

MINUTES
FREEMPORT PROJECT REVIEW BOARD
FREEMPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 15, 2021
6 p.m.

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

EXCUSED: Linda Berger, Ford Reiche

Chair Blanchard opened the meeting at 6:03 p.m.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier explained that there is another tenant in Freeport Crossings, Saco Bay Physical Therapy replacing an existing sign. That was signed off at the Staff Approval. The Board may not have noticed that there are two doors there now to get into Saco Bay. There used to be two doors there but they took them out and now the two doors are back. Since it was something that was originally approved, she told them to go ahead and they would not need to go to the Board. That is what she has for Staff Approvals for the month.

2) Update on Planning Board agenda items

The Planning Board had a pretty big meeting with a pretty full room. They had a public hearing on Shoreland Zoning which was somewhere between 800 and 1,000 notices. Not that many people came to the meeting but they did recommend that the Council adopt a new digitized zoning map updating the Shoreland Zoning and any other zoning changes that have happened in the last eight years. They did make the recommendation that the Council update the Shoreland Zoning. Now Shoreland Zoning is intertwined through our whole ordinance. This Board uses it when you see some stuff in the Island District. The one change the Board will notice is that under 602.L, the environmental considerations, those 5 or 6 bullets were actually Shoreland Zoning standards so they had to update those to reflect the current language. Basically, the wording was tweaked a bit and they added 1 or 2 but again, they were State law mandated and we have to be consistent so some of the stuff that comes before the Board. By you making that finding, you are showing that it is consistent with the applicable requirements for structures. If that gets adopted, the Council will set a hearing. She will give the Board all new ordinances and will clean up the updates in a future meeting if it goes through.

3) Update on the Freeport Downtown Vision

Ms. Pelletier noted in the Downtown Vision, we are really working hard on Phase 2 and we are really excited and she was hoping they would announce Design Week. They met this week and it suddenly felt like maybe having over a hundred people in one room might not be the best option right now. They are re-evaluating how they are going to do that, if they are going to do it virtually or push it back. She will have a new update at the next meeting but COVID is coming into play about holding some of that in-person large gathering public meeting. They were all disappointed. There is value to having people in a room hanging out and talking so she will provide an update at the next meeting as they go forward.

She explained that the Secretary has been struggling with Minutes. Quite often we like to turn off our microphones but more than we realize, we forget to turn them back on. Everyone can just leave their microphones on so she has a recording. She asked the Chair when we make motions, he will repeat who made the motion and who seconded it because we had to go back and watch the tape and it is really hard with masks and Tod and Ford sound a lot alike on the recordings. We are just trying to clarify some of that as we go through

so Sharon will have an easier time doing her minutes. The August Minutes are done and the Board will see them at the next meeting.

Ms. Campanelli mentioned she used to get e-mails regarding the Vision Plan once in a while and asked if they are still being sent out. Ms. Pelletier did not know if they have sent anything. They are currently working on the website but she will check and see if they have sent anything recently. She noted that they had planned to have a Design Week. In the past we had charrettes so basically it would be a week-long open house and they would have a kick-off event, a block party in the middle and they will gather everything from the week and put together a presentation which they will do at the end of the week. During that week every day would have a couple of different topics and they would invite people and specific people for accessibility, bike/ped access, open space in the village, housing, and design guidelines. Those would be geared towards smaller groups and there would be a lot of public components. They feel like maybe they could pull off some of the smaller stuff if they had a bigger space but to space a large group right now would be tough. It will be evolving.

ITEM II: Review of the minutes from the July 21, 2021 and August 25, 2021 Project Review Board meetings.

Chair Blanchard noted that we don't have a voting quorum on the July 21, 2021 minutes so they will be tabled to the next meeting and as Ms. Pelletier said, the August 25, 2021 minutes are forthcoming.

ITEM III: Review of Tabled Items

Harraseeket Ridge – Residential Open Space Subdivision

The applicant is presenting conceptual plans for an 80-unit residential open space subdivision on a vacant parcel (approximately 90 acres) on US Route One North. Forty duplex structures and two new road entrances off US Route One are proposed. Approximately 43 acres of open space will be required. Zoning District: Medium Density A (MD-A). Tax Assessor Map 18, Lot 16 (0 US Route One). Beta Zeta Properties, LLC, applicant and owner; Thomas Perkins, representative.

