

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 21, 2022
6:00 PM
Hybrid Meeting

PRESENT: Vice Chair Tod Yankee, Linda Berger, Lynn Hamlen, Jason Donahue, James Monteleone and Caroline Pelletier, Town Planner

EXCUSED: Chair Guy Blanchard and Ford Reiche,

Vice Chair Yankee called the meeting to order.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that she doesn't have the graphic yet but she will show it to the Board next month. She signed off on Staff Approvals for design changes for Meeting House Arts and the Church at 40 Main Street. They previously had approval for a sign there so it is a replacement.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier mentioned that the Planning Board this coming month will be talking about some updates to the Subdivision Ordinance and will be looking at general clean-ups throughout the Subdivision Ordinance. We have a couple of standards missing, there are some outdated references and some things that do not support that reflect the Board's current practice so they will have the first introduction and at the next meeting she will put it on there for this Board to look at. As you are reviewing your ordinances and working with them, if you have noted things over time in the Subdivision Ordinance, we are not looking to make substantial changes. This is just like a base line of clean-up but if there are things you have noticed that need to be cleaned up, send her an e-mail because she would like to incorporate it at this round of changes. We also will be talking about parking that recently came up. A stand-alone parking lot is not a permitted use in the VC-I Zone which is the downtown. They are non-conforming uses and it does set some limitations if people want to make changes to lots or repurpose portions of them. The Planning Board will be looking at that for discussion. They did make a recommendation to the Council for changes to the Site Plan Review section of the ordinance. We discussed those a couple of months ago and you gave input on things such as what should Staff review, how should we handle signage and some different review thresholds. That will most likely go to the Council in January and finally, they just wrapped up their language on cannabis. They made a recommendation to the Council to add the uses of cannabis manufacturing and processing facility and cultivation. The Council will be taking that up at some point in time. They also need to work on a licensing ordinance so that will continue at the Council.

3) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier advised that the Downtown Vision Task Force Implementation Group presented to the Council a list of about 20 combined goals and projects that were listed as priorities. If you missed it, you can watch the Council meeting on line and also if you go to the Planning Department page on the website, click on the link on the side for Downtown Vision and you can see a link for the PowerPoint presentation to see what projects and goals made the list. They were accepted by the Council so the next step will be to get an action plan with involved partners on how to move forward and implement those ideas and potentially flag funding requests for some of the different projects that are there.

4) Update on the Town of Freeport Climate Action Plan

Ms. Pelletier pointed out that the Town of Freeport recently applied to the State of Maine for a Community Resilience Grant. We made application with the Town of Yarmouth for funding of a Sustainability Coordinator that would be shared with the two municipalities. That grant was conditionally awarded. We have to submit more information but we expect to get a final confirmation of that in January, probably in the next week or so. We are going to post a job opportunity for a Sustainability Coordinator that will be an employee of the Planning Department. That person's main duties will be for the next year assisting GPCOG quite heavily in the development of a Climate Action Plan for the Town of Freeport which is already underway. This is one more planning thing going on and she will try to report to the Board monthly just in case you are

interested and you will know where we are at in the process if you want to get involved.

Ms. Hamlen feels it is really smart to share a resource because it makes it more affordable for both towns.

ITEM II: Review of the minutes from the October 19, 2022 and November 16, 2022 Project Review Board meetings.

Ms. Pelletier noted the Board has a quorum here for October 19, 2022 but will need to table the November 16, 2022 minutes because we do not have a quorum.

MOVED AND SECONDED: To approve the October 19, 2022 minutes. (Hamlen & Berger) **VOTE:** (4 Yes) (1 Abstention-Monteleone) (2 Excused-Blanchard & Reiche) (0 No)

Vice Chair Yankee noted that as Ms. Pelletier advised, we will table the November 16 minutes.

ITEM III: Tabled Items

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 I (VC-I), Design Review District One – Class C & Color Overlay District. Tax Assessor Map 11, Lot 22 (35 Main Street). SB Signs, Courtney Boutin, applicant and representative; Camplin/Marino Properties, owner.

Ms. Pelletier advised that this is the same submission as last month but last month there wasn't anyone present to represent the application. Tonight, on zoom we have Courtney Boutin from SB Signs representing the application. Many of these were replacement signs but some of them are new signs. Since they are in Design Review, it is not something she has Staff Approval ability for. The Board has the submission from the last meeting in its packet and you also have it in your digital packet this month. Courtney is here if you have questions.

Vice Chair Yankee feels it would be helpful if we could get an overview. Ms. Pelletier screen shared what was in the packet. Ms. Boutin explained that American Eagle has had a logo change and so this is just updating their logo. The S-1 and S-2 are on the north side of the building and S-3 and S-4 are on the west side. On the left she mentioned the Board would see the current signs they have on the building. They have an eagle above the clock on top of the tower section and then their entire logo American Eagle Outfitters along the left side. They are proposing to remove those existing signs and where the American Eagle Outfitters is, it will now have the Aerie logo. On the right hand side of that they are proposing to remove the eagle completely and that sign will be taken with the American Eagle text only on the lower right side portion and that is where the lights are being added. The Board should have the specs on the light fixtures and the intention is that they will be the same fixtures that are on the left side of the building. On the back of the building, the previous logo said American Eagle Outfitters. They have changed their font and dropped the Outfitters and they are adding that to the back as well as some lights. The word Aerie is also there to the right on that same west elevation. Black aluminum letters will be used. Ms. Berger asked if this is one store or two stores? Ms. Boutin advised that it is one store. American Eagle and Aerie is their brand. Ms. Pelletier showed the gooseneck light fixtures shining down over the signs. There is no illumination other than the gooseneck lights.

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.**

No changes to the scale of the building are proposed. Based upon this information, the Board finds that this standard has been met.

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

The height of the overall structure will not be increased. Based upon this information, the Board finds that this standard has been met.

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

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

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

No changes to the rhythm of solids to voids in the front façades are proposed. Based upon this information, the Board finds that this standard has been met.

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

No changes to any proportions of openings within the facility are proposed. Based upon this information, the Board finds that this standard has been met.

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

No changes to the roof shape are proposed. Based upon this information, the Board finds that this standard has been met.

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

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

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

The rhythm of spaces to buildings on the street will not be altered. Based upon this information, the Board finds that this standard has been met.

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

No changes to any site features are proposed. Based upon this information, the Board finds that this standard has been met.

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

On the northern façade, the existing eagle sign will be removed and a new aerie sign (22.2 sf) will be installed and will consist of aluminum letters, black in color. Further down on the same façade, a new American Eagle sign (57.2 sf) will be installed with a different font style, but the same material and color. On the rear façade facing the middle school, one existing American Eagle sign (57.2 sf) will be replaced with a new version with the updated font, materials and color and a new aerie sign (22.2 sf) will be installed. All signs have been designed to comply with the Freeport Sign Ordinance and specifically in regard to quantity and square footage. All new signage will be externally illuminated with gooseneck lighting fixtures. 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 for SB Signs, Courtney Boutin, at 35 Main Street (Tax Assessor Map 11, Lot 22), to be substantially as proposed, application dated 11/03/22, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Berger & Hamlen) **VOTE:** (5 Yes) (2 Excused-Blanchard & Reiche) (0 Nays)

ITEM IV: Reviews

4 Kendall Lane – Design Review Certificate

The applicant is seeking approval of a Design Review Certificate for a new aluminum/steel ramp at the front entrance of an existing residential structure. An existing concrete landing at the building entrance will be removed. No other changes are proposed. Zoning Districts: Resource Protection II (RP-II), Design Review District One – Class C. Tax Assessor Map 15, Lot 9 (4 Kendall Lane). Goodwill of Northern New England, applicant and owner; Curtis Hamilton, representative.

Ms. Pelletier advised that this is a residential structure on Kendall Lane. The applicant is proposing to add a ramp for accessibility to the front entrance. There was a picture before you tonight. They will be removing the concrete stairs that are there and will be putting a ramp in along the front of the building connecting to the existing walkway. One of the things noted in the Staff Report and noted on the plot plan is that this parcel is in the Resource Protection II Zone because it is in the area of aquifer recharge. They have a minimum lot size of 2 ½ acres with standard setbacks of 50' on the front and side and 75' on the rear. There is also cover limitations. Due to the timing on the creation of some of the lots in the Kendall Lane area and the zoning, many of these lots are legally non-conforming. In this case she wanted to note that the applicant is required to get to Design Review because they are within the Design Review District. Because they don't meet setbacks,

if approval is granted, they do intend to apply to the Codes Officer under the standards of Section 601 of the Ordinance for a Disabilities Structures Permit which is clearly outlined and is something the Codes Officer has the ability to grant if there is someone residing on the property that needs access. That is why the plan reflects the smaller setback than the Zoning shows because that is the next step. Step One is to get Design Review before they can go through the permitting process. It is just FYI to point out why the setbacks might not be met. Details on the ramp are included in the Board's packet. It is a standard metal I-shaped and Curtis Hamilton is here if the Board has questions.

Mr. Monteleone asked how high from grade does the ramp need to go in order to enter the building? Mr. Hamilton advised that the total elevation is 11 inches. The ramp can be removed.

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.**

No changes to the scale of the building are proposed. Based upon this information, the Board finds that this standard has been met.

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

The height of the overall structure will not be increased. Based upon this information, the Board finds that this standard has been met.

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

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

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

The ramp will be incorporated into the existing building entrance and walkway. No changes to the rhythm of solids to voids in the front façades are proposed. Based upon this information, the Board finds that this standard has been met.

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

No changes to any proportions of openings within the facility are proposed. Based upon this information, the Board finds that this standard has been met.

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

buildings.

No changes to the roof shape are proposed. Based upon this information, the Board finds that this standard has been met.

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

The ramp will be prefabricated from aluminum/steel. The ramp is designed to comply with code requirements, and details on the materials and appearance are included in the submission. 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).

