

MINUTES
FREEPORT PROJECT REVIEW BOARD
WEDNESDAY, JULY 21, 2021
6 p.m.

PRESENT: Guy Blanchard, (Chair) Linda Berger, GERALYN Campanelli, Tod Yankee and Caroline Pelletier, Town Planner

EXCUSED: Ford Reiche, Adam Troidl

RESIGNED: Alexis Bond

Chair Blanchard called the in-person meeting to order at 6:03 p.m. Ms. Pelletier welcomed Ms. Berger and Mr. Yankee to their first in-person meeting.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier explained that there has been a lot going on. Mast Landing Brewery had to add a couple of light fixtures for their walkway that they came to the Board for. They will be the same duplicate fixtures, full cut-offs, same style. There will be two and mostly not visible due to their location. Based upon the feedback they had gotten from the Board at the meeting, they tweaked some of the materials at the front entrance. Where it was at the recommendation of the discussion and it was far back, she did okay that. If the Board goes there, it will notice the door is as discussed and not as originally shown on the paper for that covering over it. Buck's Barbecue on U.S. Route One South did an expansion of outdoor seating. For years they had a small area with a Jersey barrier in front of it and some wood deck seating. They are just shifting it out 10 feet and they are not interfering with the travel lanes. They still meet the dimension that does block up that parking but the only difference is that it will be 10 feet closer to the road than it was. We had some new signs at 25 Bow Street. There is a new home store going in there. Next door in the yellow building, Freeport Nutrition is going in on the lower level. There have been some Staff approvals there for signage, all replacement. At 491 U.S. Route One which is the building Freeport Café is in, there is a Home Inspector in there. They did a replacement sign. L.L. Bean is refacing their ground sign at the Lightship Store tweaking some wording, same location and same size. We have another Staff approval for a tenant going in at Freeport Crossings. Saco Bay Physical Therapy will be occupying a space next to Dunkin Donuts so they will be putting a panel over the door and a panel on the existing kiosk along the road. They had two doors that they had taken out of the aluminum storefront system and converted to windows and they are putting them back to the doors originally approved as part of that building. Finally, a replacement ground sign for Freeport Montessori School which is in the First Baptist Church on North Main Street. There used to be a ground sign years ago when they first went in and chose not to use it but now, they are hauling it out of their basement, restyling it and reusing the materials for that.

2) Update on Freeport Downtown Vision Plan – Phase One (Early Action Plan)

Ms. Pelletier noted that as the Board knows, the Downtown Vision Plan has been going on for a while now. The results of Phase One have been presented to the Council and community which included some early action plans. There has been a group trying to get some of the early action plans done. We will be pulling off some of these under Temporary Activity Permits. They are meant to be temporary to get some feedback so they won't necessarily come through Site Plan Review because they will be issued in that way but it is a little more of a challenge when your Main Street happens to be U.S. Route One and you need approval from DOT and they have

just as many regulations as we do. There have been some hurdles but she thinks in the next few weeks the Board will see some installations such as the parklet on North Main Street in front of the Main Street block containing Sherman's, Derosier's, Rustic Arrow and Mangy Moose is currently being constructed and will be installed. We did get approval from DOT on that. The Board will see some crosswalks being painted, an "F" for Freeport Falcons painted on Holbrook Street and maybe in a second location down on Kendall Lane. She feels the Board will see some temporary park improvements here and also maybe behind Starbucks which they were hoping to execute but there is going to be some natural gas work going on back there so we need to time that appropriately. At the next Council meeting the Council will be holding a public hearing regarding Phases 2 and 3 regarding the funding of that. They set the public hearing for that last night so the Board will continue to hear about the Vision. There are some tentative dates floating around which she will share with the Board when they become more concrete for a Design Week in September or October that the community will be invited to participate in Open Office Hours for that. Anytime the Board would like a more formal update, it can go to the website or go to the Council meeting. Councilor Whitney or Mary Davis would be happy to come and give an in-person update so let her know.

Ms. Pelletier forgot to put on an update on our Planning Board due to our significant I-T outage and their strict notification under State Law. They have been taking some days off. They got bumped so we were not able to meet the notification deadline so they took July off but in August they will be looking at amendments to their recently adopted Solar language at the request of the Council. There needs to be some tweaks updating Board of Appeal language to be consistent with State Law. In September they will have a very large hearing on Shoreland Zoning that they have been working on quite a while and they are eager to get that completed. The Council has requested that the Planning Board look at the Emergency Ordinance and consider making some of those changes into permanent changes for Freeport. She will probably be back to see if the Board has thoughts on that or see if you want to come to the Planning Board and participate in that process. They will talk about that very generically at their August meeting to see which parts of it they might choose to take on.

The next thing Ms. Pelletier has for the Board is that, there have been changes under state law so our Board and Committees individually each have the ability to adopt a policy that would allow them to have a hybrid meeting. The Council has done this. There are certain conditions when they are allowed. You can't do it all the time. You can't just decide to meet from home but if you are out of town, travelling for work or have a real reason why you can't meet in person, there would be some options. For Freeport they are actually working to convert this room so we would have the ability to do a hybrid meeting. Typically, you would have the Board and Staff people in the room but the public could participate in person or remotely. If that is of interest to the Board, she requested that they let her know and she would work on getting that policy to the Board. Under State Law we have to put a notice in the paper and have a legal public hearing. We would probably start with the base language that the Council adopted and tweak out as needed. She asked if the Board has any thoughts on whether this is something they want to pursue.

