

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 16, 2022
6:00 PM
Hybrid Meeting

Attending: Linda Berger, Chair Guy Blanchard, James Monteleone, Ford Reiche and Caroline Pelletier, Town Planner

On Zoom: Lynn Hamlen

Excused: Vice Chair Tod Yankee and Jason Donahue

Ms. Pelletier pointed out that the Board has a stack of letters that are newer in front of you and she e-mailed others in case there is someone that likes to look at the digital copies.

Chair Blanchard called the meeting to order at 6:09 p.m.

ITEM I: Information Exchange

- 1) Update on Staff Approvals: Ms. Pelletier advised that the Board talked about this last month but they are actually ground signs. Goodfire was actually approved by the Board on U.S. Route One South and they are now getting ready to open. They got approval for ground signs and the Site Plan but they didn't have the details so they came forward. One is in the same previously approved location on Route One. Their second one used to have access to this property on Route One but they changed it to Old South Freeport Road. Both signs are on private property.
- 2) Update on topics reviewed by the Planning Board: Ms. Pelletier noted that the Planning Board continues to discuss cannabis and the changes to Site Plan Review pending the final draft from the Town Attorney which came in today. They will be having a large public meeting at their December meeting about cannabis and the changes to Site Plan.
- 3) Update on the Downtown Vision Task Force Implementation Group: Ms. Pelletier mentioned that the Task Force took last month off and we talked about the workshop at the last meeting. They are scheduled to have a meeting tomorrow night. Those meetings are on zoom and the information is on the Town's website if you want to join. Sometimes Linda, Lynn and Tod go so she is certain one of the three will attend and will report back next month.
- 4) Ms. Pelletier advised that she e-mailed Board members about a training opportunity. She heard from two members that they are interested in going so she is waiting to get the sign-up information from MMA. If anyone else has not been in the past and wants to go to the Maine Municipal On-line Zoom Training that is coming up in December. If you want to go but you don't like zoom or that date doesn't work, please let her know because they offer them throughout the year and they are bringing some back in person. They are usually in Saco or South Portland and if you are interested, she will let you know.

ITEM II: Review of the Minutes from the October 19, 2022 Project Review Board Meeting.

Chair Blanchard mentioned that Mr. Monteleone missed a portion of the meeting. He asked if he is able to vote on the Minutes? Ms. Pelletier advised that he should not and the Board should table it until next month.

ITEM III: Reviews

American Eagle Signage – Design Review Certificate

The applicant is seeking approval of a Design Review Certificate for new and replacement signage and lighting at their building at 35 Main Street. No other changes are proposed. Zoning Districts: Village Commercial 1 (VC-1), Design Review District One – Class C & Color Overlay District. Tax Assessor Map 11, Lot 22 (135 Main Street) SB Signs, Courtney Boutin, applicant and representative; Camplin/Marino Properties, owner.

Ms. Pelletier explained that American Eagle is located in the same building as the Gap at 35 Main Street. It is on the corner of Main Street and Howard Place. They came in for Site Plan approval for an addition a number of years ago and had some signage approved. They are now looking to modify their signage. Because some of the signage was new, they have no Staff Approval ability under Design Review so they had to come back to the Board. It took them a bit longer to get them to the Board because it is a big building with a bunch of signage and they had to go through and do all the calculations to show us they also meet the standards of the Sign Ordinance. This is pretty standard aluminum cut-out letters with modern day exterior goose neck lighting fixtures. They are taking some down and adding some new ones. She is not sure who is here representing the application. Ms. Pelletier pointed out that it appears no one is here but the Board needs someone present in order to take action on the application. She offered to make a phone call.

MOVED AND SECONDED: To table the application. (Reiche & Berger)

Ms. Pelletier suggested pausing and taking it out of order at the end. Board members agreed. Ms. Pelletier returned from phoning and advised that their mailbox is full and suggested the Board move to the next item and take this one up if a representative appears at the end of the meeting.

Freeport Village Apartments – Multiple-Family Dwelling - PUBLIC HEARING

The applicant is seeking Preliminary Subdivision approval for two new, three-story, multiple-family dwellings (approximately 4,620 sf footprint each) with a total of 30 residential dwelling units and associated site improvements on a vacant parcel of land located at the corner of Main Street and West Street. Vehicular access to the site would be from West Street. Design Review, Site Plan Review and Subdivision Review are required. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class C & Color Overlay District. Tax Assessor Map 11, Lot 132 (22 Main Street). LWS Development, LLC, applicant; Moser Properties, LLC, owner; Eric Dube, PE, Trillium Engineering Group, representative.

Ms. Pelletier explained that this application is for multi-family housing on the property next door at 22 Main Street. There used to be two structures there on two parcels and now it is sitting as a primarily vacant lot. It needs Site Plan Review, Design Review and Subdivision Review. They have been to the Board a couple of times and there was a Site Walk at the September meeting. The Board granted conceptual Subdivision approval and at that point it means that the Board determined that based upon the information submitted that the process is complete with the applicant showing the conceptual layout is correct, meaning that the building is in the right spot and any open space or undeveloped area is in the right spot. Tonight, the Board has preliminary review so the Preliminary Subdivision Review is when we do the public hearing. Because there are three different sets of standards involved here, although the Board could choose to take action on the Preliminary Plan, they would then go away and finish all their engineering and get all the rest of the paperwork complete and potentially come back for final. You would still want to be giving them any feedback as far as any of the Site Plan components or the Design Review components so as they work on finalizing their plans working on the next submission, they can take any feedback and incorporate that.