Ms. Pelletier advised that the Board has two letters. We received one today from Susan Chandler who has some concerns about the proposed project. A lot of it has to do with access for that many units and the condition of U.S. Route One and the general nature of development in the area. She also flagged the issue of wells and septic. Hopefully, the Board has had a couple of minutes to read through that. We also had an e-mail from Steven Taylor who joined the Board on the Site Walk. He had concerns about the access. They will have to meet the standards of the Subdivision Ordinance and the Zoning Ordinance in regards to sight distance but the actual entrance permit itself will have to be issued by the State of Maine. The Board did a Site Walk on a really hot buggy night about a month ago. They really haven't changed anything. The general layout remains the same. They still have the open space in the back. Tom Perkins is here and he can walk the Board through the plans or answer any questions the Board has at this point. They did a conceptual presentation and the Board had a Site Walk. If the Board feels like it has information at this point to determine the conceptual process is complete, you could take action. Again, the point of that is just to say, okay, you have the development in the right spot and the open space in the right spot. They would still have to go through preliminary, final review and DEP permitting. They would still have to demonstrate that they meet all the standards of the Subdivision Ordinance, traffic, water, sewer, septic and public safety. They have not asked for any waivers but this is the time the Board typically acts on any waivers.

Tom Perkins wanted to address the two comments that have come in from the public. Regarding sight distance, they have had an initial consultation with the Traffic Engineer at DOT and their surveyor has shot sight distances and found that they comply. That said, they want to make sure they make a safe entrance and exit there and will work with the DOT. While they meet the minimum standards of their requirements and the Town's

requirements, they do not want to have accidents there. Regarding the newest comment that came in, they are trying to build on to the neighborhood that is out there on the North Freeport end of town by creating this community. They are targeting first-time homebuyers and people looking to downsize and looking to create a community with access to open space in the back. With regards to the quantity of septic systems and wells, it is one well per building. It is not 80 wells but 40 wells and they have clustered anywhere 5 or 8 of these buildings into septic systems to lessen the septic impact out there. They are doing what they can to address these in a fundamental sense and are looking to be good neighbors and hoping to enhance the community on that end of town.

Ms. Campanelli advised that in the next phase she really wants to see their open space plan. She asked if they were planning to work with the Freeport Conservation Trust? Mr. Perkins advised that they had one zoom call with those folks and have gone through what their needs are. They said that their back 50 is an open palette. They will continue to work with them to get a plan together for the next phase. Mr. Troidl noted that the first time Mr. Perkins was here, we talked about a playing field or gazebo. He asked if he still sees that as coming along in the next stage? Mr. Perkins advised that they would love to incorporate that in the middle of the open area so the community can gather.

Mr. Yankee advised he was unable to go on the Site Walk but, on the plan, it looks like the road is dead ended. He asked if there is going to be a Phase 2 to this. Mr. Perkins advised that the phase line is a road that bisects two main roads coming in so from Route One to that road would be Phase One and up to the back would be Phase 2. The rest of the land is owned by other folks and will be open space so they don't anticipate a Phase 3 to build on to the ends of those. They will simply be hammerheads of cul-de-sacs. Mr. Yankee noted he is looking at the northeast corner where there is a road that just goes up and stops. There is no round-about or cul-de-sac, it just stops there. Mr. Perkins advised that that is where one of the trails comes in so it would be a trailhead parking area. He will have it refined in the next go-around. There are no further phases planned beyond this community. Mr. Troidl asked Mr. Perkins to address the two entrances versus one off of Route One. Mr. Perkins advised that their original concept was to just maintain the entrance where it is there now and where the Board drove in but found that they do not meet the requirements of the Town's Dead End Street Ordinance. They are okay with distance but not dwelling count so that is why they have two entrances.

There were no public comments provided.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board determined that based upon the information submitted by the applicant, that Review of the Site Inventory Map, Site Analysis and Conceptual Plan for Beta Zeta Properties LLC, for a proposed residential open space subdivision (Tax Assessor Map 18, Lot 16, 0 US Route One) is considered complete as the Board finds that the appropriate areas have been determined for development and for open space. (Campanelli & Troidl)
VOTE: (4 Yes) (2 Excused-Berger & Reiche) (0 No)

Downeast Woodworks Addition – Change of Use and Site Plan Amendment

The applicant is seeking approval for an After-the-Fact Change of Use and Site Plan Amendment for an addition to their property on US Route One. The proposed addition will extend the current building with an additional 1800 square feet of building space and 450 square feet of new pavement. A proposed rain garden will be added to mitigate the new impervious surface. Zoning District: Commercial 1 (C-1). Tax Assessor Map 25, Lot 7-1 (95 US Route One). Downeast Woodworks/ Max Jennings, applicant; 95 Route One, LLC, owner.

Ms. Pelletier advised that this applicant was before the Board earlier this summer. They have been in town for almost ten years and didn't realize they needed a change of use which is why they are coming after the fact. The

real reason they are coming to the Board is for the 1,800 sq. ft. addition. They have refined their plans to address things like dumpster location, parking stalls, ADA access and where they are going to retain landscaping and all of that. They got a capacity letter from the Sewer District. Mr. Bliss, the Town Engineer did provide some comments to the applicants and asked that they have a rain garden and some drip edge. They did show the location. Mr. Bliss said today that they will need a little bit of refining on the details such as noting the plantings they will use in there and the detail on how they will construct the drip edge. Mr. Bliss felt those were minor enough that he could work with Mr. Jennings on how to refine those in the field. They will be planting for storm water first, not landscaping or buffering, so if the Board feels everything else was tied up and you could take action tonight, she recommended that the Board add a condition that the applicant continue to work with the Town Engineer regarding the detail of the rain garden and drip edge with the final design to be reviewed by the Town Engineer. That's if the Board is okay with it. Otherwise, there are no outstanding items with this application.