Mr. Yankee asked if it would also include the ability for consultants, engineers and architects to be out of town as well? Ms. Pelletier noted that it was her understanding. She also understands that right now on zoom, people are kind of hidden from the public which is kind of a security feature. She talked to the Town Manager today and it sounds like if someone were to be on zoom in a hybrid mode, we would actually be able to see them now as opposed to the way we are currently doing it. Mr. Yankee noted it seems like it would be a lot more friendly. Ms. Berger noted she is interested in getting some information. Ms. Pelletier clarified that under State Law each Board and Committee has to decide and have a public hearing and a legal ad to publicly decide if it is something they want to pursue. She can put this on as an agenda item, not for action, but to show what they adopted and hear the Board's thoughts. We could then set it up for a subsequent meeting as a public

meeting since we are missing so many Board members tonight. Ms. Campanelli feels it is a good idea if it helps to facilitate projects. Mr. Yankee noted it would help keep costs down for people from out of state.

Ms. Pelletier noted that Mr. Yankee brought up an important question. Now that we are back to meeting in person, she hopes the Board will let her know if their preference is to go back to old school paper packets or digital packets or if they want to get both as we transition back into the Board Room. She asked that they let her know before the next packet goes out.

ITEM II: Review of the minutes from the May 19, 2021 and June 16, 2021 Project Review Board meetings.

Chair Blanchard explained that for the June meeting, we don't have enough Board members present. Only 3 of the Board members were present at that meeting so we don't have a quorum.

Ms. Berger referred to page 3 under the Minutes, on the moving and seconding, the vote was recorded as 7 Yes but the vote was actually 6 Yes. Ms. Bond was excused that evening.

MOVED AND SECONDED: To accept the Minutes of May 19, 2021 as amended.
(Campanelli & Yankee) VOTE: (4 Yes) (2 Excused-Reiche and Troidl) (0 No)

ITEM III: Reviews

LL Bean Corporate Headquarters – Site Plan Amendment

The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment for site and building alterations at their Corporate Headquarters on Casco Street. Changes include the demolition of some existing structures, parking lot changes, grading, revegetation, landscaping and stormwater improvements. Design Review District I – Class C & Color Overlay District. Zoning Districts: Commercial III (C-III), Industrial I (I-I) and Rural Residential I (RR-I). Tax Assessor Map 8, Lots 13 ETC, 19 & 20 and Tax Assessor Map 20, Lots 98-ETC & 101 (1 Casco Street). LL Bean, Inc, applicant and owner; Kylie Mason, Sebago Technics, representative.

Ms. Pelletier explained that the applicant was before the Board last month on zoom presenting conceptual but really not much different than what is before the Board tonight. Their plans have not changed significantly but there is a lot of site work here with the parking lot reconfiguration and there is a lot of engineering. They have been working with Adam Bliss to go through the details and get his review and comments on the engineering so that is really the changes before the Board tonight. There are a lot of technical comments, minor notes and a final revision and note from Mr. Bliss in there. One thing she did talk to the applicant's team about is whether or not they wanted to phase this. The reason for a project this big is that you have the requirement for the performance guarantee so if they phase it, they don't have to provide that large performance guarantee up front.

Kylie Mason from Sebago Technics explained that nothing has changed on the plans since the Board saw them last time. She displayed the plan and quickly ran through it noting the parking lot that was formerly a restaurant. It would be the improvement area. A lot of green space is being built into the aisles. She pointed out the Casco Road and that they would be connecting the two parking lots. The parking lot is where the Board would see the Taylor Building currently. It will be removed to open up the façade of the previously approved first two phases. She explained how one would arrive in the visitors' circle that has access to the parking lot and also pedestrian improvements and lots of green space. They have worked hard to mask the side of the existing building given that it is industrial in nature but they are really doing a corporate building here. Again, they are giving the trees a little more time to grow in the rendering but the intention is that it will look like that in maturity. She pointed out the visitors' circle, the approach to the façade that is green and wooded. It will be accessed from the parking

lots into the entrance so it will be a great way to arrive for work every day. She noted the green spaces looking at the stair tower. She displayed a view as one would come down the hill through the green field from Route One, looking at the building. She pointed out the previously approved tree houses in Phase One and Two. It is a very cool, lush area back there. From a planned view that looked largely like this, they are removing an existing parking lot and making it a big green field. They are making some improvements around the perimeter of the parking lot to address erosion or areas that have aged over the years. Again, the connection to the restaurant parking lot and the demolition of the Taylor Building and reconstruction of the parking lot.

They are working with DEP. They did receive an e-mail today from them saying the review should be finalized today or tomorrow. They do not anticipate any issues with those reviews and continue to move forward with drafting the order. Ms. Mason feels they have addressed everything Adam Bliss was looking for in his engineering review. They are interested in phasing the project for construction primarily because it is a large project and it would be a lot to put into a performance guarantee. They have some ideas on how they think they are going to do it but would like the adaptability to work on that with their construction manager and review it with Staff prior to a construction meeting. She offered to answer questions for the Board.

Ms. Pelletier added that there are multiple parcels today and when you have multiple parcels, you still have to meet buffers and setbacks and all of that so the Board will notice that there is a condition that they merge all of those parcels into one to eliminate property lines so they don't have weird setbacks and buffers in the middle of a parking lot that would interfere with circulation. Ms. Mason noted that it is part of their package. It shows them all completely absorbed into one lot. They normally don't need subdivision approval to collapse them so they would record that in a new lot description. The deed is prepared and ready.

Ms. Campanelli asked if the Board saw the restaurant lot before? Ms. Mason indicated that the Board has seen it. Chair Blanchard added that Ms. Mason did not refer to it as the restaurant lot. He noted that he is fine with the phased approach for this portion of the project and fine with having Ms. Pelletier review it with Ms. Mason and approve it in-house. Other Board members agreed.

Ms. Berger asked if it was going to be more engineer driven than money driven on which phases come, when and what they are paying? Ms. Pelletier advised that it is kind of both. It is doing it in order but allowing them to break up the performance guarantee to make sure whatever they need to engineer in Phase One, they maintain and then when they go to Phase Two, they can maintain that smaller amount but make sure they are keeping it covered in case something happens and we were to go and finish the project. Ms. Berger advised that she is thinking more in terms of the need for certain engineering and detention basins and things. Certain things should get done before other ground moving gets done. Ms. Pelletier noted it would not change the order of what they need to do the work. It will just break up the dollars essentially. Ms. Mason added that the Board did a previous approval for Phase One and Two and that construction was also broken into multiple construction phases. If the Board thinks about the phase as an approval, Phase Three is one approval but the construction of that based on value is multiple phases for financial capacity of the plan. Chair Blanchard noted he has confidence for Ms. Mason and Ms. Pelletier to work this out.