At the last meeting, one of the things the Board asked for was some photo renderings to show how the proposed building would fit into Main Street. They did include that in the packet on the Plan Sheet for you. With regard to Site Plan Review, they have to meet the requirements under the Village Commercial I for which multi-families are a permitted use and they need to meet any of the space bulk letters in there. This would be connected to public utilities. They still need to get their utilities sign-off. They have been working with the Town Engineer. He hasn't identified any major issues with how they are proposing to treat stormwater and do erosion control. There are actually two accesses to this property. There is one off of Main Street and one off of West Street. They are proposing to still eliminate the one on Main Street and have one-way access into the site from West Street. There is currently a memorandum of

understanding between the abutting property owner and the Town. If you park in our parking lot, you will see a little gravel connection. We have an agreement that they can exit over our lot. If the applicant wants to formalize that, they have reached out to the Town Manager about going to the Council to actually formalize that agreement in the form of an easement. If that is something they are going to pursue with the one-way access, we would want them to do that before they come back for final approval. The current entrance to the Town Hall site is off of Main Street and exits onto Depot Street. The Town of Freeport is actually not the owner of the parking lot that a lot of people may have parked in tonight. It is owned by someone else. In this case, the applicant is looking to get an easement from us over our property for the one-way egress from the site. They are proposing 33 parking spaces on site.

As you are probably aware, the Planning Board has changed the parking requirement recently so that would meet the parking requirement whether they want to do shared parking if they want it to be non-shared parking. They have made some revisions to the façade of the building based upon the comments made at the last meeting. They changed the style of doors and also eliminated the entrance on the West Street façade that was in the center. The applicant will go through that. Again, this is Preliminary Review, public hearing tonight which the Board would need to make motions to open and close the public hearings. If you want to take action, you can do that on the Preliminary Plan tonight and put any conditions that they would need to satisfy in addition to all the standard requirements of the Ordinance before they come back. The applicant is here tonight.

Paul Peck introduced himself and explained that he has developed in Yarmouth, Portland, Cumberland, Scarborough and Carrabassett in Rangeley. He is currently working with a Western Maine Housing Coalition to bring housing to the Western Maine Mountain Region of Carrabassett, Stratton and Kingfield and has found it to be exciting for him. This is their third meeting so he is certain the Board has heard some of this. He was originally attracted to this site and Freeport through the Vision Plan that the Town underwent the past couple of years. He followed it closely and was excited to see that Freeport needed changes because retail is not quite as big as it used to be and the Town wants to be more of a town for everyone and have more residents' activities including housing. That is how he got excited about Freeport and then he found the site. He feels the site is amazing and Freeport is amazing. It is so walkable. There is everything here, trains, buses, performing art centers, parks, a Historical Society, a Community Center, Meeting House Arts, Library, banks, shops, restaurants and Bow Street Market. It is an incredible walkable town and having housing in it makes so much sense. The Town expressed that through the Vision Plan and they are trying to create housing but it is not easy due to the impediments in their way and the cost of construction but they want to create housing. The housing they want to create is two 15-unit buildings connected with a common courtyard. One of the cool things about it is that they have seven ground floor units in each building that are accessible and some may be ADA accessible, whatever the requirement is. It is a great place to age in place. Maine is one of the oldest states and some of the old housing is not necessarily safe and accessible. To provide housing for 14 units of accessible, safe housing in the center of town is pretty cool. They are hoping it will be a place for people to age in place. The second and third floors will be two bedrooms a bit bigger than the first floors that will be all one bedroom. That is what their plan is. The plan has been evolving over the past four or five months and went from a much larger footprint on the site to a much smaller footprint. They have a tremendous amount of green space between the buildings and on the sides of the buildings. They are creating a pocket park on the corner of West and Main that ties in very nicely to the park across the street. Any further work the Town is going to do on that Firehouse lot in the Vision Plan has a big vision for that spot. They are only covering on the Main Street frontage 51% with buildings and 42% on the West Street side. They have reduced their scale. They have three stories and are at 31 feet where the zone allows 45 feet so they are substantially lower than the zone allows. That accommodates their three-story building. They changed their architecture to a very traditional colonial and federal style of architecture which they believe fits in well with the town and its historic nature. He mentioned that Main Street used to be large three- and four-story buildings. He displayed a story board. They think they fit in really well with the historic nature when Main Street had housing. Now, we look at doing housing on Main Street like it used to be.

Mr. Peck advised that the buildings they are proposing and the way they will use the site meets the zoning requirements. They are not asking for anything not allowed in the zone. They worked hard to make it fit within the design guidelines of the village center. They had conversations and visions with the Principle Group that did Freeport's Vision Statement. Russ helped them come forward with their traditional colonial federal style architecture. He worked with them on their bay windows to make them pop and be a focal point on the Main Street and West Street facades. He

feels it was a really great exercise they had with them. That is basically what he has and is really excited about the project and happy they got through conceptual and look forward to the preliminary approval today. He introduced Eric Dube of Trillium Engineering Group.

Mr. Dube advised that he has been working on the civil which is kind of the boring part of it. He introduced Tony Cowles a landscape architect that has helped with some of the landscape architecture for the project so they are at a point where they have gotten past the preliminary and are moving to the final. Mr. Cowles is here to answer any questions about the landscaping. Mr. Dube displayed the existing Site Plan that they have and Ms. Pelletier did a great job covering a bunch of stuff but there is a ledge outcrop on West Street, some existing vegetation, some loose laid stone walls and the gully and ditch at the rear of the property that has some low-growth vegetation and then north there is the existing Town parking lot which he believes a bunch of them parked in tonight. As Mr. Peck mentioned, we have two buildings and they basically face Main Street. They are relocating some of that dry laid stone wall on Main Street by pushing it a little further out to give them a little more room for a couple of seating patio areas for the units that face Main Street. They have the center courtyard they talked about and direct pathway to the sidewalk at Main Street. They have a little gathering space at the rear and a retaining wall because they do have a drop in grade at the rear of the site. They have some stairs and they also have a handicap-accessible ramp to take care of the grading difference there. With that they have added some landscaping and buffering around that. They are not really removing any ledge but they might have to hammer out some ledge around the parking. For the most part the buildings are going to be slab on grade. They will not have basements so they are really going to have the foundations mold to the ledge as much as possible and leave that natural ledge along the West Street face and then be able to work that landscaping around that edge. There have been some questions about the one-way entrance they have from West Street going into the property (he pointed out the location) and then going out on the easement they are talking about on Town property. They are doing a one-way because they obviously have stacking issues for the light on Main Street and West Street. They want to make sure that cars are not existing and then having some issues turning in and out so they felt the biggest issue with this is any car that wants to take a turn into the property, coming from Main Street. They propose to do working with a traffic engineer is to stripe an area of West Street with appropriate signage of do not block the intersection. They are working on that and will have details wrapped up with Public Works for final. They feel that is the best plan not to take that entrance or egress away from Main Street to be able to utilize this coming into the site and being able to have angled parking and then tuck the parking in the rear of the building.