Mr. Jennings advised that yes, they would be happy to work with Adam Bliss to make the refinements necessary for their stormwater treatment. He did not have anything further to add but offered to answer questions for the Board.

There were no public comments provided.

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

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

The site is already developed with an existing structure and existing site improvements. The addition will be set back further than the existing structure is from US Route One. No changes to previously approved landscaping or buffers are proposed. The applicant intends to retain the existing woody vegetation and will only cut back what is needed to accommodate of the new building. 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.

This parcel is not located within either of the Design Review Districts. There is an existing building on the site and the addition will be set back further than the existing structure is from US Route One. 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

Access to the site is currently from US Route One and no changes are proposed. Based upon this information, the Board finds that this standard has been met.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

A paved parking lot is existing. The applicant has provided an updated plan showing seven standard spaces and one ADA space which will be relocated. These spaces have been designed in accordance with Section 514.B.10 of the Freeport Zoning Ordinance and will need to be striped and signed accordingly. Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which "shall be based upon a parking analysis submitted by the applicant." In the initial submission, the applicant noted that they have only three employees and occasional visitors. They feel that the designated parking spaces will meet the parking demands of the business. 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 Town Engineer did provide some preliminary comments to the applicant; this did include the recommendation that a rain garden be included on the site for stormwater treatment. Details and the location of the rain garden have been included in the submission. A drip edge along the building addition is also proposed. 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.

The building is connected to the public sewer system; a Capacity letter from the Freeport Sewer District (dated 09/03/21) was included with the final submission. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. Dumpsters are existing on the site; the location has been shown on the plan. 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.**

Signage is existing. No new signs are proposed. Based upon this information, the Board finds that this standard has been met.

- h. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

No special features are 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 only lighting proposed is at points of egress and on the sides of the overhead door. The lighting will be LED, shielded and a barn style fixture is proposed. Based upon this information, the Board finds that this standard has been met.

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

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

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

No changes to previously approved landscaping or buffers are proposed. The applicant intends to retain the existing woody vegetation and will only cut back what is needed to accommodate of the new building. 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 Shoreland Zone or the Marine Waterfront District. The building will be connected to public utilities. 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, change of use and Site Plan Amendment for Downeast Woodworks at 95 US Route One (Tax Assessor Map 25, Lot 7-1), to be built substantially as proposed, application dated 07/28/2021, finding that it meets the standards of the Freeport Zoning Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference 1) 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 work on the building, the applicant obtain a Building Permit from the Freeport Codes Enforcement Officer.
- 3) In accordance with Section 514.B.10 of the Freeport Zoning Ordinance, all parking stall will need to be striped and signed as required.
- 4) Prior to any sitework, the applicant establish an engineering review and inspection account in the amount of \$600.00, to cover the cost of plan review and site inspections by the Town Engineer.
- 5) The applicant continue to work with the Town Engineer on the design and detail on the rain garden and drip edge. (Troidl & Campanelli) **VOTE:** (4 Yes) (2 Excused-Berger & Reiche) (0 No)

Goodfire Brewing & Mr. Tuna – Change of Use and Site Plan Amendment

The applicant is seeking approval for a Change of Use land Site Plan Amendment. The use will change from restaurant to restaurant and Artisan Food and Beverage. Parking and vehicular circulation will be moved to the back of the building with a proposed driveway entrance on South Freeport Road. Exterior building modifications are also proposed. Zoning District: Commercial 1 (C-1). Tax Assessor Map 25, Lot 5 (117 US Route One). 117 Route One, LLC/ David Redding applicant; Mr. Tuna 117 Route One, LLC, owner.

Chair Blanchard disclosed that the applicant lives in his neighborhood and did discuss with him purchasing the building back in December but they did not discuss the project.

Ms. Pelletier advised that before the Board tonight is an 11 x 17 plan. There are two changes to the plan before the Board. One is they added one parking space out near the dumpster so they have the 68 parking spaces they think they need as opposed to the 67. The second one is after reading the Staff Report and talking today, they revisited the idea of providing a pedestrian connection with the abutting property. We talked a lot about the abutting property at the last meeting and what might happen there in the future. In the back, next to the parking lot, we talked about how people are going to come in to the back of the site and park behind the building so they show a pedestrian connection of 5 feet in width connecting the abutting property to their internal walkway to lead people to the back of the building. In the Staff Report the Board did have suggested conditions and a waiver regarding the pedestrian path. If the Board approves it as shown tonight, if you feel it meets the standard of 527, those two could get struck. Similar to the last applicant, they really worked out a lot of the details since the last meeting. They still need to get capacity letters from the Sewer District and the Water District. The Sewer District was in today and there are still some questions about the history of the building. They think they have pinpointed the sewer and show the sewer on the plan but getting that capacity letter has been added to a condition of approval. The other thing is that they do show some signage placeholders in sizes and potential materials but they don't have the designs done yet. They were wondering if the Board would be okay in conditionally approving the signs with the condition that they submit to Ms. Pelletier for review and approval of the final sign design. That is a proposed condition before the Board.