An existing concrete landing at the building entrance will be removed. The ramp will extend nine feet off the dwelling (towards the road), then turn, and extend for a total length of 16 feet parallel to the road. The portions that are ramp would be about 37 inches in width and the portions that are platform will be about five feet in width. The ramp system will connect with the existing walkway on the property. The ramp is designed to comply with code requirements, and details on the materials and appearance are included in the submission.

Based upon the information in the submission, it appears that the ramp does not comply with the space and bulk standards for the underlying zoning district. If Design Review approval is granted, the applicant then intends to apply for a Disability Structures Permit from the Codes Enforcement Officer, as allowed in Section 601 of the Freeport Zoning Ordinance. 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 ramp will extend nine feet off the dwelling (towards the road), then turn, and extend for a total length of 16 feet parallel to the road. The portions that are ramp would be about 37 inches in width and the portions that are platform will be about five feet in width. The ramp system will connect with the existing walkway on the property. 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: That the applicant who filed their application for approval of a front entrance aluminum steel ramp on 12-16-22 at 4 Kendall Lane be approved. (Hamlen & Berger)

Mr. Monteleone pointed out that right now he does not support this motion or recognize the need for that accommodation. He would like to observe that in any other context. If it is here for a historic design review in any other context outside of ADA Accessibility, it likely would not satisfy our historic Design Review test. It does not mean that the accommodation is necessary, we are certainly going to approve and accommodate that accommodation. It is essential for people but he does not think the Historic Design Review currently identifies an exception. If it doesn't, it should. We should have a basis that this exception has to be approved. He has concerns that if we approve this without a specific exception, in the future if someone says, oh, I want to put these steel features in front of their property that otherwise would be unacceptable for a historic design based on the fact that it was deemed okay then and, of course, it is done for a particular purpose here. He does not intend to oppose the motion but is concerned about what it means given we are not approving it under an exception.

Vice Chair Yankee noted he is hearing that this is another item to add to the list for updating the Ordinance. Mr. Monteleone agreed and mentioned that he is afraid that any other condition on it would be inappropriate so he is not suggesting any other condition other than for discussion and the record, the basis for this approval is accommodating a need and we are recognizing that that need supersedes Design Review issues. Ms. Pelletier advised that this is something already flagged on the list of things to look at. We don't acknowledge temporary structures so we permit them as permanent structures. If the applicant gets approval tonight for the Disabilities Structure Permit, that can be granted conditionally but when the person is no longer needing that accommodation and leaves the property, that feature goes away. It is separate and the Board has nothing to do with it. The Board cannot make that a condition. Discussion followed on the Disabilities Structure Permit.

VOTE: (5 Yes) (2 Excused: Blanchard & Reiche) (0 No)

Castronovo – Merganser Way – Shoreland Stabilization

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately sixty feet in length will be stabilized (including underneath the existing dock) and will result in an overall stabilized length of one-hundred feet of shoreline. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5A, Lot 19A (14 Merganser Way). Paul T. and Regina M. Castronovo, applicants & owners; Carter Becker, Falls Point Marine, representative.

Ms. Pelletier mentioned the Board will become very efficient at Shoreland Stabilization. We had a discussion a couple of meetings ago about learning as we go with this new process and the standards and some things we could do differently and try to improve some things we were doing. She did did two things with this application. She had it reviewed upfront by the Code Officer and his memo is attached to the Staff Report like we do with other department heads. He gave detailed comments and Jim also raised concerns. It would be really great if we have a general condition to make sure everybody is aware that there could be outside permits that also need to be issued with these applications. Our Code Officer already does that on any of the shoreline permits that are issued so she got some language from him so we are all being consistent. The Board got the materials for this application in your packet and the initial Staff Report. The applicant is proposing to stabilize about 60 feet of shoreline using riprap and some boulders at the bottom. 40 feet were previously stabilized and there is an old DEP Permit in the file. This new project requires Army Corps and DEP Permits for which they have filed. Those are independent but we did add a general condition to put people on guard that those are required. There will not be any vegetation removal for this project. That was one of the items we were waiting for clarification on which is why you did not have draft findings in your packet but you have them before you tonight. The other thing is the application for Shoreland Stabilization. The Standard requires them to access the site from the water unless they demonstrate otherwise why they need to access it from the land. She was able to clarify today that they will not be removing vegetation to access the site via land. They will access the site via water so that is incorporated in the findings before the Board tonight. The only thing missing from the application, they said they will follow DEP Best Management Practices for Erosion Control. The Ordinance does require that they submit an erosion control and sedimentation plan. They are also in the flood plain and need a permit from the Code Officer. There is a suggested condition of approval here that that be submitted and approved by the Code Officer. They will have to do it anyway as part of that flood permit. Otherwise, there is no outstanding information and the applicant's representative is here tonight if you have questions.

Carter Becker did not have anything to add. Mr. Monteleone asked if the DEP Permit has been issued? Mr. Becker advised that the DEP Permit is in process and applied for. He did not have the date of the application in front of him but offered to get it. Mr. Monteleone asked if a survey has been done? Mr. Becker pointed to the next page. Mr. Monteleone asked what would be the result of asking Mr. Becker to wait for the DEP Permit so the Board can review it as part of their findings? Mr. Becker advised that this is scheduled to be a winter project and one of the worries is running out of time and coming to soft ground season and the vegetation would start to regrow. He feels they are already pushing the limits at this state. Vice Chair Yankee advised Mr. Monteleone that the Board has had this discussion before that they are not able to do any work until they have all the permits in place so if we were to approve this, it is contingent on that permit being issued. Mr. Becker advised that 10-21-22 is the date of the application. If the Board is waiting for the DEP to make their approval, it gets into a deadlock. This is something he has been finding in general places. Mr. Monteleone pointed out that this is a brand new aspect to the Board's jurisdiction and we are not a panel of experts in this area whereas the DEP has different standards that overlap the findings we need to make in order to say it meets our Ordinance standards. He feels uncomfortable based on the information that is here stating that the findings are satisfied and would have tremendously greater comfort in reaching that Finding with reliance on the comments and feedback of the DEP Permit. With that in mind, because construction won't happen until that permit is issued anyway, he would encourage the Board to hold and revisit it quickly much like we did with the American Eagle application today with the assurance that there is some finding by people who know what they are talking about before we say, we are not sure but it seems good enough. We would be able to rely on the findings of the DEP and its permit and be assured that the findings we need to make to approve the permit is satisfied.

Ms. Pelletier added that the duty of reviewing these State Shoreland Zoning Findings as we discussed come down to the Board. We are struggling as they are new with the best way to do that and to get up to speed, we talked about other options. We don't have an ordinance requirement and we have been advised by our legal counsel to not put that in here for these applications. We can't rely on an outside agency to do the job that is designated to the Board to review independently. Vice Chair Yankee added that he thinks we do in many cases as does the Town Council and other Boards and Commissions, rely on guidance from our Staff that has much more expertise that Mr. Monteleone is referring to. In that sense he defers and rely on our Staff for their comment, review and their recommendation and guidance.

Ms. Berger pointed out that she had some of these same comments when we had some of these come up earlier. She thought the Board somewhat agreed and there was some wording we added to the motion. Ms. Pelletier noted that was what we tried to do with the condition you have on this one to flag them that they need to obtain outside permits. It is their responsibility. You can only review for your standards. If you change something, you are still looking at it under these standards you have before you tonight. Ms. Berger noted it is still conflicting in her mind that if we were to approve this as is and they start doing the work because we have approved the permit and then it comes back that there has to be changes. The work would have already been done most likely and how do you go back and un-stabilize the work that was stabilized? Ms. Pelletier noted we would have an issue with the DEP if they started doing work without a permit. They have the Municipal permit but they don't have approval from the other regulatory bodies they need to obtain before they do work. They should be waiting until they get all their ducks in a row. Otherwise, they could be in a violation situation with an outside agency even if they are fine with the Town of Freeport. Ms. Berger asked why the Board can't include something that states that work cannot proceed without the appropriate approvals?

Ms. Pelletier pointed out that the Board has a draft condition on this one tonight and read it into the public record. That is general language to flag a wide variety of outside agency permits that will vary what permits any project gets from outside agencies based on the scope of the work. Ms. Berger asked if the Board could add the words, the applicant must not start work until all applicable permits have been approved by any outside agencies? Ms. Pelletier advised that the Board can but the only thing she doesn't like about that is if we are working through it, we are not going to go through all these agency permits and know what they need and what they don't so then we have a situation where the Code Officer is enforcing this condition. Some of these are going to be easy but others might not so then it puts this enforcement situation where the Code Officer is going to have to determine if they need a permit from DEP and that is really not his job in this case. She feels we are working through these and trying to come up with a best practice and get us up to speed. We have

talked about exploring other avenues that DEP would allow for review but we are not there yet.

Ms. Berger advised that her concern is that work could get started on any of these permits that will come to us more and more and if there are changes and the DEP comes and finds something out of sorts and asks for that change. She would assume that they would have to come back to us for a modification based on what they might have done already. Ms. Pelletier added that they should not be doing any work before they get those outside agency permits but that is up to them to know. Ms. Berger added that if they got a permit from us tonight and wanted to start the work next week, that would be their choice and if they started doing work by removing boulders and it turned out they were told by DEP that they could not use that method, they would have to change things in a total way that would have made what they did inappropriate for the land mass and then there is even more problems for the stabilization that was already begun and shouldn't have been. While they may get their wrists slapped by a bunch of people, she feels it is the land we should be protecting. Ms. Hamlen mentioned that she would like to assume that the professionals in charge of these projects will follow the process. They know the rules and if in fact, the rules say you don't begin until you have all the approvals in place. She would be willing to take the leap of faith and approve it so they can check off one of the approval boxes from us. If DEP snags them and says no, no it can't be that way, it will come back. Ms. Berger is only saying that it should say somewhere in here on that line that work cannot begin until all approvals have been received. Ms. Pelletier noted she sees what Ms. Berger is saying and there might be a way to tweak it so it is not creating an enforcement issue for permits that have nothing to do with us. Mr. Monteleone added that there is base language we can use that our approval is subject to the issuance of DEP and Army Corps engineers. He feels that is manageable and he would not have concern about that being an issue. He assured Mr. Becker that this has nothing to do with his application. The Board is trying to figure out this thing that is new to the Board. He agrees that we can rely on our Staff but he doesn't see anything in the Staff Reports that addresses the things we need to find.