For storm water they have roof drains, they have a couple of catch basin drains within the courtyard and all those drains tie into the system that is down in the lower parking area. Those will tie into an underground storage and treatment area for the site. They are working with the Town Engineer through that to deal with those issues. They do not see any issues with that specifically. The dumpsters will be up north of the site up against a piece of ledge (he pointed to) and there will be acceptable trash and recycling pick-up at that location. With regards to utilities, essentially, they were previously trying to connect to West Street. They have talked with Sewer and Water and found it is not feasible. The Sewer line does not extend as far as what they thought so they are connecting out to Main Street. It will be a bit intrusive putting it in but they feel it is the best thing. The Sewer District feels it is the best connection also. He noted that he did not elaborate on stormwater so all the roof drains are going to tie into the catch basin system and then tie into their underground stormwater system. He pointed out how most of the site flows picking up against a raised parking edge and then they are picking up all that stormwater with catch basins at the bottom. Everything basically flows north to south on the sheet and then again it is picked up and goes to the underground treatment system and is able to be tied back out to the Town system and releasing it at a slower rate than what is there currently. That takes care of stormwater. He offered to answer questions.

Landscape Architect, Tony Cowles displayed a plan explained that the landscape plan is pretty simple and is still evolving. It is an understated approach trying to get a rhythm of street trees along both West Street and Main Street trying to get some mature canopy in there. They realize that this is the gateway and it is important. You will notice that it is a simple approach to plantings along the street on all three sides. They are trying to get some canopy in the back parking lot by using that island to plant some trees and shrubs. In places where there are exposed foundation walls, they will be doing some plantings to crawl up the wall to disguise a lot of the concrete if possible. They will be adding plantings that have

not been fully elaborated in this preliminary submission but these garden units on the interior of the courtyard will have more plantings associated with them. Along West Street and Main Street it is more of a simplified approach. There are some low shrubs in front of a wall on the west side along Main Street and he feels this will be appropriate for this site. He offered to answer questions.

Patrick Booth, Architect, shared some updates that they provided since the conceptual review with the Board a couple of months ago. The Board requested a couple of rendering simulations of the view of the building from further away for more contextual information down Main Street. He displayed a slide so the Board can see how far the approach is coming northbound on Main Street and the building is off to the right. He knows there have some questions about the scale of the building and about its height. They think that it starts to create that nice street wall and it is not so jarring in effect against two-story, one-story and three-story buildings nearby. It actually starts developing this nice gateway into the downtown district of Freeport. On the right side, is the opposite direction of southbound on Main Street and the Board can see the existing trees and how they help to downplay the scale of the building as you approach from that direction. He displayed a lower image that is coming up on West Street towards Main Street. All the trees shown are representative of the landscape plan in general. They are not now mature but that is what they will most likely be looking like five years from now. He displayed new renderings to give more life and more clarity to the architecture of the building itself. They have also incorporated some of the landscape designs that Tony had helped them work with and the Board can see the focus of the still in progress pocket park in the corner as you enter into the site. As the Board will see at the end of the presentation, they have looked at several color studies of the building itself. Although they do like all of them, the one they gravitated the most for is the simplicity of the white and gray and black window scheme. There is a barn across the street that has a nice clean timeless character to it and that is something they thought was an appropriate element to include as a gateway to town.

He pointed out other elements that are new such as light fixtures at the front doors and doors that are direct entries into units. It is all about activating the street and you can actually see someone enjoying a café table on what is their front porch. It is behind that stone wall so it becomes semi private space. He showed a slide showing the green space down the middle giving a nice break in the massing with light and air coming through to help make the buildings more comfortable in the space itself. They have done some refinement on the trim work and cornice since the last meeting in a step toward refining the buildings in a way that is reminiscent of the federal and colonial style of buildings. The Board will see it more clearly on the elevations that the front doors were a little more ornate before and a little less federal and colonial style. Federal and colonial are not that ornate so they changed the doors to two-panel versus the four-panels they had before

He displayed a slide showing West Street and mentioned that they incorporate that ledge and put some naturalized plantings in front of it to help let the beautiful landscape speak for itself. The Board will see the suggestion of that green wall and there is a point where the gray drops significantly from front to back so there is a portion of foundation wall that is visible on West Street so they are looking to screen it with vegetation. He displayed elevations with notes on them to help identify the material palettes, their proportions in the elements of the windows, the details all being reminiscent of historic stylings of details that helps it all come together in that sense. He showed a West Street elevation and they had previously shown an entry on the West Street side before. The thought was that it added too much to that side of the building so they subdued that because the primary entry for both these buildings will be through the courtyard. They responded to feedback and eliminated that entry. He showed a slide of the back of the building and this is where vegetation will be and tucked down below the ledge and is maybe where the electrical bank is but that is still to be determined but the idea is that it will not be located so as to not be visible from a public way.