David Redding introduced himself as owner of the Goodfire Brewing Company. Much of the last few weeks were spent trying to respond to all of Mr. Bliss' requests and the changes he made. Overall, it is the same presentation with the modifications requested. He turned it over for questions to Sam Lebel.

Mr. Lebel with Acorn Engineering mentioned he did not have too much to add. He thought Caroline covered the majority of it. He clarified that at the last meeting there was discussion about setbacks and buffering between outdoor seating. Working with Caroline they were actually able to designate the South Freeport Road as the front yard. That is where their vehicular access is and that is what the building is going to be readdressed to. That made good logical sense to them and because that shared property line with the Trading Post is now the rear yard, it actually eliminates that setback requirement in the whole legal interpretation they got into last time. That should be pretty squared away. He feels it has been a pleasure to work with Adam Bliss and Caroline to address their comments and resubmit. He offered to present the site plan back on the screen if there is anything the Board wants to go over.

Mr. Yankee advised that at the last meeting, there was mention that the applicant would be talking with his abutters. Mr. Redding mentioned that their schedules did not allow for them to meet with the abutters. Their plan now is to take their approval and have a low-level conversation with the neighbors at this point rather than going to them and asking them for permission to do something we don't have permission to do. Chair Blanchard feels the legal maneuvering Mr. Redding worked out seems to work. Ms. Pelletier added that it is a weird property line which we talked about at the last meeting. If they do as proposed, there will be a unique triangle of pavement in front of their property when they have nice outdoor seating. Legally they don't have right, title and interest or the authority to apply to the Board for anything so you can't require them to do anything on property they do not own on the abutting property. In regards to the outdoor seating we talked about, she looked at it with the Codes Officer and the way the Ordinance is written, they have a corner lot so they get to designate the front. Once they do that, that is their front from here on out but it does make that other property line the rear so there are buffering concerns we talked about at the last meeting. Mr. Redding pointed out that that entire area is already pavement so they are not paving any of those areas. They are only creating more

green space to an odd property line. He added that he can't speak to what their neighbor will allow them to do. It is out of his hands and this is the best start he has. He advised that he can't approach them without approval from the Board. Mr. Troidl mentioned that he is thinking if it is approved and they say no, something like a concrete curb or something would be a better presentation to their asphalt between Mr. Redding's grass. He could see it getting messy and it might be a problem for Mr. Redding over maintenance, plowing and other things. It is just a thought. Mr. Redding is hoping the abutters are interested in making it less awkward.

Mr. Yankee mentioned his surprise that it has been three weeks and Mr. Redding has not been able to talk with his neighbors knowing we would be talking about it today. That was a topic for discussion last time. If there is no coordination, he feels it is going to look very awkward and it is a front door into Freeport. Ms. Campanelli added that there is only so much Mr. Redding can do with his neighbors. If he gets approval and talks with the neighbors and they are a no go, he will have to do some tweaking with his design. She feels they are doing the best they can with what they have. She does not feel this should hold up the approval for the project personally. She is glad they are closing off the front and she wishes the neighbor would do the same thing. It is so dangerous there. The curb cut is too long and she doesn't feel it should have been approved to begin with. She feels this is a good start. Mr. Redding hopes they can instill confidence in the Board with the rest of their rendering.

Mr. Yankee noted an alternative could be if they are not able to work out something with their neighbors, they could square it off and keep it pavement so it doesn't look ragged and it looks like it was something actually planned and not a bridge to nowhere. Mr. Redding mentioned he felt there was an aesthetic choice in the Zoning Ordinance. Mr. Yankee referred to Section 602 and the standards to meet. Ms. Pelletier read it into the public record. Mr. Redding noted that the way it looks aesthetically right now is not ideal at all and they are proposing a significant improvement. Mr. Troidl added that typically it would be setback to setback and this would all be grass or woods in the first place. Ms. Pelletier advised that the neighbor might have to have a buffer there because it is probably their side lot line and in the front along Route One. Mr. Troidl feels it would be more of a maintenance concern for Mr. Redding if they didn't want to do anything and it was just grass to asphalt. What will be left there will leave them with a useless little triangle so hopefully they will be happy to have Mr. Redding plant over it. Mr. Redding added that he is looking forward to meeting with them but doesn't feel he can have that meeting without approval from the Board.