Ms. Pelletier added that the second document before the Board is the draft findings. Regardless of the DEP, if the Board feels there is a standard and you don't have information to show that they meet it, you can make that request to the applicant and let them know what standard you feel they don't meet and what information they would need to provide to you to show that they do meet the standard. Mr. Monteleone added that this is the point to his view that the Findings in the issuance of the DEP permit provide all the information and we need not ask the applicant to go and gather more information. They have already done that and DEP will find on the same categories and issues we need to find on that will allow us to move forward with assurance and with that in mind he moved that:

MOVED AND SECONDED: To table this application immediately after the issuance of the DEP permit in order to factor the DEP's Findings into our own Findings and satisfaction of our ordinance. (Monteleone & Hamlen)

Ms. Berger noted she would be more agreeable to add whatever the wording was into this fourth portion of the motion that is written here that gives them the permit as long as they don't start the work until everything comes through. We always get to look at it when the permits come in. If the permit comes in and it says they can't do so and so, it will come to our Code Officer who will flag it and there might have to be changes and we might have to redo the permit. She is sure the Board would have the next shot at it if the DEP or any of these other ones come back conversely. She is more agreeable and will not vote on Mr. Monteleone's motion because she does not see the point of waiting. She would just like to see the wording adjusted to take into account that there are permits here and the work should not be started until all permits have been received and looked at. Ms. Pelletier added that she is not sure we always got copies of them but the burden of proof is on the applicant to make sure they have the permits. Vice Chair Yankee clarified that Ms. Berger is suggesting two conditions. A) They can't start work until all the applicable permits are received and B) They submit those to the Code Enforcement Officer.

Ms. Pelletier asked Mr. Becker to clarify what he gets back for documents. For DEP permits she knows he does not get documentation. He waits a certain number of days and then he can start work. Mr. Becker advised that he gets all the NRPA applications back. If it is a permit by rule, he gets nothing back. They applied and if nothing is said for 14 days, they go. In this proposed language for a motion, it does say that the application must be applied for and obtained all applicable permits for the preceded development under the NRPA so it is already saying we must before we go and it is in your

motion already put together by Caroline. He suggested changing the language to say, to obtain and start project which are simple words.

Ms. Pelletier noted there is a simple fix but the Board has an active motion that needs to be resolved.

Ms. Hamlen asked Mr. Monteleone to repeat his motion:

MOVED AND SECONDED: To table this application immediately after the issuance of the DEP permit in order to factor the DEP's Findings into our own Findings and satisfaction of our ordinance.
(Monteleone & Hamlen)

Mr. Monteleone pointed out that we are not changing the ordinance as much as saying we are trying to catch up and understand what satisfying this means and those findings will give him a lot more comfort. Ms. Pelletier advised that if the Board goes ahead and acts on this motion, it is very concerning to her that we are trying to rely on DEP and that is against the legal advice we have been given. If there is information you need or are not clear on, you can table this and be very clear to the applicant what standards they are not showing you that they meet and what else you want to see. We can't just be relying on DEP for their comments on a separate set of standards.

Mr. Donahue felt the motion was heading in the right direction in terms of sequence knowing we are not technical experts. For each one of these proposals we have seen so far, like we are a little bit in the dark or not well informed about the nature of what we are being asked to approve so he thinks that is where the hesitation comes from. At the moment he would tend to go along with James' motion to have time to improve our process. Ms. Berger asked if we do go along with the motion on the floor, if the federal Clean Waters Act doesn't respond and if the other one doesn't respond, you are saying they will have to get all of these permits and approvals coming in and up front before anything is done? Ms. Pelletier suggested that the Board focus on the standards before you and what information you need to make those determinations without relying on just the other departments. We don't have that requirement currently in our ordinance based upon the advice of our attorney so they don't have to submit those. They do have to submit enough information in compliance with the ordinance to give you the information you need to show that they meet the standards which are outlined in the Staff Report. If that information is missing, that is a better way for you to clarify. Mr. Donahue noted there is not an engineer or somebody that typically handles this type of application but Ms. Pelletier added that the Code Officer is the official that reviews that.

Mr. Becker pointed out that this is one of the early ripraps coming through. It was always handled by Coastal Waters in the past. It is his first time coming to this Board. He has always brought them to Coastal Waters through all the years so the review was by waterfront people. Your Board is different so when you ask for professionals on your Board, Coastal Waters is more waterborne. This is the transition line between water and upland so he can see the confusion why which side of the line you are talking about working with. It is a new process for you and it is obviously not his first job but it is his first time with this Board for riprap. Ms. Berger noted this is the Board's fourth.

Going back to Ms. Pelletier's note, Vice Chair Yankee feels we are going to have to be specific if we are going to table this so that the applicant can go back and get the information they need. He doesn't think we are doing that right now. Second, he has a lot of confidence in our staff and that is Ms. Pelletier, the Planning Department and the Code Officer and he thinks that is the way organizations operate. You draw on the expertise that is around you and he doesn't see that we have substantial ground right now to table this. He understands what Ms. Berger is saying and he would go along with that condition but other than that, he thinks we are setting a difficult precedent for us if we do in fact table this for the reasons that he has heard so far and there would be a lot of sorting out to do. Ms. Pelletier mentioned that as far as process, we need to continue to work with the DEP. They are the ones that say these have to go through the Planning Board. Shoreland Zoning is enforced at the local level by the Code Enforcement Officer. These are the minimum standards that we incorporated into the ordinance. We talked about potentially saying if there is any way we could transfer this to Staff Review, but we are not sure they would go along with. If they say no to that, she thinks we need to put the ball back into their court to get some additional training so these applications are easier to process. Of course, you rely on professional staff and you want to have a better understanding where you are the ones taking action on applications before you.

Ms. Hamlen noted that based on the Staff Report, this application does meet all of the standards as set forth in the Shoreland Zoning Ordinance. Ms. Pelletier added with the suggested conditions of approval, obviously the Condition 1 standard and Condition 4 was at the request of the Board potentially to be tweaked. For No. 2 and 3 they would need any permits from the Code Officer. This is in a flood zone but they would also have to submit an erosion and sedimentation plan which would be part of the Code Officer's review. She pointed out that the Board still has an active motion on the floor that you need to do something with. Ms. Hamlen withdrew her second to the motion. No one else seconded it so Vice Chair Yankee noted that the motion is not moving forward.

Vice Chair Yankee asked if there are any more questions on the application. There were no questions raised.

Ms. Pelletier provided some notes that could help Ms. Berger achieve what she is looking for. She suggested Under No. 4, must apply for and obtain approval for all applicable permits. We would leave that broad so it is still up to the applicant to know what they need to submit. Again, it is up to the applicant and the outside agencies. However, on the end of that after land, strike the period and add prior to starting any site work. Ms. Berger agreed with her suggestion.

Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 306. Land Use Standards
Notwithstanding the standards of the underlying zoning district(s), all land use activities within the Shoreland Zone, shall also conform with the following provisions if applicable:

A. Space Standards:

Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.

B. Principal and Accessory Structures

Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland

Not applicable as no Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or below the Normal High-Water Line of a Water Body or Within a Wetland are proposed. Based upon this information, the Board finds that this standard has been met.

D. Campgrounds.

Not applicable as no campgrounds are proposed. Based upon this information, the Board finds that this standard has been met.

E. Individual Private Campsites.

Not applicable as no individual private campsites are proposed. Based upon this information, the Board finds that this standard has been met.

F. Parking Areas:

Not applicable as no parking areas are proposed. Based upon this information, the Board finds that this standard has been met.

G. Roads and driveways

Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

I. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

No changes resulting in an increase of stormwater run-off are proposed. The applicant will install rip rap to stabilize the eroding shoreline with large key stones installed in a trench at the bottom of the rip rap area. Based upon this information, the Board finds that this standard has been met.

J. Septic Waste Disposal

Not applicable as no septic waste disposal systems are proposed. Based upon this information, the Board finds that this standard has been met.

K. Essential Services

Not applicable as no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.

L. Mineral Exploration

Not applicable as no mineral exploration is proposed. Based upon this information, the Board finds that this standard has been met.

M. Agriculture

Not applicable as no agriculture is proposed. Based upon this information, the Board finds that this standard has been met.

N. Clearing of Vegetation for Activities Other than Timber Harvesting

No clearing of vegetation resulted from this project. Based upon this information, the Board finds that this standard has been met.

O. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

No Hazard Trees, Storm-Damaged Trees, and Dead Trees will be removed with this project. Based upon this information, the Board finds that this standard has been met.

P. Exemptions to Clearing and Vegetation Removal Requirements

No clearing of vegetation will result from this project. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

No clearing of vegetation will result from this project and therefore revegetation is not required. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant will install rip rap to stabilize the shoreline. The applicant will be required to submit an Erosion and Sedimentation Control Plan to be reviewed and approved by the Codes Enforcement Officer. Based upon this information, the Board finds that this standard has been met.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

The applicant will install rip rap to stabilize the shoreline which should improve the water quality by reducing sediments runoff from the land. Based upon this information, the Board finds that this standard has been met.

T. Shoreline Stabilization

Vegetation may be removed in excess of the standards in Section 306.N of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board. Construction equipment must access the shoreline by barge when feasible as determined by the Project Review Board.

(a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

(b) Revegetation must occur in accordance with Section 306.Q

The applicant will be installing riprap to stabilize the shoreline. No clearing of vegetation will result from this project and therefore revegetation is not required. The areas will be accessed by the water for the installation of the stabilization. Based upon this information, the Board finds that this standard has been met.

U. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. In addition, if an on-site investigation for a septic system is needed, a Maine Licensed Site Evaluator shall submit a required report. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed design to counteract soil limitations where they exist.