Ms. Pelletier read conditions she drafted.

4)The applicant will work with the Town Planner regarding the construction phasing of the sitework in relation to the establishment of a performance guarantee. This will not extend the approval timeline granted by the Board regarding the requirement to initiate construction in tiers of the dated approval.

She clarified that we will work with them on the phasing for the Performance Guarantee but this approval is still valid for two years and they have two years to meet that threshold of initiating construction which is completing 30% of the dollar value. The cost estimate submitted by the applicant was about \$9M but we would like that reviewed by our Engineer so we will leave it as TBD for now.

5) The applicant will work with Staff to review the area of the existing sewer easement near the stream to confirm that proposed plans would not contribute to the potential for future erosion issues in this area.

Chair Blanchard opened up the public portion of the meeting.

Rod Regier from South Street noted he has a unique perspective on at least part of this development project. He has been a neighbor of these commercial properties since 1979 so he has watched the whole stream system as it evolved through the years with different levels of development, both before and after development. He wanted to talk about just the area on L.L. Bean's property in the old right-of-way underneath the Distribution Center where there is a stream channel running right next to a Sewer right-of-way. He is aware there has been a letter from the Sewer District about this also. It is down the hill from the Distribution Center. There is a sewer line right there with a 14-inch main and if that ever ruptured, it would be an environmental disaster. The starting point for his concern of this right along is that the present design of where the storm water control is inadequate. The stream channel as it is today, you can see that it was always close to the sewer line but it has probably migrated 6 or 8 feet closer to the sewer line and the edge of the stream channel is right on the edge. There is probably 2 or 3 feet of fill over the pipe. There is not much of a margin of safety there and he hopes that whatever is done here, the sewer line is protected. He has read and followed this discussion all along the way recognizing there will be an enormous effort to control the stormwater flow there but the standard being used is that the stormwater flow post development has to be diminished and less than stormwater flow pre-development. There has been a lot of work done for that but the question also is will the plans as they are built, actually eliminate the threat to the sewer line for stormwater flow? Is the current inadequacy going to be diminished or will it be fixed and the threat to the sewer line be eliminated? Those are two very different questions and two very different standards. He doesn't know what the Board's options are or what the public's options are for dealing with this. Whether it is letters of credit, or Codes Enforcement or some kind of an actual performance requirement pending the result of the first 10-year storm. He doesn't know what the possibilities are for this. Regardless, he doesn't want to see that sewer line break as a consequence.

Ms. Mason noted that as discussed at the last meeting and is addressed here in the packet with DEP's review, they are actually reducing the stormwater going through the site. She knows they are over treating or treating more than required by DEP's rules and regulations. She believes that the two north and south lots are not connected. They have different outfalls. She knows they are making vast improvements. As part of the work, they are doing here, they are capturing it in curb basins and this curb can no longer flow down from Concord Road through the channel that has been created. It actually goes through their system and has a controlled outlet. From the DEP Storm Water Site Walk and also from Wendy Garland at DEP who actually approved the Concord Gully improvements that were recently done by the Town and the Cumberland County Soil Commission, it provided additional benefits to the stream in terms of peak flow reduction and run-off treatment. She has that letter to share that shows positive Town improvements.

Ms. Pelletier added that she talked to Mr. Regier today. Mr. Bliss was out of the office so they weren't able to get him to weigh in. He did provide a memo stating that he felt the requirements of the Ordinance have been met. She and Mr. Regier talked about this and how there might not be a standard but there is some concern down the road. She talked to the Codes Officer and if the applicant constructs what was approved, if the Board

approves it, and what the Town Engineer approves, we are not going to be able to give them a notice of violation if they are not violating their site plan. She is not sure there is anything we can do. The Codes Officer was not aware of anything that might trigger DEP or anything like that. Wendy did weigh in. Without consulting with Mr. Bliss, she doesn't know if there is anything additional we can do should all the improvements be made with the good intention of improving it but there are still some erosion issues. The Sewer Department submitted a letter the Board reviewed at the last meeting but she has not heard from them.

Chair Blanchard asked if this is something that can be looked at again during the phasing of the phased approach as far as giving Mr. Bliss a chance to weigh in? Ms. Mason offered that this is an easement area the Sewer District maintains through L.L. Bean's property. They do have rights to maintain their line and make improvements. She would look not just from what is L.L. Bean's responsibility to the Sewer line, but what does the Sewer District own as part of their maintenance and upkeep. This is something that has been happening over a couple of decades. She would suggest that there is probably some observation and maintenance that has not taken place and she doesn't know if they can make an applicant bear the burden for something that is someone else's property within an easement that they have rights to maintain and keep sound.

Ms. Campanelli agreed but noted that L.L. Bean has contributed a lot to runoff which is what part of that TIF is all about so they can't say there wasn't some contribution to some of these issues. She wonders if this is evaluated? We have had some crazy rains. We have had 100-year storms every other year now so she wonders if there is some evaluation process that goes on. Ms. Pelletier asked Mr. Regier if the erosion he is referencing is over the Sewer District easement? Mr. Regier advised that it is either on the easement or on the edge of the easement right now on L.L. Bean's property. Ms. Pelletier advised she would have to ask Mr. Bliss. She is not sure. It is tough if they are meeting the threshold and this is incidental. They submitted stormwater management and erosion control plans. She is not sure what we can do about it. We don't hold performance guarantees for x number to make sure everything works. We rely on engineering and science which is why we have Mr. Bliss review everything. She is happy to do follow up. She advised that Mr. Regier did try to reach out to Mr. Bliss today. She doesn't have a good recommendation unfortunately without consulting with our engineer. Ms. Berger added that when she reads what our Engineer wrote here. in No. 2 he wrote that he finds the erosion plan generally complies and she feels it is a wishy-washy statement. She asked if it really complies or generally complies? She feels he needs to give more input in this particular area. Chair Blanchard suggested flagging this as a condition and have our engineer take another look at it. Mr. Yankee asked if the area in question could be pointed out since he was not at the last meeting.