He displayed the elevation facing Town Hall as well as a new elevation inside the courtyard looking at either side of the buildings. He pointed out the main entry to these buildings for people going up to the second and third floors and the Board can see some smaller balconies helping to break up the massing on this side for people on those floors. They felt it was important to move the balconies away from Main Street because the balconies break up the type of facades you wouldn't typically see on these types of buildings so it was important for them to shift them away from Main Street itself. There are some little canopies over the unit direction doors to give them more prominence as well. He displayed a slide showing in progress, but this is the ground floor, the courtyard side so it is the primary entry and then there is an

entry inside to three of the units. These are the direct entry units from Main Street itself and then some units from the courtyard. That is how they have seven units on the ground floor. On the second and third floors they are all two-bedroom units with great views of the surrounding area and outdoor space as well to utilize. He displayed a diagram to help describe some of the benefits of a flat roof. They will work on the detail of the parapets so the wall height will help screen any visibility of the mechanical units. There will be heat pumps and they probably will be around 30" tall and will be on a 2' stand to stay above the snow so they will be 5' overall. It allows for mechanical units to be on a roof and not be where you might often see them on the side of a building. They are not very slightly on the side of a building so it is a benefit to having a flat roof. Another slide showed a diagram they developed showing color scheme options. The primary building material will be fiber cement panels of different sizes and they do come in manufactured colors so they looked at colors that were reminiscent of historic colors from the Benjamin Moore or Sherwin Williams catalogs. Their intent is to get samples and make sure what they are choosing is successful for the Town. He is happy with all of them but wanted to show what the building could look like on the street and if there are any kind of discussions around that, they wanted to open it up for further talking points. He offered to answer questions.

Chair Blanchard explained that as what the Board has done on prior applications with multiple layers of reviews, we will go through each one starting with Site Plan. He suggested that the applicant keep track of all the questions raised by the public and will answer them at the end. Hopefully, the questions being asked and the presentations they made have answered a lot of the questions that the public may have. He clarified that the Board can take as much time as it would like to ask questions and can ask additional follow-up at the end.

Ms. Berger had a question regarding the internal courtyard. Based on the sun direction, she asked if that area is going to get appropriate light for the proposed plantings? Mr. Cowles agreed that it is a fairly shaded courtyard at certain times of the year. The plants selected for that area will respond accordingly to the amount of light. He explained the types of plants that are proposed. Ms. Berger had a question about the number of apartments on each level. She was advised that there will be seven ground floor units in each building with four on the second floor and four on the third floor. Ms. Berger asked if the ground floor apartments are accessible and if they are defining accessible from the street by walk-in or wheel-in as opposed to accessible meaning the internal design and appliances are also accessible in height for accessibility?

Mr. Booth advised that it is not fully accessible with grab bars. One unit of the 30 will be a Type A which is a fully accessible unit on the ground floor.

Mr. Reiche asked the applicant to go to the graphic on the street view showing the upper left. He noted that he has been struggling to figure out whether it is accurate or not. It seems so low to him. He asked if it was done with some sort of engineering certainty or best guess? Mr. Booth advised that it was done with an artistry best guess situation but they have the other buildings modelled in their computers and explained how they can get a level of accuracy as much as they can. Mr. Reiche explained that he was trying to line it up with the utility pole which is 5 feet in front of their building. There is such a difference from the top of the utility pole and the top of their building. He wondered how they arrived at it. Mr. Reiche asked what the finished floor would be at Main Street? He was advised that there is a one-foot difference. Mr. Reiche asked if it would be possible for them to do the upper left photo and show the whole building for the next meeting? By counting windows, he doesn't think one-third of the building is not on the right side and he thinks it is in view when you come down the street. Mr. Booth noted they could do that. When we get to comments, Mr. Reiche mentioned that one of his comments would be on the size of the building and the place where it is most apparent is on the upper left approach and so to have the whole building on there would be helpful as the discussion goes on. Mr. Monteleone asked that they incorporate as best they can a measurement taken from the top of the utility pole that would help give the Board confidence that this is to scale. Mr. Reiche agreed it would be helpful. He added that he came down today in the rain with a tape measure and got half way up the pole. He thinks the pole is 38 feet so there will be 7 feet difference. Mr. Booth mentioned having a balloon test and how it would work. Mr. Reiche advised that a balloon test sounds better than a tape measure in the rain. He noted the utility pole is at the building. It is across the sidewalk from the middle of their building so he asked them to double check it and Mr. Booth agreed.