This is a shoreline stabilization project and no new land uses are proposed. Based upon this information, the Board finds that this standard has been met.

V. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Codes Enforcement Officer, during the required review process, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the Codes Enforcement Officer who shall consider comments received from the Commission prior to rendering a decision on the application.

There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. 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 Town of Freeport Shoreland Zoning Ordinance.

Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 404. Administering Permits

The Project Review Board, the Coastal Waters Commission, or the Codes Enforcement Officer shall approve an application for a permit, only upon finding that the use, activity or structure complies with all requirements of this Ordinance and that it meets the following criteria:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;
8. Will avoid problems associated with floodplain development and use; and
9. Is in conformance with the provisions of Section 306, Land Use Standards.

The project is for shoreline stabilization at a residential property on 14 Merganser Way. About 40 feet of shoreline was previously stabilized and the applicant is now seeking approval for an additional 60 feet of stabilized area. Existing vegetation will be retained, and no new plantings are proposed. The applicant will be required to use a contract that is certified by the Maine Department of Environmental Protection in Erosion Control. Permits from the Maine Department of Environmental Protection and the Army Corps of Engineers are required and have been applied for. There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. The property is not within the Marine Waterfront District and there is no public access to the water. 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 Town of Freeport Shoreland Zoning Ordinance.

MOVED AND SECONDED: that the Freeport Project Review Board approve a Shoreland Zoning Permit for Paul T. and Regina M. Castronovo for a Shoreline Stabilization Project (approximately 60 feet in length) at a residential property at Map 5A, Lot 19A (14 Merganser Way), to be built substantially as proposed in an application dated 11/16/22, finding that it meets the standards of Section 306 & Section 404 of the Town of Freeport Shoreland 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 the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) The applicant will be required to submit an Erosion and Sedimentation Control Plan to be reviewed and approved by the Codes Enforcement Officer.
- 4) In addition to the municipal Shoreland Zoning Permit, the applicant must apply for and obtain all applicable permits for the proposed development under the Natural Resources Protection Act, Title 38 M.R.S.A section 480-C, the Site Location of Development Act, the Erosion and Sedimentation Control Law, Title 38 M.R.S.A section 420-C, the Stormwater Management Law, the Federal Clean Waters Act as delegated to the State of

Maine, and all other applicable and state and federal laws regulating the use or development of land, prior to starting any site work. (Berger & Donahue) **VOTE:** (4 Yes) (1 No-Monteleone) (2 Excused-Blanchard & Reiche)

Vice Chair Yankee noted this was a really good discussion. It is important because we need to improve the process going forward. DEP is changing, we are changing and it is important that we are all coming together to make sure the process is improving.

1131 US Route One – After-the-Fact Change of Use

The applicant is presenting conceptual plans for an after-the-fact change of use from Single-family Residential to Single-Family Residential and Construction Services at 1131 US Route One. The site contains a residential structure, a 4,842 square foot barn and associated site improvements. Additional changes include the relocation of some accessory structures, removal of some impervious area and some new landscaping. Zoning District: Medium Density B (MD-B). Tax Assessor Map 21, Lot 31 (1131 US Route One). David M. and Terry L, Davis; applicant and owner; Esther Bizier, PE, Main-Land Development Consultants, Inc, Engineer and representative.

Ms. Hamlen pointed out that she is an abutting neighbor so she will recuse herself.

Ms. Pelletier explained that this is an after-the-fact change-of-use. There is a property on U.S. Route One North that back in the day was permitted as a single-family dwelling. On the abutting lot there was a garage that had been used as an accessory home occupation. They are now attempting to merge them on one lot but there needs to be some deed work there. The applicant uses this barn/garage to store equipment occasionally and work on equipment for a business they actually have in another community. Because they are using it and storing stuff there, the Code Officer reached out and said it is a commercial use and they need to come to the Board for Site Plan Approval due to the size, scale and nature, it has gone beyond the limits of a home occupation and it wasn't on the same parcel originally. The structure is existing and you have some pictures in your packet of the barn-like structure. There are some temporary structures that were put in without permits and she believes there were some issues with encroachment into the stream and some DEP issues. DEP has been out to the site to look at the application and deal with some of those issues. It is in the Urban Impaired Watershed so they will have to treat for stormwater management. It is in the MDA/MDB and you have seen other projects in this zone and there are a lot of standards in there as called out in the Staff Report regarding appearance of the building, screening on the front and side, setbacks, visibility of the structure, outdoor storage, the need for outdoor storage to be screened and parking. The parking would need to be designated on the plan. They would need to show that they can meet the standards for both standard and accessible parking. They would need to get a change of use for the two entrances off of U.S. Route One. The building has no water and sewer so that is not really a concern and they are not proposing any signage. They would need to submit any information on Solid Waste Disposal. They did ask for a waiver on lighting. That is something for the Board to consider whether or not they want to waive the submission requirements there. We would want to know that they are using full cutoff fixtures as required by the Ordinance. Again, in MDA/MDB there are substantial landscaping requirements. This is existing so the same standards still apply. One of the questions she has for the Board is conceptual and do you want to schedule a site walk? The applicants are here and they can show you pictures and walk you through the application.

Esther Bizier from Main-Land Development Consultants, Inc. introduced her co-worker Shane Holly and the applicants David and Terry Davis. She mentioned that they got brought into the project this summer and used an existing survey plan that the applicants had. They did wetland mapping and confirmed the edge of the stream. They mapped for wetlands along the stream and basically put in an existing conditions plan together that shows some of the temporary structures, a temporary storage container and some of the storage areas that have been added to the site since the original survey was completed in 2020. That is the Existing Conditions Plan C-1.1 in the packets which she was showing. The applicants have done a lot of landscaping on the property to try to make it look nice. They talked to the Town a few times and want to bring this into compliance so they are helping them put a plan together to do that. The plans are all in Section 13 of the application and there is also a Table of Contents on page 2 that will tell you where to go for everything. As far as some of the improvements and changes, they are going to revegetate some of the gravel areas and they are proposing to move a metal storage container to meet the 50' setback for storage and revegetate that gravel area that is on the northern portion

of the site. All the area being revegetated is shown on Site Plan C-2.1 that shows the proposed changes. They are proposing some more vegetated plantings. Right now, there is an existing row of trees along the northern property line. They are proposing to plant a total of 27 new trees to help with some of the screening requirements. They discussed a fence but they would prefer to not install a fence around the storage areas adjacent to the garage built in a barn style that is in the center of the property. Pictures of the garage are in Section 5 of the application. As far as other changes, they did propose a small stormwater treatment filter adjacent to the stream buffer on the western portion of the site. The barn was permitted in 2017 by the Town. There are some light fixtures on it. They are above the garage doors and a small light fixture is on either side. There is a total of 8 fixtures and all of them are downcast cutoff fixtures. She found a cut sheet of a fixture that is similar to what is there which she has if anybody wants to see it. She knows the Town Engineer still has to review stormwater and they are also still working with DEP on some of the impacts. There is no impact to the stream and no impact to the wetlands adjacent to the stream. There is some impact within the 75' stream buffer and that is the temporary or what they call the dome tent or Quonset hut style tent. It is within the 75' setback and there is also some gravel area and clearing within the setback as well. That is in process with DEP and they are waiting to hear back on that. They are here to answer any questions.

Vice Chair Yankee asked Ms. Pelletier if the Board's role is to review this without bias to what is there. She noted that they still need to meet the same standards we have in place for that zoning district. If you want to do a site walk since everything exists, you probably have time and it wouldn't impact the applicant.

Ms. Berger noted she agrees a site walk is needed and after the site walk the Board would have more specific things to discuss. Mr. Donahue agreed but asked if Ms. Bizier could talk about screening and the proposed vegetation? She advised that when they purchased the property, it was generally wooded and cleared for the house. When they purchased the remainder of the second lot adjacent to the house, they cleared a bunch of the site for the house and gravel area. There are some large trees along Route One. DOT actually went in and cleared out a bunch of the vegetation right adjacent to the property line on Route One. 295 is to the northwest and there is a whole other property between them and 295. When DOT cleared out the smaller brush that was out front, they left a lot of the larger taller trees on the property line so they remained. A lot of landscaping has been done around the house with shrubs and flower beds. They did plant a vegetative screen along the property line with the neighbor to the north. She believes they are Norway Spruce and they are proposing to plant additional Norway Spruce between the road and then the use of it on the inside on the front of the site. Mr. Donahue asked if the joining of the two properties will be completed and established before we are done with what we have to do here? Ms. Bizier advised that the applicants thought it had been completed but the Assessor said that there is still potentially an issue with that. Mr. Adams advised that he did not see an issue with this proceeding. It has been filed and the submittal was what was filed.

Terry Davis, one of the owners advised that they bought the land their house is on and a few years later, the second lot became available. They applied for a permit to build their barn and the prior inspector went out with them and staked it out and approved them to put the barn where it is and even though they owned both lots, it was approved there. Mr. Adams has come in and advised that they cannot have their barn on part of one property and part of the other property but it has already been done. They had an attorney redo the property line and it was filed. This is the first she has heard that something is wrong. It has been made into one lot now. Ms. Pelletier advised that we would need to make sure it was done right. She feels it can be done and we have done it conditionally in other cases. They would have to potentially get after-the-fact permits and change of use for some of this so she thinks there would be a threshold to flag if the intent was to make that property line go away and have one property so they meet all the setbacks with cleaner buffer requirements from the setbacks and stuff like that. She thinks from a Staff perspective, that things that kind of jump out, there are provisions here for overhead doors, provisions for screening, provisions for buffering. MDA/MDB is really a mixed area with residential and commercial uses so to see how that building actually sits in relation to the buffers and visibility and she thinks the Board would want to see the outdoor storage areas because anything they are going to store outside needs to be fully screened per the requirements of the ordinance. She thinks it would be helpful to see them on site. She feels the garage is a very appealing structure and not what you think when you just think of a garage so making sure the Board has an opportunity to see the actual structure we are talking about will be helpful to you. Ms. Bizier noted there are actual pictures of the garage and then also the building plans. The building plans of the garage are in Section 12 and you can see it

is a barn style with different roof lines and a cupola on top. It meets those standards as far as height and roof lines and styles. They asked for a waiver because there are three large garage doors on the side that directly face Route One and are kiddie cornered to the road. It is visible to the road but the code does say that only one door is allowed to be visible from the roadside but where it is an existing structure and was permitted and approved by the Town and even if it was being permitted as a residential garage, the code still would have applied so they are asking that the Board would leave that.