Ms. Mason appreciated Ms. Campanelli's point that L.L. Bean is contributing to the stormwater in this area but they have made a vast number of improvements. They are not the only contributor to that outlet. One of those outlets is Concord Road which they are grabbing. It is part of the erosion that is happening there. Streams do move and water does move and that is why it is important that somebody that has property in an easement is making regular observations and improvements in that area. In Terms of Mr. Bliss' review, she believes "generally in compliance" is pretty standard language but beyond that they are getting a State review of compliance. It is meeting erosion control standards. It is meeting stormwater treatment standards. She navigated to the plan area and pointed to the stream and pulled up the noted areas of erosion. She pointed out the manholes and noted they are within the wetland area that is subject to close. There were some improvements made by the Cumberland County Soil Commission and the Town following along a bank. She pointed out the ditch that is being improved that comes down and alongside of the road taking all of the runoff from Concord Road and running it down through a channel. She doesn't know part of the TIF which was specific, it was asked that L.L. Bean increase their TIF to do stream enhancements. The Town Council did remove that comment and said they would like to do that from the Town's perspective so it was removed from the original proposal. Any stream enhancements were removed from the original TIF agreement. It is something they talked

very thoroughly with Mr. Bliss, Ms. Pelletier and Peter Joseph. This project is meeting all intents of the Ordinance and all intents of the TIF agreement and she wanted to make sure that we are not putting a disproportionate burden on an applicant to solve all problems for everyone. She feels they are doing a lot and they are doing it very well in exceedance of all ordinances, regulations and the TIF agreement.

Design Review: The Taylor Building is Class C within the Design Review District. With the removal of this structure, the previously approved building facades will be visible (although limited view from the right-of-way). A new parking area will be installed in this area with new pedestrian improvements. Landscaping is also proposed in this area. Plans and photo simulations were included in the previous submission.

Site Features: Access to the site from Main Street will remain from existing access points and no changes are proposed. Although a building is being removed, there will not be a change to the number of employees on the site. The Maine Department of Transportation previously determined that a Traffic Movement Permit would not be required for this project. The general circulation on the site will remain unchanged, with minor modifications proposed, mostly internally between parking lots. With the past approval, due to concerns about Double L street, the applicant agreed to replace a “No left turn” sign at the Double L and Main Street intersection.

The applicant has included information on the required parking for the site (see sheet 7 of the plan set). There will a decrease in the number of parking spaces on the site. Calculations note that the required parking for the uses on the site would be 1107 spaces, with 1184 proposed. There are 1249 existing spaces on the site. A Traffic Impact Statement was included with the previous submission (dated 04/12/21). Parking lot layouts have been designed to comply with both the ADA and dimensional parking stall requirements of Section 514 of the Freeport Zoning Ordinance.

A new lighting plan with full cut-off lights is proposed and photometrics plans were previously submitted. Since no new building are proposed, there will be no new buildings being connected to public utilities. Other than wayfinding, no new signage is proposed.

Stormwater Management and Erosion Control: The site is within the watershed of Concord Gully, which is an Urban Impaired Stream. The site is subject to an existing Site Location of Development Permit from the Maine Department of Environmental Protection (DEP) and the applicant is seeking an amendment to this permit; this has been added as a proposed condition of approval.

A significant part of this project includes drainage improvements and stormwater management. The plans have been designed to improve and slow down the water leaving the site in efforts to not only meet the standards but improve the existing conditions in Concord Gully. The Town Engineer did review the project in regard to the Section 529. Stormwater Management (Freeport Zoning Ordinance); his comments are included in a memo dated 07/16/21 (attached). Since changes to the existing stormwater management system are proposed, a standard suggested condition of approval would be that the applicant enter into an updated Maintenance Agreement for a Stormwater Management System with the Town of Freeport and to be recorded in the Cumberland County Registry of Deeds. Annual reporting to the Town of Freeport will be required as part of this agreement.

Special Standards: Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. Much of the existing landscaping in the front setback from Lower Main Street will be retained and additional plantings for the site are proposed. The applicant has noted that they will merge the

properties into a single parcel; this will eliminate internal property lines which would otherwise require setbacks and buffer requirements to be met. This has been added as a proposed condition of approval.

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 Taylor Building is Class C within the Design Review District. With the removal of this structure, the previously approved building facades will be visible (although limited view from the right-of-way). There are no changes proposed to the design of the previously approved building. 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 Taylor Building will be removed. With the removal of this structure, the previously approved building facades will be visible (although limited view from the right-of-way). There are no changes proposed to the height of the previously approved building. 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.

No changes to the proportion of the building's front façade are proposed. Based upon this information, the Board finds that this standard has been met.

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

No changes to the rhythm of solids to voids in the previously approved front building façade are proposed. 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 existing Taylor building is proposed to be removed. No changes to the proportions of opening within the facility are proposed. 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 existing Taylor building is proposed to be removed. No changes to the proportions to the roof shape of the remaining structures are proposed. Based upon this information, the Board finds that this standard has been met.

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

No material changes to previously approved building facades 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).

This phase includes removal of the Taylor building, parking lot improvements and reconfiguration, grading, drainage and stormwater management improvements. A new landscaping plan is also proposed. A new landscaped entrance area with walkways will be added in front of the remaining building façade, in the area facing Concord Road. Based upon this information, the Board finds that this standard has been met.