On landscaping, Mr. Monteleone asked where they stand with the West Street view? It was previously represented that this 48" oak was going to stay. He asked them to help the Board understand the problems encountered? Mr. Cowles explained that they looked at this and gave it a lot of attention within their group and went back and forth and talked with some earth work contractors about the tree's viability. The reality is that with the ledge adjacent to where that is and the drip edge of the tree and all that is going on, there is a very low probability that that tree is going to survive during and after construction. At that point they made the decision to not come in here with the false idea of trying to keep the tree and go through that. They said they will add landscaping and work with Tony and the owner and try to provide some landscaping with good tree growth along that edge that is going to fill in within the next 5-10 years. Mr. Monteleone asked what would be an expert that made that assessment or recommendation? Was it by an engineer or by a forester? Who is the professional that made that assessment? Mr. Dube advised that they work with four individuals that they are working with in getting bids and trying to work with those so that was the comment they made. In his experience going through a lot of site development records he made that decision that with the shallow roots over the ledge and the drip edge of where we are within that building, that is how we made that decision but he will let Tony comment on it. Mr. Monteleone clarified that contractors and engineers made that decision. Mr. Cowles noted that generally they like to save every tree they can and this is a gorgeous tree. Anecdotally from other projects they have learned that any work that happens within the drip line of a tree, especially an oak, they are very sensitive and they are uniquely sensitive and they don't often show it while construction is going on. There will need to be a lay down area and interruptions in the root growth and all sorts of disruptions that will happen there and he has seen after 18 months after the project is done, a sharp decline in the tree and generally it doesn't make it. Oaks are particularly super sensitive to that. He feels it is a fair assessment to say that that tree likely will not make it. If the Board wants to hear from an arborist, they can provide that. Mr. Monteleone had a question relating to the easement. He asked if this is in progress or wrapped up? Mr. Peck advised that he is working with the Town Manager on the easement. They submitted a draft and he has replied through Caroline with some changes to the draft before he sends it to his attorneys. This is something the Council will have to vote on but he feels they will be favorable in granting that easement if we get the language right after making a couple of changes to the draft easement. The Town Manager will send it to the Town Council and it will be sent back for him and his team to look at it. It will go to the Council for a vote. There is no easement being considered on the lot behind because they are not accessing that. They will be going out through the Town Hall's exit down to Depot Street. Ms. Berger asked if the easement does not go through, does the applicant have any alternatives in mind that would be available to him to continue this project if there is no easement? Mr. Peck advised that the alternative would be to enter and exit through West Street. The Town Engineer would have to weigh in on that and they would either get it or they wouldn't. Ms. Berger referred to the drawings that show parking that goes diagonal along the outside lot that is not part of your system and the parking that is in more internal to that. She feels it seems tight for the backing up of those spaces that are on the diagonal and going towards the other ones. She asked if these are normal distances? Mr. Dube advised that they are meeting Town standards in the Ordinance. Ms. Berger mentioned that the area where the dumpsters will be sitting in and asked if there is enough distance and spacing for large garbage trucks to come in and do their business of lifting? It looks like it is pretty close to the straight end parking spaces opposite the garbage location. Mr. Dube agreed it is a little tight over there but he pointed out how they can pull in and back in and then be able to pull forward within the site circulation itself. It is usually done early in the morning.

There were no other questions or comments on Site Plan so Chair Blanchard suggested moving on to Subdivision. The Board did not have any questions or comments. Chair Blanchard suggested moving on to Design Review.

Mr. Reiche advised that he thinks the building is too large. The Design Review Ordinance is really very location specific in Freeport. A building that goes in one part of town does not automatically fit in another part of town under the Design Review Ordinance. He does not have any questions about the Site Plan or Subdivision Ordinance. He views this as the entrance to town and it is next to this building we are in which is historic in nature and the next building is the beginning of the Historic District which is registered in the National Registry of Historic Places so that has to be weighed in when we are looking at putting a building on this location. That is the backdrop by which he looks at the Design Review Ordinance. He can't read our Design Review Ordinance and see this building fitting in this location. Absent this building, this is a significant improvement in scale and design in his opinion from the first one the Board looked at with you folks.

When he reads our Design Review Ordinance and picture in his mind's eye what should go on that location and what is envisioned under the Ordinance, it is nothing like this scale. He offered to give the sections that he finds of concern: Section 1.B.3 which is the introduction to the Design Review Ordinance Review Standards. Under Specific Intent, Subsection 3 says it is to ensure that new buildings are designed and built in a manner compatible with the character of the district in terms of scale and effect. He is mindful that we have buildings that were on Main Street in this part of town that previously were large buildings but he is afraid the Design Review Ordinance only looks at buildings that are nearby now. In the specific design guidelines, No. 1 is the scale of the building and he read the exact wording into the public record. The second Design Review Guideline is Height and he read that into the public record. He mentioned the building across the street is probably the same height of this but it has a peaked roof. The third Design Review Guideline is Proportion of the Front Façade and he read that into the record. He feels this has two facades because West Street is more visible than Main Street to the practical eye. He read it into the public record. The sixth Design Review Guideline is Roof Shapes. He does not believe there are any other flat top roofs in this area. He read the guideline into the public record and added that he is mindful that we want to have projects like this in town and we need them and it is of keen interest to our economic future but within the confines of the Design Review Guidelines, those are the concerns he has.

Mr. Booth explained that the scale question is something they have been interested in the whole time. The thing to remember is that they are all looking at the Vision Plan that was developed by a lot of people in Freeport itself about the scale of buildings and what would be appropriate especially for the need for housing. This is a three-story building and at worse it is one story taller than its neighbors. A one-story change in building height does not have a jarring effect on him necessarily. This building is designed the way it is because it is showing a bit more of future progress of continuing the nice effect that happens further northbound the street. He is sensitive to the fact that it is three stories and not two stories. This building has to be three-stories because the economics do not work at two stories or it won't get built. They will be adding green space and the flat roof means the height is 32 feet and not a peaked roof with a 40-foot roof. These elements bring the scale down. It is within a melding between what is a Vision Plan for the town. They will continue to do what they can to present different angles or what other improvements can be done. He believes the scale of this building is very comparable in respect to what can be done for the future of the town. They think it is a positive presence there. The footprint of the building is similar to a lot of buildings around and heights vary. He said that a flat roof is the appropriate architectural compatibility roof style of a building of this type. To put a gabled roof on this, it would be peculiar to add gable elements in front of bay windows. It is not something he has seen in federal colonial style buildings.

Mr. Reiche wishes we could waive the requirements of the Design Review Guidelines. Mr. Booth agreed and added that it is subjective and there is a lot of room for opinions and they would be happy to provide commentary to each one of the guidelines. They believe a three-story building is appropriate.

Mr. Monteleone added that what he sees is consistent with Design Review. The notion that Design Review is based on what is existing there and what exists here is an empty lot and it could remain empty forever. It is subjective. He shares the concern that we are right on the edge of what is appropriate but feels it is certainly not in hand excessive. He would like to see the elevations we looked at today with more assurance that we are looking at something that's in scale. What he sees in the photos gives him comfort that this is a reasonable size.