Vice Chair Yankee mentioned we are dealing with two Codes Officers and if something was approved but is not consistent in the manner. Ms. Pelletier advised that overhead doors specifically say non-residential uses. Her understanding is that the barn/garage structure was previously permitted as a residential use. It was used in a residential nature in association with a single-family dwelling. There is no actual residence in the barn and it was not a commercial use. It was permitted as a residential structure and not being subject to Site Plan Review because they didn't come before the Board. How they were using it and at what point in time is beyond her, but at this point it has been flagged as beyond residential in nature and it might actually be bigger than the house itself.

Mr. Monteleone asked when the barn was built? Ms. Bizier advised that it was built in 2017 with a permit from the Code Officer. Mr. Monteleone asked when the commercial operation in the barn begin? Ms. Bizier suspected it was sometime after it was built and before 2020. Ms. Pelletier offered to pull the permits from the file when they come back. Ms. Bizier added that for commercial use, they just started using it for equipment maintenance at some point in time and then it got flagged when they discovered the issue with the property line. That is her understanding after talking with the applicants and to Mr. Adams. There was not an actual violation issued so this has been on good faith that the owners resolve the change of use. Ms. Pelletier added that it appears a Notice of Violation was issued in October 2019 by the Code Officer about several complaints regarding commercial activity. Mrs. Davis added that when commercial is stated, it is their business but there are no people on the property except them and it is their equipment. It is not a business run out of there. They put up steel and it is not done at the barn. There is no work done there. They can bring their equipment there when it needs to be serviced and switched in between jobs. Right now, they have to pay for equipment to go to other places and sit until it goes on to another job. If the equipment is sitting, it is not making money. It is not a business and they are not asking for a sign or anything different. Mr. Monteleone asked if the barn was built for the purpose they are using it for today?

Mrs. Davis advised that they built it for their personal things such as their camper, boats and things they wanted in there. Mr. Monteleone asked when did they begin using it for their equipment? Mr. Davis advised that currently the inside of the barn is virtually no business. There is nothing business in there and Mrs. Davis welcomed the Board to come and look in there. Mr. Davis added that he has collector cars, he restores cars and snowmobiles for himself. Equipment in the actual barn is nonexistent. They use it for their personal use. They want to be able to keep their equipment outside. Mr. Monteleone advised that zoning applies to the entire property and not just this structure versus that structure. That is why we are talking about the entire property not just the barn versus the yard. Ms. Bizier added that in the application they reflect that the equipment is temporarily on site for a few days or maybe a week at the most and there are no employees parking there or doing maintenance on site. Mr. Davis advised that he does not provide construction materials. They only provide labor. Mr. Monteleone asked about the abutters and Ms. Bizier advised that they are generally residences but the abutter to the north is a B&B and the next one over is Zachau Construction Co.

Mr. Monteleone asked if public comment would be permitted tonight? Ms. Pelletier advised that the Board generally takes public comment and decides what you want to do. Vice Chair Yankee noted he would like to continue with questions since the applicants are here. He agrees that a site walk is likely.

Mr. Donahue mentioned that there is equipment being stored on the site and he is presuming that there is a large area of pavement for vehicles themselves and turning radiuses that will be in an impervious area and that is factored into the stormwater calculations. Ms. Bizier agreed and noted their stormwater calculations are for all the impervious areas associated with the barn, the lay-down yard where the equipment is parked and didn't include the house and the portion of the driveway that is associated with the house but everything else was included.

Vice Chair Yankee opened the meeting up to public comment. Bill Hamlen mentioned he is the neighbor on the north side of the property line, the Orchard House and Café which is a B&B and will likely be a restaurant at some point. He supports his neighbors in doing what they plan on accomplishing. The one issue he sees is the new location of the storage container. Where it was previously placed, it was set back out of sight and out of view from his property and now with the new location, it is a dead center view for his guests, for his business, for his property value, whatever it might be. That is the only concern that he has. He would support that no fencing is necessary but perhaps some more buffering between those elements or equipment.

Ms. Berger asked if this storage container is the same as the dome tent? Ms. Bizier advised that those are two separate temporary structures. The storage container now is up on the northwestern corner in a setback but in order to meet the Town's setbacks, they are proposing to move it to the interior of the site and it is also coming forward to get out of the stream setback in some of the area they are revegetating. She pointed out where the dome tent is located. Mr. Hamlen pointed out that if the Board is going to visit the site, you could come and see it from his perspective as well. Ms. Pelletier offered to get information on the storage container to see if it is determined a structure. She advised that the applicants will need to look at the building design standards and that is the second potential issue about that structure. She feels it will be really helpful to see all of this on site. Ms. Berger asked for clarification on the Conex box and Ms. Bizier advised that it is a metal shipping container. Ms. Berger asked about the dome tent and Ms. Bizier advised that it is a metal frame with a tarp over it. Permits were not pulled for the dome tent. Ms. Berger asked if the Board can require landscape screening? Ms. Pelletier advised that there are landscape buffer and screening requirements in this district so the Board can. She added that we don't acknowledge temporary structures so they don't have to be permitted as permanent structures so a permit was not pulled for the Conex box so all of this would need to be rectified as part of this process. Mr. Monteleone asked how long the dome tent has been in place? Mr. Davis noted since this time last year and the plan is that it will be there in perpetuity. His intent is that anything in the tent is not visible to people driving by so there is a lot of equipment in the tent. The storage container has been there since last summer and it is planned to be there in perpetuity.

Ms. Berger mentioned the barn and Mrs. Davis advised that they built it for their personal use and the Board is welcome to come and look inside. It has cars they restore. If the Conex gets moved, there is no way of screening it unless they put trees in the middle of the parking lot which will make a mess for the neighbors but the Board has to see it to understand it.

Ms. Pelletier suggested that the Board set a date for a site walk and then table the application after the site walk is completed. Ms. Berger asked if we are still waiting for other information from them? Ms. Bizier advised that they submitted everything but there were a few questions the Town Engineer had related to lighting. They are waiting on Maine DEP and they probably won't have their final say next week but they have the other information. She talked with the Town Engineer about stormwater so he has it to review and they have a bit of additional work they will have to do on that design based on some information on the Urban Impaired Stream. They asked for waivers on what was needed and she has additional information on lighting fixtures. Ms. Pelletier pointed out that submissions for January would be due next Wednesday by noon. Once the Board does the site walk and sees the plantings, you might have everything you need to make a decision or you might not feel that way. One thing you could do is schedule a site walk and you could schedule it on a weekend or you could choose to do it prior to a meeting. She explained the process for a site walk and that the Board could put them on the next agenda to give them feedback as a result of the site walk and then they could pull any additional information and return to you at a timeline that works for them. Vice Chair Yankee suspects the site walk would be more productive with less snow cover in this particular instance. Ms. Bizier added that daylight is the big question. Ms. Pelletier noted that we could schedule the site walk on a stand-alone date. It doesn't have to be the meeting date but we have to publicly notice it so we need 7-10 days to get notice out. We are short a few Board members tonight so if you can come up with a few tentative dates, she would be happy to coordinate with the Board and the applicants and provide public notice.

Mr. Monteleone asked if the submission is complete and if we had all the information we needed as to the site walk, we could act today? Ms. Pelletier noted that if the Board feels it has all the information to show that all the standards are met, yes. With the exception of the stormwater, because they need to design a stormwater based on a different threshold that they are in an Urban Impaired Stream and the Town Engineer would need time to review that. We typically like that done

before.

MOVED AND SECONDED: To table this application conditioned on a site walk. (Berger & Donahue) **VOTE:** (4 Yes) (1 Recused-Hamlen) (2 Excused-Blanchard & Reiche) (0 No)

If we do a weekday, Ms. Pelletier asked if there is any day that works better for a site walk? 9 a.m. on Thursday or Friday mornings or even a Saturday morning was suggested. She will work with the applicants to make sure they will be in town. We would want them to mark off some of the buffers and setbacks so she will make sure we get them in time since a lot of people are taking the next two weeks off. She will come up with some dates either at 9 o'clock during the week or potentially a Saturday morning.

She advised Mr. Davis that if he intends to put up any more structures in the future, he should get a permit.

Depot Square – Multiple Family Dwelling – Conceptual Presentation

The applicant is presenting conceptual plans for a replacement structure at 15 Depot Street. A three-story multiple-family dwelling with eight residential units is proposed in a 2,144 square foot footprint structure. Access to the site will remain from Depot Street and no new road is proposed. No open space is required. 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 10, Lot 24-2 (15 Depot Street). Charter Maine Properties, LLC; applicant and owner; Esther Bizier, PE, Main-Land Development Consultants, Inc, Engineer; Dominic Petrillo, representative.

Ms. Pelletier pointed out that the Board has seen a couple of applications for multi-family housing projects in the village. As with the others, the applicant is proposing an 8-unit residential structure on three levels. This is on the site of the former Petrillo's building on Depot Street where Mr. Petrillo operated a restaurant. Unfortunately, that structure had fire damage so they are proposing to demolish the structure and proposing this new residential structure. Because they are proposing to create three or more units within a five-year period, they are triggering three levels of review: Subdivision Review, Site Plan Review and Design Review. Subdivision Review is a multiple level review and in this case, because of the number of units and the proposed connections to public utilities, it would be a minor subdivision. Minor subdivision is typically a two-phase process. They have a conceptual review and process where you deem the appropriate areas have been determined for development and open space. In the VC-I they calculate the net residential acreage. There is no open space requirement. Once conceptual approval is granted, they would go away and do their engineering and finetune their plans and then come back for final approval. There is a bunch of checklists and documentation that they need to submit.