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

The project involves significant site work throughout the campus. Existing vegetation will be retained where possible. This phase includes removal of the Taylor building, parking lot improvements and reconfiguration, grading, drainage and stormwater management improvements. A new landscaping plan is also proposed. A new landscaped entrance area with walkways will be added in front of the remaining building façade, in the area facing Concord Road. The parking is mostly setback from the road and does not encroach onto any required buffers. The project complies with buffering requirements of the Freeport Zoning Ordinance. 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".**

Other than wayfinding, no new signage is proposed. Based upon this information, the Board finds that this standard has been met.

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

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

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

The site is already developed with buildings and site features used as the corporate headquarters for LL Bean. The project involves significant site work throughout the campus. Existing vegetation will be retained where possible. New landscaping is proposed to blend with the new exposed building facade and altered internal pedestrian and vehicular circulation. The project complies with buffering requirements of the Freeport Zoning Ordinance. The project is in the Industrial I and Commercial III Zoning Districts and complies with the space and bulk standards of Sections 411 & 421 of the Freeport Zoning Ordinance. Most of the site alterations are within the Industrial I District portion of the property and therefore the Performance Standards for Commercial District (Section 527 of the Freeport Zoning Ordinance) are not applicable. Based upon this information, the Board finds that this standard has been met.

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

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

The building is partially within Freeport Design Review District I (the district boundary extends 600 feet from the centerline of Lower Main Street) and partially within the Color Overlay District. The building is Class C. The Taylor Building will be demolished and the other building will remain. No new buildings are proposed. The project is in the Industrial I and Commercial III Zoning Districts and complies with the space and bulk

standards of Sections 411 & 421 of the Freeport Zoning Ordinance. 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

There are currently two vehicular accesses to the site: Casco Street, which is a signaled intersection, and Double L Street. No changes to the existing site entrances from Route One are proposed. Although a building is being removed, there will not be a change to the number of employees on the site. The Maine Department of Transportation previously determined that a Traffic Movement Permit would not be required for this project. The general circulation on the site will remain unchanged, with minor modifications between parking lots proposed. With the past approval, due to concerns about Double L street, the applicant agreed to replace a "No left turn" sign at the Double L and Main Street intersection. 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.

Although a building is being removed, there will not be a change to the number of employees on the site. The maximum capacity of employees on the site will be 1,200, with 900 employees expected at the end of phase two. There will be a decrease in the number of parking spaces on the site. Calculations note that the required parking for the uses on the site would be 1107 spaces, with 1184 proposed. There are 1249 existing spaces on the site. A Traffic Impact Statement was included with the previous submission (dated 04/12/21). The new parking spaces will comply with the dimensional parking stall requirements and ADA parking requirements of Section 514 of the Freeport Zoning Ordinance. The applicant has included information on the required parking for the site (see sheet 7 of the plan set). Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

The site is within the watershed of Concord Gully, which is an Urban Impaired Stream. The site is subject to an existing Site Location of Development Permit from the Maine Department of Environmental Protection (DEP) and the applicant is seeking an amendment to this permit; this has been added as a proposed condition of approval.

A significant part of this project includes drainage improvements and stormwater management. The plans have been designed to improve and slow down the water leaving the site in efforts to not only meet the standards, but improve the existing conditions in Concord Gully. The Town Engineer did review the project in regards to the Section 529. Stormwater Management (Freeport Zoning Ordinance); his comments are included in a memo dated 07/16/21. Since changes to the existing stormwater management system are proposed, as standard suggested condition of approval would be that the applicant enter into an updated Maintenance Agreement for a Stormwater Management System with the Town of Freeport and to be recorded in the Cumberland County Registry of Deeds. Annual reporting to the Town of Freeport will be required as part of this agreement. 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.

Since no new building are proposed, there will be no new buildings being connected to public utilities. 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.

Other than wayfinding, no new signage is 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.

No changes to the visibility of service and truck areas are proposed. 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 location of lighting fixtures are shown on the plan and a photometrics plan has been submitted. All fixtures will be LED and full cut-off. Based upon this information, the Board finds that this standard has been met.

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

All public safety department heads have reviewed the plans. The Fire Chief provided specifications for that fire truck and the applicant has designed the layout so there is adequate space for the trucks to maneuver on site. Based upon this information, the Board finds that this standard has been met.

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

The site is already developed with buildings and site features used as the corporate headquarters for LL Bean. The project involves significant site work throughout the campus. Existing vegetation will be retained where possible. New landscaping is proposed to blend with the new exposed building facade and altered internal pedestrian and vehicular circulation. The project complies with buffering requirements of the Freeport Zoning Ordinance. 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:**

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

This parcel is not within the Marine Waterfront District or the Shoreland Zone. No new structures are proposed. The property is within a watershed of an Urban Impaired Stream and an amendment to the existing Site Location of Development Permit from the Maine Department of Environmental Protection will be required. A significant part of this project includes drainage improvements and stormwater management. The plans have been designed to improve and slow down the water leaving the site in efforts to not only meet the standards, but improve the existing conditions in Concord Gully. The Town

Engineer did review the project in regards to the Section 529. Stormwater Management (Freeport Zoning Ordinance); his comments are included in a memo dated 07/16/21. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Design Review Certificate, and Site Plan Amendment for the LL Bean Corporate Headquarter Renovations on Casco Street (Tax Assessor Map 20, Lots 98-ETC & 101), for a building demolition and site alterations, to be substantially as proposed, plan set dated 09/29/20, revised through 6/22/21, with sheets 2, 14 and 19 revised through 07/14/21, finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, or a building permit (for demolition) being applied for, for the work associated with Phase Three, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, to be reviewed and approved by the Town Engineer and in a form acceptable to the Town Attorney. The performance guarantee shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount to be determined by the Town Engineer, be paid.
 - C. Establish an inspection account, in the amount of \$TBD, for inspection of the site improvements by the Town Engineer.
 - D. The developer have a pre-construction meeting with the Town Engineer.
 - E. Obtain approval from the Maine Department of Environmental Protection for an amendment to the existing Site Location of Development Permit.
 - F. The applicant merge all parcels into one parcel, to eliminate any property lines that would require complying setback and/or buffer requirements, or, return to the Board for review and approval to demonstrate that the plans have been amendment to comply with space, bulk and buffering requirements for each individual parcel.
- 4) The applicant will work with the Town Planner regarding the construction phasing of the sitework in relation to the establishment of a performance guarantee. This will not extend the approval timeline granted by the Board with regards to requirements of initiating construction within two years of approval.