Chair Blanchard added that it will be interesting to see what kind of redevelopment plans they may have but Ms. Pelletier added that they may not have any plans and could stay as it is today so the Board has to be cautious how it approves something. Chair Blanchard feels that overall, this is such an improvement to the corner regardless of what happens just beyond. Ms. Pelletier explained that they are adding that connection so the Board does not have to do that waiver for Condition No. 7 because those were related when they didn't show anything. Mr. Redding advised that they hopefully were going to meet with the neighbors and come up with a comprehensive plan and see if there is an appropriate place to have a pedestrian connection but time is of the essence in respect to their project. He would be open to moving that pedestrian walkway down the road if the interface between their properties changes. Certainly, one concern that came up at the last meeting was having the pedestrian connection between their parking lot and his restaurant would leave them open to having their parking poached which makes for bad neighbors. Mr. Troidl feels that it is standard from the Town's perspective making all these properties communicate all up and down Route One and parking poaching is part of that. Theoretically it would benefit them as much as it would Mr. Redding. Mr. Redding agreed. Ms. Pelletier added that if they did want to come in and tweak it, the area is probably small enough to fall under Staff Approval if they came in to move it. Ms. Campanelli noted that No. 7 is gone.

There were no public comments provided.

Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. This Section does contain standards for building design, signage, access and landscaping. Does the Board feel that the standards of Section 527 have been met?

Section 527.D has the following standard: "D. Pedestrian Access 1. A pedestrian access at least 5 feet wide connecting abutting parcels shall be constructed on each parcel where development is proposed. If the adjoining parcel is developed, the access should be designed to relate to existing facilities on the abutting lot. Materials might be asphalt, stone dust or wood, as examples. If the abutting lot is not developed, the plan shall contain a statement that says that continuous and consistent access will be created when the abutting lot is developed. The Project Review Board may waive this requirement if no reasonable access is available due to, for example the presence of wetlands, and/or steep slopes." The applicant is requesting a waiver of this provision at this time, as they feel that it would be better to wait to see if/how the abutting property is redeveloped rather than putting in a pedestrian connection that might not be in a good location.

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

- b. 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 an existing structure and existing site improvements. Some exterior building modifications and site modifications are proposed. Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. If the property line along South Freeport Road is considered the front, landscaping will be required in that area and in the setback from US Route One. The applicant is proposing to loam and seed in these areas. Additional plantings are proposed near the building and in the parking lot island. 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 parcel is not located within the Design Review Districts. The site is already developed with an existing structure and existing site improvements. Some exterior building modifications and site modifications are proposed. The Board finds that the proposed exterior building and site alterations meet the standards of Section 527 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

Access to the site is currently from US Route One via a large gravel driveway/parking area and with another entrance from South Freeport Road to a gravel parking lot to the rear of the structure. The applicant is proposing to remove the gravel from the area in the front and redevelop that portion of the site. Access would be to the rear of the property and via South Freeport Road. Since portions of the roads are under State regulations, the applicant did reach out to the State of Maine Department of Transportation for some feedback; they had no objections to the proposed entrance changes. The Town of Freeport will require some existing brush in the right-of-way be trimmed back to improve site distance; this has been added as a condition of approval. An area of pavement will also be removed from the North end of the building which was used as part of the access to the rear. 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.

Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which "shall be based upon a parking analysis submitted by the applicant." A parking analysis was included in the submission and determines that the peak number of parking spaces needed will be 68. Since changes to the rear parking area are proposed, all parking stall dimensions will need to comply with Section 514.D.9 Off-street Parking and Loading of the Freeport Zoning Ordinance; this has been reflected on the plan. 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 property is located in a threatened watershed. Stormwater treatment will be required per Section 529 of the Freeport Zoning Ordinance. The applicant is proposing a rain garden to treat a portion of the runoff from the site. An initial stormwater report was submitted and review comments were issued by the Town Engineer. An updated stormwater report was submitted and included in the packets, with calculations dated 09/02/2. Review comments from the Town Engineer are included in an email dated 09/09/21. A Maintenance Agreement for a Stormwater Management System with the Town of Freeport,

to be recorded in the Cumberland County Registry of Deeds, is recommended. 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.

A Capacity letter from the Freeport Sewer District and Maine Water Company will be required and obtaining letters have been added as a suggested condition of approval. There is an on-site well that will be used for gardening purposes only. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. Solid waste will be stored in dumpsters on the site. The dumpsters will be enclosed with a cedar stockade fence. Based upon this information, the Board finds that this standard has been met.

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

The conceptual design of the signs, in regard to location and sizes has been included in the submission. The final materials and design may be submitted to the Town Planner for review and approval prior to applying for a Sign Permit. Signs will need to be located entirely on private property as they are not allowed in the right-of-way. 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.

Since this is a commercial use, per Town of Freeport, Chapter 28, Solid Waste Disposal Ordinance, the applicant will be required to sort their cardboard from their other waste and contract with a private waste hauler for waste disposal. 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.