Ms. Hamlen noted that the one difference as she recalls from the Principle Group's renderings is that most of the renderings were traditional peaked roof buildings and she feels this is a departure from that. She understands the economics and the need to squeeze in three floors of living space but this is where it falls short of what she thought the Vision for downtown Freeport was. Ms. Pelletier added that we could say the Vision process was a very long process and we got a lot of different diagrams for our community to react to but the Board has to look at the standards you have before you today.

Chair Blanchard agreed with Mr. Monteleone. When we look at Design Review, there is obviously a lot to consider but the scale does not give him pause based on the renderings. If we have additional information such as Mr. Reiche

requested, it will help. Mr. Reiche raised concerns about the proximity to the Historic District and how it may detract from that area but he feels the building that our earlier applicant is in with corrugated steel siding detracts more from the Historic District than something like this would. Across the street we have a Public Safety Building with an extremely tall hose tower. It is designed postmodern and it is not reflective of what we would typically look at in Design Review so that is more jarring than this building would be. In the building that is caddy cornered in the left photo is actually quite high on the street because of the way the ground is raised at that location. He thinks the applicant has done a good job with regard to Design Review to develop something that is appropriate for this location and Freeport. He suggested opening up the public hearing.

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

Chair Blanchard suggested that speakers go to the podium and state their name and address and if there are any questions for the applicant, he would like the applicant to keep track of those questions and answer them at the end so there is no back and forth. He requested that comments be limited to about two minutes since we have a full room and there are folks on line. Ms. Pelletier noted that the Board did receive public comments. Some came in yesterday via e-mail and the Board received additional comments today.

Kathleen Sullivan of Moose Crossing advised that she has been looking at this lot for a long time and is excited by the idea of having housing there. When people come into town, they have the sense that we have housing downtown and not just stores. She likes the look of the building and a lot of buildings have three-stories with a flat roof. She regrets that we are losing a space for the Farmers Market. She sat there all summer and felt it was an amazing experience to have people come and gather in that space. We will lose the space for public parking. She wanted to give a pitch for continuing the conversation to have a place for the Farmers Market or an outdoor concert.

Mark Seiger of South Freeport Road thanked the owner for making the space available for the Farmers Market which he agrees was a wonderful activity. As an aside in the Downtown Vision there is talk about the idea of a new Town Square behind this commercial area and encourages incentivizing developers to come up with ideas and coordinate closely with the Town in terms of public space and how it would develop behind there. It raises the question if you have a lot of traffic coming through would that interfere with the idea of a viable Town Square gathering space. He thanked the developers for addressing the housing idea and he agrees it is a wonderful idea. He feels this plan feels squeezed. It is too big a thing for a small space. What is referred to as a courtyard feels to him like an alley. As for parking, he agrees it looks like the parking spaces come right up to the entrance to the drive. There doesn't appear to be any space for error. He feels it is a little too much on a little too little.

John Patterson of Flying Point Road advised that this design is a lot better than what was originally proposed. He recognizes that they have a legal right to do what they are doing and he applauds them for not proposing 45 feet. He suggests taking a look at that particular provision in the Ordinance because it seems way out of scale. He is not a design professional but he stood at the corner and it just feels too big to him. He is not surprised that economics is driving this design decision but he can't address that. From his eye, it just feels too massive. He would conclude that it is not compatible.

Tom Henier advised that he is a commercial fisherman and he and his partner, Ken Sparta opened the Freeport Oyster Bar. They are in favor of this. They learned the best they could of what their business would look like before they started and who might be coming in to their place. They have been surprised that a lot of their regulars walk to their place. They have become friends with others in town that have small businesses and they like small businesses and a town that has small businesses in it. If we are going to have such things here feels we need to have people living in town. Aging in Place is brilliant and the idea that there would be housing for someone that worked for them could live there or a teacher from the schools could live there and be able to walk and take advantage of some cafes and their place. He wished the develops good luck.

Suzanne Watson of Carriage Road advised that she was a commercial real estate developer for the best part of 30 years and she is really conflicted about her feelings about this development because she very much wants housing in this town and has a great vision of what this town will be. It will be back to walkability but there are things we give up in the idea that we will look back on this piece of property in ten years and say what did we lose? She is certain we will have a lot of residential building. It is already starting to happen in town and it is going to happen. She feels this piece of property is immeasurably valuable and cannot be replaced in terms of green space and of a gathering and meeting space. It is our gateway. She finds it interesting that we are spending so much time trying to make this more park-like when we already have the park. If she had thought of this sooner to bring in a rendition of what this would look like if we really developed it as a green space adjacent to our Town Hall and the Historic District and wouldn't it be an amazing thing to say we saved that.

Gordon Hamlin, of Chapel Street and a 48-year resident advised that he has been following the approval process for Freeport Village Apartments since July. This location is very important because it represents the southern gateway the downtown village. The architectural look and feel of new construction at this location is very important to downtown. He is concerned that the scale and design of these buildings is not consistent with the look of a traditional New England town that represents the center of the Freeport Village. Many homes in this area have been converted to commercial buildings but still maintain a charm of a New England Village. He mentioned an example is the McDonald's at the northern gateway. He asked the Board to table this proposal.

Judith Burwell advised that she has been a resident since she was 3 years old. She thinks it is a great idea to bring housing into downtown Freeport. She is an Elder and noted there are a lot of Elders in Freeport wanting a lifestyle where they will be able to walk to shop for food and all the needs they have. She feels it is the wrong building for the site and she agrees completely with all the negative comments that have been provided. She appreciates all the work that people who made plans and the professionals that contributed tonight. She can see that there has been a tremendous amount of work done to make this fit into Freeport but it doesn't. She requested that the Board table this.

Brett Richardson, Executive Director of FEDC, speaking on behalf of their Board, advised that they hear from businesses to echo the Oyster Bar that our workforce is a big issue and there is not a lot of housing in the area for folks that our businesses need to work. Foot traffic continues to be an issue. We are coming out of COVID and we are doing better but we need foot traffic. A lot of resources, energy and talent was invested in developing the Downtown Vision and to their Board's eye this project is what the Downtown Vision is asking for. In looking at the story boards, this project speaks to what a classic New England Village looks like. He asked the Board to support this development on behalf of FEDC.