Ms. Berger asked if the Board is adding any statement about the Town Engineer reviewing the stormwater plans? Ms. Pelletier advised that the Town Engineer has the plans and he uses standard language that they generally seem compliant. The Board could flag it to have him take another double look at that area. She asked Mr. Regier if it would address his concerns.

Mr. Regier advised that flagging it is fine. It is what he hoped would happen this evening. He hardly has any intention of trying to derail this project. There is a lot of good work that has gone into this. He wants to make sure that the plan is followed. There is a lot at stake and he feels it would be easy to fix but he wants to make sure it is done.

- 5) The applicant will work with Staff to review the area of the existing sewer easement near the stream to confirm that proposed plans would not contribute to the potential for future erosion control issues in this area.

Ms. Pelletier clarified that it is the area where the sewer easement is kind of at the end of Concord Road straight down to the abutting property where that stream is. Ms. Mason feels it is a dangerous area because the Board is going outside of Ordinance to add improvement to other people's property. Chair Blanchard clarified that the Board is just asking the Town Engineer to take a look. We are not requiring the applicant to do anything extra at this point. It is something he would have done normally. Ms. Pelletier noted that if the Town Engineer could have been here tonight, he would have addressed it.

(Berger & Campanelli) **VOTE:** (4 Yes) (2 Excused- Reiche & Troidl) (0 No)

Desert of Maine – Change of Use and Site Plan Amendment

The applicant is presenting plans for a Change of Use and Site Plan Amendment to add the use of Nature-Based Commercial Enterprise to the existing uses on the site. The proposal includes adding a miniature golf course on the property. Zoning District: Rural Residential I (RRI). Tax Assessor Map 22, Lot 8 (95 Desert Road). Heestand Family Holding, LLC (Mela and Doug Heestand), applicants and owners; Thomas Emery, RLA-- Harriman Architects and Engineers, representative.

Ms. Campanelli recused herself from this application. Her son and daughter are employed at the Desert. She stepped out and plans to return after this discussion.

Ms. Pelletier explained that the applicant was before the Board last month for a conceptual. While it is not very often, they were eager to come back. They are on a tight timeline and want to make sure they are adequately addressing their issues. The Board had a site walk scheduled and they would hopefully come back and get some feedback but that did not happen. We need to discuss rescheduling the site walk. They intend to come back for final review next month. There have not been a ton of changes to the plan. They presented a very conceptual stormwater narrative that the Town Engineer looked over and gave some initial reactions to. They have decided they are actually going to construct the parking areas. They provided information on lighting. They will need to address traffic. They have a traffic engineer working on a memo which we haven't yet heard on. The biggest thing the Board has not seen before is that they did give some details on the buffer plan which is required as part of this new use in the Nature Based Arts and Overlay District. That is something the Board could give feedback on. She received an e-mail today from an abutter that was planning to come to the site walk and was hoping to participate via zoom but we don't have that right now. The abutter is the closest resident on Desert Road. She has concerns for buffering. She has talked to the applicant about the plantings and fence. She doesn't know if she has seen the plantings and fence plans. It would be good to have her weigh in as to whether she feels it is adequate. Her biggest concern is the noise. She has stated that there is a lot of noise that comes from the playground and there may be some concern that mini golf could create additional noise. The applicant can tell the Board the thought they have put into the layout of the course and the placement to help minimize the impact on abutters. The abutter also raised the issue of traffic and it is great to hear that it sounds like the Desert is having a great summer with increased traffic whether it is going there or somewhere else down there. That is something we would want to see when they come back for final.

Doug Heestand had difficulty getting his presentation up on the screen. He explained that they are trying to flesh out as many comments as they can to meet a tight construction deadline. The golf course construction firm has a long queue of projects so if they miss their window, they likely are going to be put at the end of a line and wait another year. They are hoping to begin construction in September when there is an open window for them. The project has not changed much since they last talked about it other than some more engineering work has taken place. Essentially what they are trying to do, they have spent a lot of time in arts and educational programs for the community at the Desert. They have interpretative signs and deep dive tours that go through the history, ecology and geology of the Desert and that stuff is wonderful and gets them out of bed but what makes all that work possible, at the end of the day, they are a tourist attraction and they have to attract tourists. They have heard a lot of feedback from their guests that there is a lot of serious learning that happens out there but what is missing is something for kids, the young and the young at heart, some fun activities. When they went through the effort to create the Overlay District, they wrote a definition for a nature-based commercial enterprise which is what they are and part of this is to change their use to incorporate that language that they worked so hard at the Planning Board to create. In that definition it says a nature-based commercial enterprise that may incorporate family activities and they specifically called out mini-golf, that incorporate educational components that highlight the natural, cultural and historical values prevailing on the land. That is not a course about pirates or dinosaurs but more talking about the Desert of Maine and its history. The course they designed goes through the history of the Desert of Maine and talks about starting with the glacier that created the Desert through the 1800s when the Tuttle Family farmed the land, the topsoil erosion and what caused that, through the nearly 100 years it has existed as a tourist attraction. Lots of quirky characters have been involved in the Desert. That is their overall plan. The course is a garden-style course which is very botanical in nature with lots of water, lots of native plant species, a very beautiful place to be and where they plan to locate it is in this flat area in front of the dunes but behind their Welcome Center. This area used to be a place where there were 26 RV spots there from the former campground. They have eliminated those spots from a relatively flat spot that is sitting unused right now. They think it is a perfect spot for the mini golf course. It would not require a lot of grading. It is open and not a lot of trees would need to come out. It tucks in nicely to the rest of the layout.