Full cut-off fixtures are proposed near points of building egress and for the outdoor seating areas. Cut-sheets of lighting fixtures have been included in the submission. No parking lot lights are proposed at this time. Based upon this information, the Board finds that this standard has been met.

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

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

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

Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. If the property line along South Freeport Road is considered the front, landscaping will be required in that area and in the setback from US Route One. The applicant is proposing to loam and seed in these areas. Additional plantings are proposed near the building and in the parking lot island. If the property line on South Freeport Road is considered the front, the opposite property line could be considered the rear, and which case buffering is not required and the outdoor seating shown in this area would be allowed. Based upon this information, the Board finds that this standard has been met.

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

This parcel is not within the Shoreland Zone or the Marine Waterfront District. The building will be connected to public utilities, with obtaining capacity letters from the Freeport Sewer District and Maine Water Company (if applicable) being a condition of approval. 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.

Waiver: Be it ordered that the Freeport Project Review Board move to grant a waiver of Section 527.D of the Freeport Zoning Ordinance requiring that a pedestrian access at least 5 feet wide connecting abutting parcels to be constructed, as given the current application and the recent transfer in ownership of the abutting property, a pedestrian connection would be better addressed at such time that the abutting property is

redeveloped.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, change of use to restaurant and artisan food and beverage, for Mr. 117 Route One, LLC, at 117 US Route One, to be built substantially as proposed, application dated 8/26/2021, 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, or a building permit being applied for, 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. The applicant obtain written capacity letters from the Freeport Sewer District and Maine Water Company (if applicable) with a copy to be forwarded to the Freeport Planning Department.
- 3) Prior to any work on the building, the applicant obtain a Building Permit from the Freeport Codes Enforcement Officer.
- 4) The conceptual design of the signs, in regard to location and sizes has been included in the submission. The final materials and design may be submitted to the Town Planner for review and approval prior to applying for a Sign Permit.
- 5) Prior to installation of the sign, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer.
- 6) Prior to a Certificate of Occupancy being issues for the use of the building, the applicant work with the Town in regards to trimming some existing brush in the right-of-way to improve site distance. (Campanelli & Troidl) **VOTE:** (4 Yes) (2 Excused-Berger & Reiche) (0 No)

ITEM IV: Reviews

Independence Drive – Design Review Certificate

The applicant is seeking approval of a Design Review Certificate to build a driveway and new single-family home at their property at 0 Independence Drive. Zoning District: Village Commercial 3 (VC-3), Design Review District I – Class C, Freeport Village Overlay District. Tax Assessor Map 9, Lot 2B (0 Independence Drive). George Naaman and Erica Plourde, applicants; Lumbo Ledge, LLC, owner.

Ms. Pelletier advised that this application is strictly for Design Review. The Board did have some revised material before you tonight. If you are travelling on Route One going down Lower Main Street from Town Hall, you will

approach Independence Drive. There are two access points to Independence Drive. You will go over the railroad bridge and take the first right and take another right set back a little bit lower, there is a vacant lot behind an old cape-style home that used to be a B & B. The applicant wants to put a single-family house in there. She went and looked at it and it looks like it will be partially visible. Once it is cleared, she feels it will be seen. In front of it is a cape-style house and a little further down there is a smaller 1 ½ level ranch with a garage. There is some vacant land around there so they are proposing a single-story ranch-style house with an attached garage. They did include a site plan in the file showing how the house would set on the lot. It is a modular and they did submit some cut sheets on the materials. They are proposing vinyl siding and an asphalt roof. Windows and doors will be trimmed. They are in the Overlay District and they have to have trim. They will have steel garage overhead doors as shown on the plan. The plan before the Board today shows how it will look with the garage and she wanted the Board to know that the garage and house will be attached. Leading to the house will be a gravel driveway and they will have lawn. They are trying to minimize tree removal but since it is residential, they do plan to have a vegetable garden and flower gardens and will probably put some buffering that won't be visible but in the rear along the railroad tracks for their own privacy. The Board had drawings in their packets and the applicant is here if there are any questions about the proposal. This is in the Overlay District but in this district the Design Certificate for one and two-family dwellings is issued by the Codes Officer at the time the permit is issued. Mr. Adams already did a first glance at it to make sure it complied with both of those design guidelines.

Erica Plourde mentioned that she and her husband would be willing to answer any questions for the Board but didn't have anything to add. Mr. Troidl asked if the garage would be fully attached to the home? Mr. Naaman advised it would be fully attached. Ms. Pelletier added that in the Staff Report there is just one condition that they would have to apply for any applicable permits from the Codes Officer.

Chair Blanchard asked if there are any windows proposed for the side of the garage? Mr. Naaman advised that there are not. Chair Blanchard mentioned that the way it is oriented toward Route One, it may take more of an appearance of an ancillary building to the large building in front of it. Mr. Troidl pointed out in Design Review, this would technically be a C.

There were no public comments provided.

Findings of Fact: Design Review Ordinance: Chapter 22 Section VII.C.