At the same time, the Board has the Site Plan component that lists the site features, layout, parking, stormwater, trash and utility connections. It does not require action by the Board until they take action on the Final Plan. Then you have Design Review. It does not require action on a conceptual phase. Anytime an applicant has multiple layers of approval required, it is beneficial to give them as much feedback as possible on the three separate sets of standards you are dealing with. As with any Site Plan and Subdivision review, you always have the option to schedule a site walk if you feel it is beneficial. You may or may not feel it is beneficial in this case since it is a small lot on Depot Street that is occupied with an existing structure and the general layout will remain the same. However, the structure will get slightly bigger. This is set up tonight if you feel that based upon information submitted by the applicant, you have enough information to determine that the building is in the right spot and they are keeping the development out of any environmentally sensitive areas, you could take action on the conceptual subdivision tonight. If you did that, the applicant would not return to you until they are ready for final approval on the three components. That being said, what you have here is a three-story structure. The applicant provided some conceptual renderings to you. It would be connected to public utilities. Access to the site is from an easement from Depot Street. There is some parking on site. This is in the VC-I so they can utilize the shared parking concept and in this case, the applicant is proposing to provide some of the parking on site but they actually own parking on another site so they are proposing to provide additional parking offsite under the Shared Parking requirements. The Board has some conceptual building renderings. Because of the nature of the application, she felt it would be helpful to give you something. They have an idea of a three-story building showing you some potential entry points and window points on the building and they are looking for conceptual feedback. They would welcome any questions from the Board and the

applicant and their engineer are here tonight.

Vice Chair Yankee asked that in terms of the Board's input for this tonight is conceptual? Ms. Pelletier advised that it is always up to the Board. If you feel you have the information you need to make that determination as to the conceptual layout of the subdivision and that the building is in the right spot, you can do that. If you feel you don't have enough information and you need more to give the applicant some guidance on what that is. The only formal motion here tonight is the conceptual Subdivision but you do want to give them feedback on the other two components.

Mr. Petrillo feels Ms. Pelletier explained their application pretty clearly. They had a fire there and they are planning on demolishing the existing structure and building this three-story, 8-unit residential structure. As the Board can see from their plan, there will be brick on the bottom and boards on the top. The windows that you see on the front view are French balcony sliding doors that give some openness for the units upstairs. The double door in the middle is a proposed stairwell to the upstairs units. The two doors on the sides are private entrances to the downstairs units. There was an overhang that existed on the smaller building and they are proposing to keep that overhang. They have to make it smaller to meet the setback requirements. It is 5' 4" now and on the proposed building it is a 3' overhang. On the top there is a façade to hide the utilities and provide safety for anyone that is working on the roof. There is already existing handicap parking on the north side of the building and he owns both of the handicap spaces on that side of the building so there is enough room to create a space for a handicap van with an aisle to pass through the space. There were two parking spaces on the old building behind the original structure that was there. Those will no longer fit Town requirements when they build their new building. The new proposed building is 10' deeper into the parking lot than the original structure but the same width so they will be utilizing the existing foundation. He explained that deeper means back towards the tracks. No vegetation will be disturbed when the new building is built.

Ms. Hamlen referred to the parking situation and the fact that Mr. Petrillo has 8 shared spaces elsewhere in town that he has been credited with. Ms. Pelletier explained how shared parking works and his tenants can park there or park in any other shared parking lot in Freeport. He has to show he is meeting the requirement and he is doing that. The current requirement is .75 spaces per unit. Ms. Pelletier added that there are a lot of other spaces in town they could choose to park in or he could decide he doesn't want to share and he could say "for residents only." That could be worked out as the process goes forward. He needs to demonstrate that he meets it but it is up to him to show how he is doing that. He can meet it by shared parking or not shared parking. You can't require one over the other. He needs to demonstrate that he meets the parking under the shared parking requirements. The train spaces are not entered into the shared parking pool. Any applicant needs to show the Board that they meet the off-site. If there is an issue with how people are using that train station parking lot in general, it is more of a management issue on that site. Ms. Hamlen asked if she is correct in counting out 8 spaces? Mr. Petrillo advised that there were 8 spaces. It was the old site plan. He asked Ms. Pelletier to put the site plan up and walked the Board through his parking spaces. There is street parking but it is for one hour or two hours and there is a parking garage across the street.

Ms. Berger asked if the new building is the same size as the old building? Mr. Petrillo advised that it is bigger and 10' closer to the railroad tracks. It only utilizes the existing foundation on the street side. Ms. Berger feels getting some dimensions would be helpful. She asked if there is a demo plan? Ms. Pelletier offered to look. Ms. Hamlen asked if these units are proposed to be rentals? Mr. Petrillo advised that they are.

Mr. Donahue mentioned conceptual review of the Site Plan and if the building is in the right place on the site? He is curious if Mr. Petrillo looked at shifting the new building over? Is there benefit to consolidating the parking? Mr. Petrillo explained that his first thought was he had an existing foundation and it would be best to utilize what is existing instead of making new. It fit well with the previous parking and the building fits in between the parking spaces so any change to shift it north or south would disrupt that and would cause additional planning that he feels would be unnecessary given the small envelope they already have on site for the footprint. He can't go any closer to the sidewalk on the front. As far as shifting it back further from Main Street, after review you might come into a spot where you would violate your parking spaces on the back of the parking lot and you would not have enough room for parking spaces on the other side for cars to pull in and pull out. Mr. Donahue asked about trash removal. Mr. Petrillo noted that right now he has a shared trash removal behind

the alleyway at 5 Depot Street, the building next door. It has not been negotiated for the upcoming apartments but he feels it will not be a problem storing a dumpster down the alleyway. He envisions it would be a daily trash service or a weekly service depending on the needs of the building. He has no plans for a dumpster in the rear of the building. He feels it is a lot to ask someone who lives in an apartment to take their trash down an alleyway and throw it in a dumpster so for this building as it comes along, there might be a daily or twice a week service to come and pick up residential trash. Ms. Berger mentioned the containers would have to be placed out front or out back every day and Mr. Petrillo agreed. She noted she would like to see exactly where the trash removal area would be even though it is not a dumpster. Ms. Pelletier advised that trash is a subdivision standard and this is a commercial use so he would have to contract with a private waste hauler. Usually when they come back, they know that they will store the trash inside or if they are going to store it outside on a regular basis, they will put that on the plan. Vice Chair Yankee requested more information on the trash situation.

Ms. Hamlen asked if Mr. Petrillo is planning on one-bedroom or two-bedroom apartments? Mr. Petrillo advised he is planning one-bedroom apartments. There will be three units on the second floor, three units on the third floor and two units on the first floor. The stairwell will be in the middle at the entranceway and will be internal. The entrances to the first-floor units will be private entrances.

Mr. Monteleone suggested discussing Design Review and his assumption is that the applicant will be coming back with a color scheme. He feels it is a subjective standard applied on a case-by-case basis. He perceives there is an aversion by the Board of these street facing porches and patios and it seems to be a very prominent feature on this building. It looks like all these units will have access to a side facing window and a rear facing window and will still provide that service without having the front facing patios. He feels this is something to consider because he feels it kind of breaks up the façade of the building. Otherwise, that is his only meaningful comment. Vice Chair Yankee noted it would be helpful to provide the windows, doors, finishings, colors and materials since it is something they will get a lot of feedback on. Ms. Pelletier added that they can use any paint color from any paint manufacturer's historic color palette. It is not something the Board has to approve. She knows this is very conceptual but if the Board grants conceptual approval tonight, he could come back in and request final approval. It is really important that you try to give him as much feedback on the conceptual building design knowing he needs details as shown how it does or does not meet standards so he knows what he needs to tweak. If you say you really don't like the windows, it is not giving him constructive feedback to come back for final.

Vice Chair Yankee advised that he could not give feedback to Mr. Petrillo on the windows with this level of detail. Mr. Petrillo answered okay. Ms. Hamlen feels it would be very helpful if there was an rendering showing if there is room along the sidewalk to put some plantings or greenery to soften the corners. She would like to see how it would look like and if there is any room for vegetation. Ms. Pelletier mentioned they didn't submit a landscaping plan showing any supplemental but the sidewalk does come right up to the building. Ms. Hamlen mentioned using planters. Mr. Petrillo advised that they may do planters. They had planters there for the last 17 years at Petrillo's.

Mr. Donahue noted he has concerns with the way the first story sets back and the second and third stories overhang on the street side. He noted it doesn't feel right. It feels top heavy in proportion with the columns being rather slender, he would encourage work on those two points of the ordinance, proportion and rhythm of solids to void and try to make it feel a little more welcoming to people who will be calling this their home. Approachability will be really important and if you think of a traditional architectural language, it would seem to be the norm. He feels that the sliders everywhere are out of sync with something that feels traditional and found in the context of that place. He feels double door casements would be a better fit but the backside of the building probably has more flexibility to that.

Mr. Petrillo wanted to provide his thoughts on the overhang. He does not like to get rained on when he goes into his house looking for his keys. For the sliders, this is just conceptual but this is not to say there will be this many sliders and street facing sliders on the front of the building. It is nice in an apartment to have something you can open up and kind of feel outside and have a way to open up that full slider and have air coming into your apartment. He thinks that is a nice feature for them. There may be air conditioning but the tenants might not want to use an air conditioner but he would propose air conditioning as an option. He hears what the Board is saying that you don't like all the doors facing the street. If that is something that has to change, he is fine with reducing a number of them. Mr. Donahue feels the doors are fine facing the

street but what would make it better is having more approachability to it in terms of the scale and some uniqueness and something more homey feeling. Right now it just feels too rigid for the street scape. He feels Depot Street has some interesting characteristics to it and this building could really play into that. He suggested standing back and trying to imagine the approachability in the field relative to all the surrounding buildings. You could get more in and out there than just the flat setback. He thinks it is fine with a recess but the full setback gives it a top heaviness that feels awkward.