The course they designed is wheelchair accessible so there is a route from their main parking lot all the way to the course so they have an ADA accessible 9-hole loop in the flat area that guests in wheelchairs can play twice to make up their 18 holes. He thinks where really the concerns lie, at least as we heard last month, are traffic, parking and from their abutter possibly noise and lights. He wanted to talk about those things briefly.

With parking and traffic, they are of two minds. When they are talking about traffic, there are a lot of reasons to think that traffic will be minimal relative to other mini golf courses. Specifically, they are a destination golf course so they have talked to other mini golf course owners in the area such as one in Arundel. That is where they got a lot of their numbers for traffic and parking but that course is right on Route One and they have 10,000 cars driving by them every day whereas the Desert's mini golf course would be off the beaten path. One would have to plan to come there. One would not just drive by so he thinks that makes a big difference. They also would be operating mostly in the summer. Traffic from the Waldorf School next to them is practically non-existent, regular commuter traffic is lower and it fits nicely with the traffic patterns. They believe a lot of the people that come will be their existing customers who just extend their stay at the Desert to have an additional fun activity. Undoubtedly, they will draw additional visitors but it is unique in the sense to think most of the people who play the course will be actual existing customers.

Where parking is concerned, they want to plan for the maximum so they have designed maximum parking that they really could reasonably fit on the property without making big changes. They have recently redesigned their main parking lot so they know that 47 spaces in that main parking lot has been functioning very well. This year

they were part of L.L. Bean's Summer Across Maine promotion so Tuesdays at the Desert are free and they have gotten crushed on Tuesdays. People have found out about this from across the State. Even with that promotion doubling or tripling what they normally see, the main parking lot has been adequate but with this proposal they are planning to build an additional upper parking lot adjacent to the mini golf course adding an additional 23 spaces and that would be used first if there were ever main parking lot overflow. They then have a large lower parking lot that is basically rerouting their road from the main parking lot down to their campground and they are slightly rerouting that campground road and putting parking spots on either side of it for a certain length until they enter the actual campground itself. That land is not really well used right now so it would create an additional 45 spaces. He thinks he will get official word from Gorrill Palmer, the traffic engineering firm they engaged in terms of their recommendation. They think it is more than an adequate amount of parking. They talked to other mini golf course owners but they are adding an additional 60 some spots plus they have the main parking lot as well. He feels this is a case where a site walk will be really important. It is hard to show on a map all the vegetation there is around the parking they designed. There is a lot that is thick and there is a lot of distance between the parking they designed and their nearest abutter. They do plan to add additional trees and fences along that lower parking lot and also along where the golf course itself will be located. They have intentionally designed the course to put a lot of fountains on the course. They believe that mini golf is a pretty quiet activity so fountains can provide white noise and help with that. They are also creating a berm along the edge of it and planting trees there.

Lights seem to be less of a problem because they will mostly be operating during daylight hours. Only in the spring and late fall would they ever be open towards dusk. They have low bollard lights to light the course mainly as safety to help people navigate the course as they get close to closing hours. They are full cut-off lights identical to what they have in their parking lot. There is a lot of engineering going on right now in terms of stormwater

Tom Emery of Harriman Architects explained that with respect to the stormwater, what they have determined is that they will provide two treatment basins. One will be at the bottom of the lower parking lot and will intercept all of the runoff from the lower parking lot into a swale that will be captured in that treatment basin. Similarly, there will be one below the mini golf course site. These are all above the drainage ditch in the wetland. The one at the mini golf course site will capture the water coming off the upper parking lot. They will have to add curbing on the golf course side of the upper parking lot and the water will sheet flow to that curb and run down the curb line and be captured into a catch basin. Surface runoff from the mini golf will go those catch basins as well. It will all be captured and be brought into another treatment basin at the base of the mini golf course. Those two treatment basins will treat whatever is required by law headed towards the drainage swale. All the existing drainage is headed in that direction currently.

Ms. Berger mentioned the traffic study anticipated 250 visitors a day. She asked if they are over that now? Mr. Heestand advised that on L.L. Bean days, they tracked visitors and they were at 250. It is a high-water mark for them. Ms. Berger noted she read about the stormwater and the use of the two bathrooms there and it was calculated to use 650 gallons per day from those two toilets. She asked if 250 a day during the summer months is equivalent to what would be okay for those two toilets? Mr. Emery advised that Mark Hampton is a certified soils scientist and site evaluator. He has designed and evaluated the new septic systems and all of that is done according to State Law and regulations. Ms. Berger advised that she noticed that the Town Engineer did not mention that had to be reviewed. Ms. Pelletier pointed out that the Town Engineer would not look at the septic. It would go through the Codes Officer who is the LPI for Freeport. With regards to the well, they are a public water supplier licensed through the State so there is some oversight inference. Ms. Berger added that she did not know what is good or bad but is interested in those numbers because she didn't understand how you go

from a per person per day related to septic systems. Ms. Pelletier offered to have Mr. Adams look at that and give some clarification to the Board.

Mr. Yankee noted he had questions and that they were more geared from the perspective of an abutter. He understands the mini golf concept and why it is important from a business model and also too to round out the funness of the learning as well. In the parking he didn't see any accommodation for RVs. If Mr. Heestand brings in mini golf, there is the potential for buses, whether they be school buses or coach buses along those lines along with the RVs and camper trailers. Mr. Heestand explained that their main parking lot has four designated spots for RVs and buses and then there is another spot designated for food trucks that could accommodate an RV. They get them a lot already and in the main parking lot, there is never more than one or two currently so far that main parking lot has functioned well and they have added capacity for RVs and buses. Thinking as an abutter, Mr. Yankee mentioned that when his children were young, the miniature golf in Brunswick north of Cook's Corner was a destination and not just a destination for their family but it was a destination for a lot of families. He thinks the Desert might end up getting a lot of local non-tourists interested as well particularly if there is ice cream, food trucks and things like that. That could creep from just staying in daylight hours to expanding the hours. Being extra sensitive to that sort of creep and staying within the education or eventually could it turn into a destination for recreation and fun where it may not be so quiet?