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

The building will be single story and about 16.5 feet in height. It will be lower in height than other nearby structures. The use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. 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 building will be single story and about 16.5 feet in height. It will be lower in height than other nearby structures. The view of the new structure will be partially screened by other nearby structures. 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 use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. 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 use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. The rhythm of solids to voids in the front facade will be similar to other nearby residential structures. Based upon this information, the Board finds that this standard has been met.

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

The use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. Windows and doors will be rectangular in shaped and are designed to be in proportion to the overall size of the structure and other nearby properties. 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 of the house and garage will be peaked. There will be a peak in the center of the roof of the dwelling which will have a 7/12 pitch. The roof of the garage will also be 7/12. Both will be sided in asphalt shingles. 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 structure will be sided in vinyl shiplap siding with a 4/4 reveal. Windows and trim will also be vinyl. The windows will be double-hung with no grilles. They will be rectangular in shaped and standard sizes. The proposed doors will be made of fiberglass and will have six panels. Shutters will be vinyl. Roof will be asphalt shingles. Based upon this information, the Board finds that this standard has been met.

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

The lot is accessed through a private driveway from Independence Drive. Although the proposed structure be located behind another existing dwelling, it is expected to be at partially visible from a public right-of-way. A plot plan has been included in the submission and shows how the building will be situated on the site. The structure appears to comply with the required setbacks for the Freeport Village Overlay District and the Village Commercial 3 District. 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 lot is accessed through a private driveway from Independence Drive. The driveway will be paved. Some additional clearing will be required for the new house. A plot plan has been included in the submission and shows how the building will be situated on the site. The structure appears to comply with the required setbacks for the Freeport Village Overlay District and the Village Commercial 3 District. Based upon this information, the Board finds that this standard has been met.

- 10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".**

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

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate George Naaman and Erica Plourde, for a new single-family dwelling at 0 Independence Drive (Tax Assessor Map 9, Lot 2B), to be built substantially as proposed, application dated 08/25/21, finding that it meets the standards of the 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. Prior to installation, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Campanelli & Troidl) **VOTE:** (4 Yes) (2 Excused-Berger & Reiche) (0 No)

RSU5 Community Programs Disc Golf Course– Site Plan Amendment

The applicant is seeking approval for a Site Plan Amendment to add a nine-hole disc golf course which will be located on property at both Freeport Middle School and the Freeport Community Library. The course will be mostly in the wooded area and the removal of vegetation will be minimized. Zoning District: Village 1 (V-1), Resource Protection 2 (RP-2), and Freeport Village Overlay District. Tax Assessor Map 12, Lots 59 and 59-1 (10 Library Drive and 19 Kendall Lane). RSU5 Community Programs, applicant; Peter Wagner, Director of Community Programs, representative; Regional School Unit 5 and Town of Freeport, owners.

Ms. Pelletier advised that this is a unique application. The Town and the RSU5 are the applicants and Peter Wagner, the Director of Community Programs approached us and the RSU has gotten in some really great equipment in different things in the past year. They have been doing a lot of community activities as the Board probably saw this summer. One of the things they purchased is disc golf and they want to set up a disc golf course. They approached us and the thought was that it is not really a structure but it seemed to be accessory to the use so we had them amend the site plan. In this case, this used to be one property when it was owned by the Town but when the Town and the RSU became their own separate entities, they put a property line in the middle. In that area is mostly woods but there is an existing ropes course and an emergency access from Maple to the school that is used by Public Safety in the case of emergencies. She talked to the Codes Officer and learned they are not considered structures. They have a concrete base but they can be easily taken out and taken in. In the Board's submission there is a map of where they want to put the holes. They will have to remove a couple of small trees but really it is just going to be clean up of downed trees. They will retain any vegetation. If they were going to remove any other vegetation, they would have to coordinate with the Town and make sure they get approval. It is really going to be tucked in between both properties and really looks like it will be accessory to the school.

Mr. Wagner advised that Caroline mentioned the ropes course that exists in those woods and hills between the Middle School and the Library. Most of the cutting on that land that they might have had to do has already been done for the ropes course and it is surprising to him to find how far on to the Town-owned land the ropes course goes so a quite a bit of the ropes course is already on Town-owned land and they will be utilizing the existing cuts in large part to create this disc golf course. In his proposal there are a lot of downed trees on some of the fairways that they would like to follow for the course so there will be some chainsaw work cutting them up and stacking the wood and perhaps some saplings and limbs taken down but nothing that would drastically alter the look and feel of the woods over there. They will use existing trails as much as possible.