John Bolen explained that he owns the Nicholson Inn at 25 Main Street. He finds it interesting that he agrees with almost every comment that has been made here. He has been following the Vision project since they moved here almost two years ago and loves the idea of new housing, attracting new people and new businesses. What resonates the most for him as he came in very objective on this is again, is it the right buildings in the right location? He thinks it is a nice look and feels it is beautiful. He feels running a hospitality business across the street would probably benefit them because the families might have family and guests that might support their business and he loves that idea. His only question is this the right location for something of this size? He shared his experience living in Connecticut. He agrees with all the pros and cons of this one.

Andrew Arsenault was born here and noted he supports this project. He understands some of the comments on the height and stuff but he is not scared of that. He thinks it is a good-looking building. He does not think this will be that bad. He feels the building itself will blend in in time and things will work and we have to be brave enough to take a step forward. If we don't, something will never happen here if we don't do this. It is not the Town's lot to decide what will happen there. It is owned by a private owner and he has made a deal with a developer of some sort. That is really what the reality is. This is a good opportunity to bring housing to downtown Freeport. He is in favor and hopes it moves forward.

Judith Burwell asked what is the range of the rental market? Chair Blanchard advised that that is not a standard this

Board can consider. If it is a question for the applicant, he suspects it will be market value. He will let them answer questions at the end.

John Lowe on zoom advised that he has lived here 65 years. For the ADA compatible apartments on the first floor, did he understand that there is only going to be one per seven units? He would like to see more of the units fully ADA compatible is possible. His second issue is that he is concerned about the easement of the driving out. He understands that they are only asking to go down Depot Street but if they only get that short easement which brings you onto Town property, it doesn't keep anyone from driving through the parking lot out on to West Street. He doesn't know if it is their issue or not but they are going to be able to go out through there, you might as well have an entrance on West Street two-way because people will go down Depot Street and they will go out through the parking lot onto West Street and turn there.

Mary Davis advised that she lives in the downtown area since 1987 and has been instrumental in the Downtown Visioning. She is excited to have housing downtown for the vitality of our businesses. As she is working with this particular developer on this particular lot, she is excited to see the responsiveness and the changes they made for us in Freeport. She knows it is change and it is hard for us but she feels this is the right spot for housing, the right building and the right builder. She supports this project.

There were no other comments or questions from the public so Chair Blanchard turned it back to the applicant to respond to those questions.

Mr. Peck explained that he kept a list. One person mentioned the Vision Plan not having flat roofs. There actually were many flat roofs that the Principle Group drew for the Vision Plan. While there were some pitched roofs, there were flat roofs drawn. There was a comment about the Town Square in the rear of their lot. The Town Square on the Vision Plan is on the Fire House lot on West Street and Main Street so he thinks they will be compatible with the Town Square as drawn by the Principle Group. He does not believe they will negatively impact the Town Square there.

As far as the parking being tight, Mr. Peck feels it is not. It is in accordance with the Town Regulations and it will work. As for the courtyard not being airy and being squeezed, he doesn't think so. They built a similar courtyard in Yarmouth recently and it is beautiful. It is 25' wide with benches and plantings and he feels it is beautiful and very successful. He is confident that the courtyard proposed here will also be successful.

As far as the lot being green space and not being sold, the Town had opportunities for many years to buy it but didn't. It is privately owned and he has a contract to purchase it. As for the range of rent, right now it is designed to be a market rate apartment building. They are keeping as much as possible their costs within certain reasonable terms so they won't be luxury apartments but will not compete with the nicest apartments in Portland. They are not subsidized units by Maine State Housing.

Regarding ADA units, they will comply with the requirements and will be able to modify units for tenants if necessary.

As for exiting on West Street, they will have signage and the tenants won't be doing it and he does not see that as a significant issue.

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

Ms. Berger advised that she does not do design but wanted to say that the fact that the roof is flat to her is a benefit and outweighs some of the other things because it allows them to put the heat pumps up there rather than fitting them along the backs and sides of the building which she thinks would be more of an eyesore. She feels having a flat roof has its benefits.

Mr. Monteleone noted he is sympathetic to the comments we got about appreciation for using the space for Farmers Markets and green space over several years. The Town has had the opportunity to negotiate and purchase the property and it has not happened. Now it has been purchased and if we were to handcuff its use to be limited to what it had consented to, it doesn't encourage future lot owners to provide temporary public uses. It feels reasonable to allow a private developer to maximize a lot as long as it is consistent with our Ordinances. As to the minimum standard that is necessary to bind us on acting on the preliminary plan approval, he thinks it meets those standards. We talked about the additional elevation and he moved to add the request for an arborist to address that big oak tree. It is really something and he would like professional input as to what steps might be possible to preserve it if possible and would help him feel comfortable with the fact it will come down.

For the benefit of the overall discussion, Mr. Reiche reiterated something Caroline touched upon. We have an existing Ordinance structure and we have this great forward thinking Downtown Vision and the sample conceptual buildings that went along with the planning. We don't have an Ordinance structure now that is consistent with the Downtown Vision. This is a transitional thing and we need to get ordinances on line if that is what we want. Chair Blanchard agreed.

Chair Blanchard asked Ms. Pelletier if the Board can put asking an arborist on as a condition? She advised that we don't have a standard that requires them to save any trees. They have to show landscaping. Mr. Monteleone clarified that this is the equivalent of requesting a study. While there is not a provision in the Ordinance that prohibits it, he would encourage the Board to request a bit more information on that particular aspect. Ms. Pelletier thinks the Board can request input from an arborist on the viability of the tree but you have to tie it to a standard under Site Plan Review. She read the requirements into the public record. Mr. Monteleone asked if this is a reasonable request to get more information on the Viability of the tree.