Mr. Heestand agrees that locals will come and they are keenly aware that they are in a residential neighborhood. Their nearest abutter has a lot at stake so they are committed to not being open late at night and can establish what those hours are. When planning their lighting designs, they were not thinking that they would need flood lights to stay open after dark. They were just thinking dusk. He thinks they would limit it to 8 p.m. in the summer. Mr. Yankee, thinking as an abutter, business owners come and go but once something like this is built, it could be very successful or a big component of selling it to another owner and they may take a different view on the hours. Does the Town have the ability to regulate hours? Ms. Pelletier explained that the Board has the legal ability to add on reasonable conditions. If the Board feels that hours is something it might want to consider, she thinks the Board has done it in the past. Just because the Board did it in the past doesn't mean it is right or current best practice but she would be happy to get clarification on that. Mr. Yankee sees a convergence on design and business operating practices and feels the design could work well as what the Heestands are intending but could become financially dependent on this or it could be incredibly successful and how can they control that going back to their intent? He asked how the Board would ensure that it is in keeping with what it needs to do without overreaching? Ms. Pelletier clarified that the Board is just talking about the mini golf component since they have a campground and they will have people doing other things there. Mr. Yankee agreed.

Chair Blanchard had questions about the proposed buffering. One of the trees is labeled "BN" but it is not in the key so he is curious about its species. He was told it is a River Birch, Chair Blanchard asked the applicant to talk about the tree cover and its proximity to the buffer? Mr. Heestand agreed and noted he took great photos and feels it is a great thick cover. In a way it is like the buffering is extending the woods closer to the parking lot. Once you go even 10 feet off of what they are planning, you are entering a mature wood. Chair Blanchard mentioned the reason why he asked is because there are four maples in a row and obviously, they will lose a lot of screening because of the type of tree it is. Mr. Heestand pointed out that they are also planning a fence as well. Chair Blanchard added that evergreens obviously provide a lot more screening, especially in the winter months. He noted that it is hard to imagine what this is without having done a site visit. Hopefully, the Board will talk about that tonight and hopefully figure it out for the coming weeks.

Ms. Berger asked if the Board will get to approve the fencing as well? Ms. Pelletier advised that the Board would approve their buffering plan and the fencing could be part of it but the Board would not be reviewing it for the

same standards like it does in Design Review. Typically, in this case we would want to hear from the abutter and what they want. She thought the abutter had interest in a higher fence but asked if Mr. Heestand could connect with them. She would be happy to connect with them. Mr. Heestand noted he would be happy to connect with them. They offered their regular communication but has not had a chance to site walk with the abutter but they are open to that. Ms. Pelletier added that they would include a cut sheet and she is happy to reach out to the abutter. She thinks she is away and Ms. Pelletier will also be away but will be happy to connect. The answer is yes, it is part of the buffer plan but not in the fine Design Review detail that Ms. Berger is used to. Chair Blanchard added that this is the only question that requires a site visit to understand if the buffering is going to be adequate for what is proposed.

Mr. Heestand thanked the Board and mentioned he appreciated the feedback.

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

Ms. Campanelli returned to the Board. There were no members from the public so Chair Blanchard advised that the Board would discuss site walks and the upcoming August meeting.

Chair Blanchard advised that Mr. Troidl and Ms. Berger have a conflict on August 18. He could make it but he has family in town so he would like to change the date. Ms. Pelletier advised that the site walk had to be cancelled this month because the Board did not have a quorum. The Board cannot go on site walks individually. They have to do it as a group and it needs to be publicly noticed so we need at least a week to get notice out. This applicant wants to come back to the Board for final plans. It would be helpful to the Board and the applicant to give feedback prior to the meeting. We can schedule the site walk before the meeting. We also have at least one abutter that wanted to come. We also have that site walk on Route One for 80 units which we did postpone. She added that when the Board does that walk, they should dress appropriately because there are a lot of ticks out there. She asked when the Board wants to do the site walks? She asked if the Board needs to look at an alternative meeting date?

Ms. Campanelli pointed out that if there is the bare minimum for the 18th and she has to recuse herself, it could be a problem. Ms. Pelletier agreed it would be a problem for the site walk on the 18th. Discussion followed. Ms. Pelletier advised that even though Ms. Campanelli can't be here on the 25th, the Board might be able to get more of the Board on that date. Chair Blanchard noted he would prefer to give the applicant more time so pushing the meeting to the end of the month versus pushing it forward. He is fine with the 25th as is Mr. Yankee and Ms. Berger. Ms. Pelletier is confident she can get five Board members here for a meeting. Ms. Pelletier asked how Board members would feel about a site walk on August 4th between 3-6 p.m. Ms. Campanelli added that those are really big site walks. Ms. Pelletier added that the Board does not have to do them on the same day if getting there at 3 is hard. Board members noted they would prefer to do both site walks in one day. Ms. Pelletier suggested doing one at 4 p.m. and the other at 5:15 p.m. She asked if the Board could do the site walks on Tuesday, the 3rd or Wednesday the 4th? She will look at it and propose some dates. She requested that the Board e-mail her the times they have vacation or have times blocked off. She will check with the missing Board members. She feels it might be better to get a quorum if we split them up and do two days. She asked Mr. Heestand to e-mail her if there are days that don't work for him. Ms. Campanelli clarified that the next Board meeting will take place on August 25.

Ms. Berger asked Ms. Pelletier if she has heard from the other gentleman on the subdivision if they have a timeline that they really want to get going. Ms. Pelletier advised that she has not heard from them but plans to reach back out to him with the meeting date and see when they can fit in a site walk.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 7:40 p.m. (Campanelli & Yankee) **VOTE:** (4 Yes)
(2 Excused-Reiche & Troidl) (0 No)

Recorded by Sharon Coffin