Chair Blanchard asked if the idea then is to not necessarily have a clear straight shot from the tee to the hole? Mr. Wagner mentioned that is correct and it makes it fun and challenging. Ms. Campanelli asked if this would interfere with the trail that the Middle School kids take from the Middle School to the Library? Mr. Wagner advised that it will utilize that trail in part but he does not see it as an interference. There will be occasions when people are using the disc golf course at the same time as students are traversing from the school to the Library but he doesn't feel those two things can't co-exist. Ms. Campanelli asked if this would be open to the public all the time and Mr. Wagner advised that it will but feels it is something that will need to be monitored for sure and he has a close relationship with Ray Grogan and folks from the Middle School and that is something they will

keep an eye on. He also has a close relationship with Arlene Arris as well and he can envision this course being constructed and having pretty regular check-ins with those folks to be sure that it is low impact. He thinks it will be a nice addition. Ms. Campanelli agreed and mentioned that it should be fun.

Mr. Troidl asked if any signage is being proposed either on each hole or a course map at the beginning? Mr. Wagner explained what they hoped to do. They purchased the disc golf equipment from Rocky Hill, South Carolina and they have all the targets and bag equipment. They had to postpone the signage part so at each tee box where you start throwing your discs, they anticipate a small sign that will show the fairway goes here and then it goes to the right and it is this distance. They are small things they can possibly put on driven posts or attach to the trees. There will be nothing lit or large.

There were no public comments provided.

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

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

The site is already developed with an existing structure and existing site improvements. The nine-hole disc golf course will be located on property at both Freeport Middle School and the Freeport Community Library. The use will be accessory to the school. The course will be mostly in the wooded area and the removal of vegetation will be minimized. The Based upon this information, the Board finds that this standard has been met.

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

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

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

c. Vehicular Access: The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

Vehicular access to the site will remain changed. 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.

Parking and circulation will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

Based upon the size and nature of the project, information on surface water drainage was not required to be submitted. 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 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 new signs are proposed. Based upon this information, the Board finds that this standard has been met.

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

The applicant is seeking approval for a Site Plan Amendment to add a nine-hole disc golf course which will be located on property at both Freeport Middle School and the Freeport Community Library. The course will be mostly in the wooded area and the removal of vegetation will be minimized. In this area, is an existing ropes course that is accessory to the school. The Codes Officer has reviewed the concept and determined that the equipment (target baskets) required will not be considered structures and therefore setbacks will not be an issue. Based upon this information, the Board finds that this standard has been met.

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

No new lighting is proposed. Based upon this information, the Board finds that this standard has been met.

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

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

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

The applicant is proposing to install the course while retaining existing vegetation and only cleaning up vegetation, as needed. All mature trees will be retained unless that are already fallen. Some limbing may be required on large trees. A few small trees may need to be removed for two of the baskets. Based upon this information, the Board finds that this standard has been met.

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

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

- (7) **The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

This parcel is not within the Shoreland Zone or the Marine Waterfront District. No new utility connections 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 Freeport Zoning Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for RSU 5 Community Programs, for a disc golf course accessory to Freeport Middle School, course to be located at 10 Library Drive and 19 Kendall Lane (Tax Assessor Map 12, Lots 59 and 59-1), to be built substantially as proposed, application dated 09/01/2021, 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. (Troidl & Yankee) **VOTE:** (4 Yes) (2 Excused-(Barber & Reiche) (0 No)

ITEM V: Public Hearing regarding a remote participation policy for the Freeport Project Review Board.

MOVED & SECONDED: To open the public hearing. (Yankee & Campanelli) **VOTE:** (4 Yes) (2 Excused-(Barber & Reiche) (0 No)

No public comments were provided.

MOVED & SECONDED: To close the public hearing. (Yankee & Campanelli) **VOTE:** (4 Yes) (2 Excused-(Barber & Reiche) (0 No)

Ms. Pelletier added that legally each Board and Committee that wanted to do this had to have a public hearing and the Board put a notice in the paper. She thanked the Board for going through the motions. Mr. Troidl noted that like he said at the last meeting, he still doesn't think it is 100% clear that the public will be able to always participate remotely which he thinks is the intent in Paragraph 4. He read the paragraph into the public record. Ms. Pelletier advised that the Board should put an out in there in case it doesn't work. The Board is adopting this but in technology, the part has not come in so the Board can't do it. The Board has that in there so as soon as it works, the Board can do it but you don't want to not be able to meet. You want to give an out in case something happens and you can't offer it to the public even though that is the intent of the Board.

MOVED & SECONDED: To approve the language as recommended. (Campanelli & Yankee) **VOTE:** (4 Yes) (2 Excused-(Barber & Reiche) (0 No)

Ms. Pelletier advised that as soon as the technology works, we will start going hybrid. She does not have an estimated timeline on that. Ms. Pelletier also advised that the Board talked about amending our Rules of Order but there was so much other stuff, this policy will be attached to the Rules of Order so the Board will have one document.

ITEM VI: Persons wishing to address the Board on non-agenda items. – There were none provided.

ITEM VII: Adjourn.

MOVED & SECONDED: To adjourn at 6:58 p.m. (Troidl & Campanelli) **VOTE:** (4 Yes) (2 Excused-
(Barber & Reiche) (0 No)

Recorded by Sharon Coffin