Vice Chair Yankee asked him to keep in mind that the train station is behind this so we are looking at 360 around the building from each perspective. The other thing is scale. It is the height and the parking garage is opposite. It would be helpful to have a rendering from both directions on Depot Street relative to the garage opposite because it could seem very much like a canyon. Ms. Pelletier noted the Board can ask but it is not a requirement. The burden of proof is on the applicant to show its compatibility with other building heights. She believes the parking structure might be close to 45' in height and was built under a different standard.

One thing to clarify in Design Review, this is a Class C and there are a lot of Class C structures around here with the exception of the Hose Tower. Design Review is required from any façade that is visible from any public right-of-way. She is not sure if the rear façade is or not. Ms. Berger asked what the white spaces are underneath each of the top floor balconies? Mr. Petrillo advised that it is trim to break up the look of the building. Ms. Berger noted it looks strange to her but she is not the architect and does not know how it fits the design.

Ms. Pelletier wanted to recap the building. She heard the Board say look at the step back on the first level. Look at the columns. There was a question flagged about so many sliding doors on the front façade. The white rectangles between the windows. If there is a way to better understand how this building would come into play with the height of the surrounding structures and the height requirement of the ordinance. Size and scale. Mr. Petrillo did not have a height. Ms. Berger mentioned that this very conceptual and Mr. Petrillo is really early on. Vice Chair Yankee added fixtures and finishings and more detail on the trim all the way around is needed. Ms. Pelletier mentioned for multi-families, there are different setbacks and depending on materials, we want to make sure his team conceptually talks with the Code Officer or his Design Professional regarding code requirements and type of actual building construction. Vice Chair Yankee also heard if there is a way to incorporate plantings. Ms. Hamlen asked if the balconies are proposed to be wrought iron? Mr. Petrillo advised depending upon the final decision on the windows or sliders, any balcony would be fitted with a railing that met code. Vice Chair Yankee suggested exterior lighting as well.

Ms. Berger pointed out that the Board is really agreeing on the site location and not the design. Ms. Pelletier advised that the actual motion would be on Subdivision and the conceptual layout. Once you grant that, he could just come back for final approval. When they talked, they talked about knowing he was at the conceptual building phase and it would be to his advantage to have something for the Board to give him feedback and that is exactly what he is here for tonight. He knew you would have a lot of thought but he didn't want to come with nothing and then come back for final so you have a very conceptual design. We will never stop someone coming in for a midway check point or he could take the feedback the Board gave him tonight and see if he can come in and get final approval. Ms. Berger noted that final approval could take at least one meeting or two or more. We are not obligated to approve the rest of this at the next meeting. Ms. Pelletier added that the burden of proof is on the applicant to submit the required information to demonstrate that they meet the standards of the three ordinances.

With that said, Vice Chair Yankee thinks it might be appropriate to have a site walk. Ms. Berger did not agree with that because she would like to have an idea of what the building will look like. It is premature for a site walk. If the Board did a site walk, one thing that would be helpful for Vice Chair Yankee in lieu of renderings is some idea of how high this is going to be relative to what is there. He is not sure how to do that but he would like to know how high this building is in relation to the building next door. Ms. Berger added that we need the dimensions of the old building. Mr. Petrillo estimated that it has to be 30-35' tall at the peak. It is 2 ½ stories. For the new building, he knows that it is 67' long, 35' deep and about 38-40' tall.

Mr. Petrillo noted he would be open to what the Board wants to do if they want to schedule a site walk.

Vice Chair Yankee suggested taking public comment. Peter Brown, Freeport resident noted he is curious whether this is part of the Downtown Historic District. Ms. Pelletier advised that it is in the Design Review District but it is not on the National Register designated area that we have right in the heart of Main Street. It is part of the Design Review District which a lot of people refer to as the historic district of downtown Freeport but there is a higher level of historic district. Mr. Brown asked if there is a need and he wonders why there aren't any questions about this having an old New England appearance. It is a box with sliding glass doors on the front. Does this have any similarity to any of the historically significant buildings and image that Freeport exercises and ordinances insist upon? Where are the New England antique or architectural New England features in that building? He is curious why the Board is not asking those questions. Is it because this is outside of the district and next to the railroad tracks so it doesn't matter or is it part of the district that is so significant to the retail and image of Freeport? He can't help but equate it on a smaller scale to the blasphemy that has happened in Falmouth just in the last year or two. Are there any New England architectural features here that could be incorporated because he sees none.

Mr. Monteleone pointed out that this is a multi-stage review process and the design review is about the features, the window design but the details are actually not before us to vote on today. Voting on where it is located on the plan, if 8 units is the right number of units are those kinds of standards and that is where we will dig into the design of the building so there will be a conversation we will have but we are not getting into those details today because that is not what we are being asked to act on today. It is a conversation we will continue and try to apply the requirements of the ordinance as best we can. Ms. Pelletier added that it sounds like he is talking about the Design Review Ordinance which does apply generally speaking from Shaw's to Kendall Lane and then back off of Main Street. Mr. Monteleone advised that this will be updated with more detail and more information. At this stage he doesn't have to show us a picture of anything. He can just show us where his building footprint will be. Mr. Brown asked if it would be appropriate for the Board to suggest that it needs a New England character in the next rendition. All he has heard is that if the windows were different, the railings were higher and there were some plants, this box would be okay maybe for approval next time. Vice Chair Yankee disagreed and he thinks Mr. Brown heard we need more detail and we need more plans. He did hear some comment back about the historical nature of what we are seeing but he is not sure he has heard that yet but it is something once we have seen more detail. For him personally, it is a little hard to say that without the detail. Mr. Donahue added that he did mention the normative approach which would be a traditional architecture but as far as he can tell from the ordinance, it is not prescribed that it be, especially when it is not adjacent to historic properties, traditional or New England or some other definition of style. Ms. Pelletier advised that the same standards apply but the standards apply in relation to the nearby A or B structures which are the most important designated structures in Freeport. The same standards apply but it fluctuates a little bit based upon what is around you. You want to be compatible with those identified A and B and the ordinance speaks about rhythm. She explained the ten standards and noted that you don't have to come in and replicate a historic structure but you need to show it is compatible especially if you have some of those historic structures nearby. She pointed out the E.B. Mallett office building tucked in to the Freeport Village Station. At the end of the day, the Board would have to find that this application meets those 10 standards to take action on it. Ms. Berger understands that this is very conceptual in the plan. The location and site are not as conceptual. This is where Mr. Petrillo wants to put it. Mr. Petrillo added that this is the area where the building is going. It is not the exact building that is going to go there. He mentioned that it helped him understand what the Board was looking for in the next phase.

Ms. Hamlen wanted to say that she is glad Mr. Petrillo got something out of this drawing because she thinks he got good feedback including from Mr. Brown. As you know, Freeport is trying to create a look and feel and we didn't get into those.

Ms. Pelletier added that if the Board tables concept, is there additional information you need to make that determination? Vice Chair Yankee noted he needs a site walk and Mr. Monteleone mentioned that if it is just a site walk, we can simply say we won't consider the next phase of the application until the site walk has been completed so that way when we revisit this, we won't have to start this hearing over from the beginning. Ms. Berger added that if we have a site walk without knowing at least in front of us, what the official plan would be, she assumes there will be changes made based on what the applicant heard. We don't have any idea of what it will look like on the street any more than we do now. She feels the Board should see something first before we go out there. Right now we are going to see the red building and we know

what that looks like and we know the site configurations and restraints should be because they are right in front of you. She is not sure what the Board would be doing with a site walk now without knowing what there is of a more specific building design. One of the things Ms. Pelletier heard her say is that Ms. Berger wants to understand the length and height of the proposed structure. Though this is conceptual, based upon feedback she asked Mr. Petrillo if he envisions this to be a similar height and length with a flat roof or is it TBD? Mr. Petrillo advised that the general shape and size is his preference but we will be looking at something that is 38-40' tall.

If that is true, Mr. Monteleone proposed a compromise:

MOVED That we approve the conceptual design which is non-binding, non-fixed subject to future submissions tonight and moved that we schedule a site walk in the coming month or at some point in time prior to the submission of the final package and have the site walk done before we have the final hearing. (Monteleone) (No second was provided)

Vice Chair Yankee asked if we, at this point, are also giving the nod to the dimensions of the footprint? Ms. Pelletier added yes, you are. It is a very small site. Vice Chair Yankee added that he would still like to go out, giving it is a small footprint, he would like to see it marked out relative to what is there today. Ms. Pelletier mentioned it is conceptual and as with a big subdivision, you are always going to have some fluctuation once they take those conceptual drawings and do some of the engineering. The general location and approximate dimensions will remain unchanged. If the Board is going to make a motion, she would add the words, conceptual subdivision. Ms. Hamlen noted that she takes issue with we are approving conceptual design. Mr. Monteleone pointed out that he is saying the conceptual subdivision and he is not suggesting that any design consideration be approved, only the conceptual review of subdivision that has been presented to us today.

MOVED AND SECONDED: Be it ordered that the Project Review Board determines that based upon the information submitted by the applicant, application dated 11/30/2022, that the review of the Site Inventory Map, Site Analysis and Conceptual Plan for Charter Maine Properties, LLC for a proposed multiple-family dwelling/residential subdivision proposed at 15 Depot Street (Tax Map 10, Lot 24-2) is considered complete as the Board finds that the appropriate areas have been determined for development and no open space is required. This will include a site walk to occur before the review of the Final Application. (Monteleone & Donahue)

Ms. Berger clarified that this has nothing to do with approving the fact that this is a building with 8 units and what we approve has nothing to do with the apartment size. If he has to change within this area and make it a smaller building, that is up to him. Ms. Pelletier advised that the Board knows the building is going to be in the approximate size and even if it shrinks, you are approving it being in this general location. There is no land per dwelling unit so if he wants to change the layout and put in more units, he has the ability to do that but it would change other things on the site. Is the building in the right spot based on the information they submitted? More discussion followed. Mr. Monteleone noted there are not many options on a site this small.