Mr. Dube felt it was a reasonable request and he could certainly do that. He mentioned that he has dealt with a lot of tree people in his life and he could tell the Board that what we are talking about with the setbacks and placement of the building and everything else, he can say with relative confidence that the tree is not going to survive. They are trying to be upfront and honest about it but if the Board feels strongly about getting an expert opinion, they certainly will do that. Ms. Pelletier advised that the Board could tie it to Preservation of Landscape. She asked if the base of the tree is on private property? Mr. Dube advised that it is located on the property.

Ms. Berger mentioned that based on the drawing of the boundary and topography, it seems like the 48" oak is within the stone wall and she thinks an arborist would at least be able to discuss the life of the tree and also in reference to the wall. There may also be an explanation that the tree may be better served if there was no excavation over there and give a better understanding on what to do with that area rather than just say it is not going to live. At least there may be something that would help the process of keeping it if all possible. Mr. Dube advised that the wall does not extend down beyond the pocket park. Mr. Peck added that if we were to save the tree, we would have to limb it significantly on the building side because it would be too close to the building. We would be hurting it more by limbing it in addition to the root damage we will be doing and changing the entire environment for the tree. We talked about that tree a lot and there was some suggestion that we show it and then tell the Board that we can't save it later. He did not want to do that. They don't think they can save it. They don't think it is healthy for the building to have that tree there. They think it will shade the building quite a bit and will produce a tremendous amount of leaf product on the roof. It is not healthy for the building. Having said all that, if the Board wants them to get an arborist, they will hire an arborist and will spend money and see what they have to say and he is not sure what he would do if he says, it will live for ten years. He does not want to tear it down after the building is built. It will be super more expensive to take it down after the building is there than to cut it now.

Mr. Monteleone noted that based upon the comments coming from many concerned about scale, having a giant tree in front of it will go a long way to alleviate the concerns we are hearing about scale. The photos that were submitted show the illustration of the elevation notably include that giant tree. Mr. Dube mentioned that if it is the wish of the Board for them to hire an expert to work with Tony on that, they will get a report on the tree and will come back with the information if that is acceptable. Mr. Monteleone noted that would work and he is interested in learning if there are alternatives to avoid those construction risks at that point.

Mr. Cowles advised that they are proposing to add four new trees to replace the one tree and these trees will be placed more appropriately on the site so they can grow and mature for a long time to come. He estimates they will be healthy for a century. They will generate a lovely street wall on West Street. Mr. Reiche asked what the height of the trees will be?

They are generally 2 ½" caliper trees 20-24' tall. Going back to the photoshop project, Mr. Reiche asked them to get as exactly as they can on the height when they photoshop the building into Main Street going north. He wants to see the trees at the height when they go in. He is concerned this will be a stark surprise to people in town. He requested a full view of the building going down West Street with the trees when they go in. We will visualize them growing.

Ms. Pelletier wanted to be clear what the Board is asking of the applicant. She noted that we are asking them to provide information on the existing tree from an arborist about its potential long-term survival given the project and site disturbance. The Board is going to look at it as part of your deliberation and thought for meeting the Site Plan Landscape and Preservation of Landscape Standard for removal of vegetation. The Board is just asking for an opinion from an arborist. Mr. Monteleone noted he does not want the Board to impose a condition on this. Ms. Hamlen supports the idea of having an expert come in and confirm the viability of the tree.

Ms. Berger referred to the easement and the exit from West Street going out and the comment that if they did not get approval, they would make it a two-way. She is concerned that this is an open end and if we put something in the motion.

Ms. Pelletier added that she meant to put that here as a condition. They need to work out that easement with the Council before they come back. There is that memorandum of understanding existing but they do want the easement. If for some reason they can't obtain the easement and come to terms with the Town Council over Town Hall property, they have other options. They have two curb cuts there and they could look at doing two-way. They could all do the circulation. With this layout, yes you do need something to show they have what they need going forward for that easement so that should be added here as a condition and again, the applicant has reached out to the Town Manager about getting that conversation started.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the preliminary subdivision plans submitted by LWS, LLC., for the proposed Freeport Village Apartments (Tax Assessor Map 11, Lot 132) for a 30-unit multi-family residential subdivision, preliminary plan set dated 10/26/22 with the Preliminary Subdivision Plan Sheet (C100-a) dated 04/20/22, revised through 10/25/22. The Board finds that based upon the materials submitted by the applicant and the information contained in the record, the layout of the development is consistent with the information presented in the conceptual submission, that the applicant has submitted the required information per the Freeport Subdivision Ordinance and the applicant working towards the development of the final plans. The following condition(s) of approval and/or items shall be incorporated into the final submission:

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to final approval, the applicant obtain a final sign-off of the plans by the Town Engineer.
- 3) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management, erosion control, etc.
- 4) The final submission shall incorporate the submission requirements of the Freeport Subdivision Ordinance, including, but not limited to Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.
- 5) Final submission shall include documentation agreed upon of the easement grant from the Town of Freeport.
- 6) All materials voluntarily offered by the applicant will be provided prior to final submission.
(Monteleone & Berger) **ROLL CALL VOTE:** (5 Yes) (2 Excused-Yankee & Donahue) (0 No)

American Eagle Signage – Design Review Certificate

The Board suggested tabling it until a representative could be present.

MOVED AND SECONDED: To table (Reiche & Hamlen) **ROLL CALL VOTE:** (5 Yes) (2 Excused-Yankee & Donahue) (0 No)

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

There were none provided.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 8:25 p.m. (Berger & Hamlen) **ROLL CALL VOTE:** (5 Yes) (2 Excused-Yankee & Donahue) (0 No)

Recorded by Sharon Coffin