have, he doesn't know but feels it would have gone smoother because more people would have been aware of it. Sooner is another issue added Chair Reiche.

Ms. Pelletier feels the Board will be happy to hear that the Communications Coordinator's position is in the proposed Operating Budget and presented to the Council on Tuesday. Chair Reiche advised that we post public notices in the *Brunswick Times Record* which he does not read and he doesn't know anyone who does read it. As a courtesy for us to also be doing it in *The Forecaster*, it makes loads of sense. He thinks there was some Council concern that it was imposing additional burden on applicants. Other towns do not care. He has paid thousands of dollars for that stuff doing projects. Mr. Yankee also thinks that if we can support *The Forecaster*, which he thinks is important to the community, right now it is a medium that we are not using. Ms. Pelletier added that there was not Council support to require additional notice. There is a bill before the Legislature that they are looking to change that requirement so it wouldn't require a newspaper of general circulation which is why we go in *The Record* or the *Press Herald*. When we have our annual meeting with the Council, Chair Reiche feels that is something that needs to be brought up. The worse outcome of this is for the public to not know about a project and the big apartment building out on Desert Road did not get public awareness. Mr. Yankee feels we should not be looking at the minimum and Chair Reiche agreed.

Mr. Monteleone noted that he feels our website and the way we post agendas is really not very good. He knows that is not under our control but other municipalities utilize a stand-alone agenda website giving dates, agenda, agenda packet and video. Ms. Pelletier agreed ours is pretty clunky and there are limitations on how you can post it. She explained how she utilizes the community calendar. She did just write this down because it is a couple of hundred dollars every time we run something in there. They are expensive but she has no objection to *The Forecaster* but she doesn't like the idea of using it for legal obligations because there are timing constraints

there. Mr. Riche offered to jump into that discussion and share the Board's opinion. Mr. Yankee seconded that thought.

**ITEM VI:** Discussion on the State of Maine LD-2003

Ms. Pelletier offered to give the Board a two-second version and Chair Reiche felt a 2-second version would be good but he suspects it stands to be a major hot potato. Ms. Pelletier explained that she put LD 2003 on here because we have had some inquiries and we set up a new way we are doing agendas. We set up doing agendas in a different way through Microsoft Groups. You might not notice but you might when someone responds to the entire group. We got something about LD 2003 that someone sent to the entire group and you have over 100 people that get your agendas. LD 2003 is kind of a housing bill and the State adopted it last year. It has implementation requirements of July, 2023 for municipalities. It is a way to try to encourage more housing units in town. There are certain provisions and things we are going to have to require for certain Accessory Dwelling Units. There are provisions for Affordable Housing and new provisions for vacant lots in growth areas. There are new provisions that can allow existing single-family homes to add new dwelling units. There was a handout in your packets which was a guidance document that the Department of Economic Community Development issued. It gives you a really high level when you start looking at the details. There are a lot of unknowns in there so the State issued rule making because there were still a lot of unknowns. Our Town Attorney issued a lot of questions and Ms. Pelletier had a lot of questions. There are provisions for how you can get additional dwelling units and certain requirements for septic and wells and what will qualify for the bonus. On the Affordable Housing provision, it was not clear how many units have to be affordable. There are a lot of rules that towns are going to have to look at implementing to increase dwelling units. We are not going to have a say in all areas. There are some limitations like utilities. You can have some minimum lot per dwelling unit requirements. Long story short, we have been waiting for the State to finalize the rule making and address all the public comments that were produced. The first time she saw it was today. She thinks there are 28 different commenters but she doesn't know the total number of comments since she couldn't get through them all. The Planning Board has been talking about what the implications of this could be for Freeport. They have been looking at the Accessory Dwelling Units and now that we have the rule making, we will be going through that. If you are interested to really understand where you might potentially see additional dwelling units popping up on vacant lots over existing houses, she encouraged the Board to tune into the Planning Board. That is the best way to stay up to date. It is going to be a big lift for our department and will also need a lot of legal support to get the ins and outs of the ordinances. That being said, there are provisions to require housing. In certain cases, vacant lots could have up to four units. In other cases, if you have a single-family home, they could potentially add an additional two units. You need to keep in mind there are certain parameters such as growth areas, utilities, subdivision, shoreland zoning. There are still a whole bunch of pieces that come into play so at first glance we think everyone is going to run out and put four units on certain vacant lots but again, you couldn't do that today unless you trigger subdivision and certain things are going to trigger building codes so there is a lot of information out there. She encouraged the Board to look at that document. It gives you a really good snapshot if you don't think about the fine details too much.

Mr. Yankee asked if they are going to push this back another year? Ms. Pelletier advised that there was talk because of all the unknowns in rule making that that might happen. She looked today but did not see that. She believes it is still July 1. There are a couple of bills out there to have the Legislature consider delayed implementation. Freeport's Planning Board has a really good handle on what they want to do with Accessory Dwelling Units. Even if they delay it, because they have made some policy decisions on what they want to recommend, she thinks we will see it go forward. If they delay it, we could slow it down a bit and take a closer look at what we want to do as a community for land per dwelling unit requirements in the rural zones. This is not something this Board will get into the details on but it is something to be aware of and she encouraged

the Board to pay attention or tune into the Planning Board. Chair Reiche added that this has the potential to involve dramatic change.

Ms. Pelletier recalled that she forgot one item under Info Exchange. One item that came in was a temporary activity permit and explained that if someone requests a temporary activity permit for longer than three weeks, it has to go to the PRB for concurrence. It is not an official action and it is not an agenda item. She needed to make the Board aware of it and if there are no objections to it being issued, the Code Officer will issue it. This is for the temporary skate park in the parking lot on Depot Street. They are looking to close off the parking lot and put the skate park in from April 17th to October 31<sup>st</sup>. This is the third year the Code Officer is prepared to issue it but she has to bring it to the Board to make sure there is no objections from the Board. Mr. Yankee asked when construction is going to begin on the 60 units and when is that parking going to go away? Ms. Pelletier advised that they have not come in to meet any of the conditions yet. She has no idea when they will come in. She advised that that parking lot can go away because it is surplus parking for that property owner. The lot they are proposing to put the skate park is owned by the Town and she believes most of it is surplus. It would get blocked off for the summer. In order for Mr. Adams to issue the permit, she needs to know if there are any objections from the Board. Board members did not raise any objections.

**ITEM VII: Adjourn.**

**MOVED AND SECONDED:** To adjourn at 8:22 p.m. (Heesemann & Hamlen) **ROLL CALL VOTE:** (5 Yes) (2 Excused-Berger & Donahue) (0 No)

Recorded by Sharon Coffin