VOTE: (4 Yes) (1 No-Yankee) (2 Excused-Blanchard & Reiche)

Mr. Petrillo asked that he be notified when the Board goes on the site walk. Ms. Berger asked him to mark the corners and he offered to mark the back two because the others are already set where the building sits right now. The front will not change. Ms. Pelletier advised that site walks are open to the public and we notify everyone within 500'. She will work on a date after coordinating with the applicant and the two members not here.

ITEM V: Review of 2023 Meeting Schedule.

Ms. Pelletier mentioned that she has a draft of that but has not had an opportunity to finalize dates. She will send that to the Board and asked that they let her know if they have any conflicts. The January meeting is scheduled on January 18 assuming there are no conflicts. She will put the schedule on next month's agenda and if we need to shuffle dates, we can decide that as a Board.

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

Susan Nourse, Pleasant Hill Road resident, explained that she came tonight for two reasons. She understands that the Board cannot respond to her because of the subject matter that she will be bringing up. She asked that she be allowed to say what she came to say and see what happens from there.

She came for clarification and probably her edification of the Project Review Board's process and procedure for reviewing proposals and to discuss gateways into Freeport and describe her stance on a proposed project in front of the Board. She sent an e-mail to the Board because she could not attend the public hearing at the previous PRB meeting in November concerning the property at 22 Main Street. She is here to magnify her points about that and add some information that she thinks she learned but she is not sure of. She reviewed the minutes and because of the comments made at that meeting, she is confused about the review process. At the meeting there were a lot of comments made about the Downtown Vision Plan even to the point of referencing sample building designs and styles. It is her understanding that the Design Review Ordinance contains the guidelines that direct the way this Board reviews a proposal in certain districts. She thinks she is correct in thinking the recently developed Downtown Vision Plan has no standing with the Project Review Board. Whether or not that Vision Plan exists, the guiding document for this Board is the Design Review Ordinance. Freeport's Downtown Vision Plan does suggest making changes to ordinances and the permitting process to make the development process quicker. Of course, any of these changes would be vetted and approved through a process that involves the Town Council, possibly with input from this Board and the Planning Board. Last night she put out a caution flag to the Town Council against making too many significant changes to existing guidelines. The guidelines listed in the Design Review Ordinance currently protect the quaint, historic look of Freeport. She is concerned that Freeport's New England Center would lose its distinct character, the one residents and visitors enjoy if the permitting process for development was streamlined and changes were made to such things as density, building height and architectural standards. She referenced Falmouth and the new multi-story buildings built close to Route One and noted that the distinctive character of that area of Falmouth has been marred by these structures and are not visibly compatible with the surrounding area.

Still there have been no changes to the guidelines in Freeport so that keeps your review within the parameters of the existing Design Review Ordinance. If her assessment of the Design Review Ordinance is correct, there are a couple of places where references are made to new buildings "that they be designed and built in a manner compatible with the character of the district in terms of scale and visual effect." It must be the design guidelines under Section 8 which she is sure the Board has memorized, that are considered for each proposal. She read the 10 items into the public record. Many of the explanations of these design guidelines reference visual compatibility with its neighbors.

When the Board was discussing the Depot Street Apartments, she was looking for a review of each one of those items like you would talk about the scale of the building and give feedback to the applicant about the scale of the building and then move on to height and talk about that section and then the proportion of the building's front façade so you kind of went through each one of those. It seems like there is no set plan on how you review an application so now she is more confused then when she walked in the door.

Several goals and projects identified in the Downtown Vision Plan as priorities for the Town conflict with the visual effect desired for Freeport's Historic District of Town such as a Main Street redesign and placement of multi-family housing. She suggested to the Town Council that they proceed with great care in determining changes to Town ordinances that impact our lovely New England Village. She suggests that this Board proceed with great care in determining whether or not a proposed building fits within the scale and visual effect needed to maintain the look of this historic village using the existing ordinance.

First, she wanted to talk about the gateway to Freeport. On the north end of town, the northern gateway, some may call it and at Main and Mallett sits McDonald's Restaurant. We are fortunate to have a fast-food restaurant that has design features that compliment adjacent historic buildings. 40 years ago, the Town of Freeport required McDonald's to modify its typical box-like appearance to fit within the existing character of buildings on Main Street. The approval process came with much angst. Since McDonald's opened, Freeport has been praised and recognized for its determination to maintain the

Town's distinctive look. That McDonald's has been recognized as one of the most unique restaurants in the U.S. People come to Freeport to have their picture taken in front of that building because it is so unique of a McDonald's. As you walk along Main Street, there are many examples of how over the years, Town leaders have maintained the architectural character of Freeport as the small village it is. At the southern gateway, the southern end of town at Main and West Street there is an opportunity to shape that entrance for the town, much like the northern gateway. Currently there is a proposal in front of the Project Review Board for two multi-story apartment buildings on the vacant lot at that intersection. As she mentioned, she wrote to the Board about the visual affront those buildings would have to anyone entering Freeport and travelling north over the railroad overpass. Her concern has not waned. The proposed buildings are square and modern. There is nothing about them that fits within the neighborhood in scale, height, proportion, rhythm or roof shape. Nothing! She understands that certain parameters need to be met to make a building on this lot feasible. However, it is not the Town's responsibility or this Board's responsibility or the Council's responsibility to fulfill the developer's wish to have a certain profitability. It is the people of Freeport and your Board that has the responsibility to have this building conform to the aesthetics established on Main Street. The people of Freeport count on our leaders who serve on the Council, the Boards and Committees to make decisions that will improve the quality of our life here, small decisions and large Town-changing decisions. The property at the intersection of Main and West Streets, the use for that has emerged as an important Town changing decision. Whatever goes on that lot will change forever the look of Freeport from that perspective as you drive north over the overpass, what will you see? She has been told that the decision about the use of the land at 22 Main Street is not up for consideration by the Council. She has been told that the review of this project using the Design Review Ordinance is solely in your hands. The Town Council has had much influence for this plot of land in meetings with Boards and Committees and at social gatherings. She has asked the Town Council to direct their influence towards a use for this property that is compatible with the character of Freeport's downtown in scale and visual effect. I asked them to use their influence to create a warm and welcoming gateway into Freeport from the south, not a harsh unattractive box blocking the view to this very building. You will not see this building if two apartment buildings go there. It will not be visible and neither will the historic village. She knows that the Board probably did a site walk and that is something that is regularly done. Hopefully you walked down and stood in front of Sam's Restaurant and looked up Main Street and visualized two three-story buildings on a hill as you would be down in the low part of the road on a hill so you are not just looking at two three-story buildings but you are looking at a grade increase of probably another story.

For some reason there seems to be a rush to get multi-family housing projects approved in the downtown district. Perhaps this urgency is driven by a desire to fulfill components of the Downtown Vision Plan. She would agree that the infrastructure in the downtown area supports that type of housing but she thinks the location for the Depot Street Apartments is great but the design of that is horrendous. It doesn't look at all like a New England building. She would agree that the infrastructure in the downtown area supports apartment housing but would not agree that the proposed housing needs to be situated on Main Street like the proposal at 22 Main. She would not agree that this particularly proposed building fits any of the required desired components that form our downtown village, none of them.

The townspeople will look to you for whatever change happens at 22 Main Street. Very few people pay close attention to the day-to-day happenings in Town Government. They do pay attention when something impacts their town in a big visual way and this group of buildings at 22 Main Street is a big visual atrocity. The gateway into Freeport for residents and visitors alike sets the stage for their view of the town as they proceed north. The successful McDonald's project was worth the effort to form the northern gateway. Let's put forth the effort to make the southern gateway pleasing to the eye for residents and visitors alike for the next 40 years and beyond. She thanked the Board for its service to the town and thanked the Board for listening to what she had to say tonight. She appreciated their time and truly hopes the Board will make decisions based on the regulations that are before you and see that these regulations are really there to protect the quaint New England Village that we have and that people in Freeport whether they are visitors or residents want to keep. We want to be unique. We don't want to look like every other town but we are going to if we keep getting proposals that show us a box with no features that compliment what is around the neighboring buildings.

Mr. Monteleone wanted to plant a seed for the future. Tonight, we had one person interested in our proceedings but by the time we got to Other Comment, they were gone. He is concerned about our procedural order. We are bound to be here until the end of the meeting. If we want people to be engaged and participate in the process, it would be great if we

could make it easier on them. He encouraged that in the coming months, that we might consider a procedural structure that would allow us to open to a public discussion of an agenda item early in that review and we can then go to our questions which can sometime be extended to give people an opportunity to say their piece and then go home and we can reap the benefit of those comments.

Ms. Pelletier added that she talked to Chair Blanchard about that after our last meeting. We have our Rules of Order and Procedure for the Board and they looked at making some updates to that but we never went forward so they talked about putting it back on the agenda so you could look at it but we wanted to wait until we had a full board. She thinks that might be a good way to get the conversation started and see if there are tweaks the Board wants to make. If you make tweaks, we will get a legal review for procedure. If you voted to make changes, it would go to Council and they would put it on a Consent Agenda. Mr. Monteleone asked if our procedures independently dictate? Ms. Pelletier advised that the Board's application procedures are dictated by the Ordinance but you have a Rule of Order which she explained. More discussion followed. Vice Chair Yankee noted that we have two Board members missing including the Chair for this discussion and he feels it is very important for them to be part of that. He suggested giving this more thought. Ms. Pelletier offered to make a note to put this on another agenda. Ms. Hamlen feels it makes sense to have the public hear from the Board first and then make comment.

ITEM VII: Adjourn.

MOVED AND SECONDED: To adjourn at 9:16 p.m. (Berger & Hamlen) **VOTE** (5 Yes) 2 Excused-Blanchard & Reiche) (0 No)

Recorded by Sharon Coffin