

**MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 15, 2023
6 P.M.**

Attending in person: Chair Guy Blanchard, Linda Berger, Ford Reiche, Tod Yankee & Caroline Pelletier, Town Planner
On Zoom: Jason Donahue & Lynn Hamlen
James Monteleone arrived at 6:35 p.m.

Chair Blanchard called the meeting to order at 6:18 p.m.

ITEM I: Information Exchange

- 1) Update on Staff Approvals.
Ms. Pelletier advised that there were no staff approvals to report tonight.
- 2) Update on topics reviewed by the Planning Board
Ms. Pelletier noted that the Planning Board has been working on the cannabis ordinance clean-up. It needs some legal work. They have also been looking at some clean-up to the C-I District. There has also been an issue raised in the Village that stand-alone parking lots are not a permitted use. They are trying to bring forward some language to clean that up.
- 3) Update on the Downtown Vision Task Force Implementation Group
Ms. Pelletier advised that they have narrowed down a set of goals and projects that were presented to the Council.
- 4) Update on the Town of Freeport Climate Action Plan
Ms. Pelletier advised that the Town is starting the process of creating a Climate Action Plan. There is a website on the Town’s Planning page or the Freeport Sustainability Advisory Board page and follow the link to the new Freeport Climate Action.org page and sign up to get e-mail updates on the project as it proceeds.

ITEM II: Review of the minutes from the November 16, 2022 & December 21, 2022 Project Review Board meetings. Chair Blanchard pointed out that Mr. Donahue and Mr. Yankee were excused from the November 16, 2022 meeting and since we are in hybrid mode, we need to have a Roll Call Vote tonight. He started with the members on Zoom.

ROLL CALL VOTE: (4 Yes) (2 Abstained: Donahue & Yankee) (1 Recused: Mr. Monteleone) (0 No)

Minutes from December 21, 2022:

MOVED AND SECONDED: To approve the Minutes from 12/21/22 as submitted. (Yankee & Barger)

ROLL CALL VOTE: (4 Yes) (2 Abstained-Blanchard & Reiche) (1 Recused: Mr. Monteleone) (0 No)

ITEM III: Reviews

L.L. Bean (95 Main Street)– Site Plan Amendment and Design Review Certificate

The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment for site and building modifications at their building at 95 Main Street. Proposed changes are primarily on the Justin’s Way side of the building.

Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class B & Color Overlay District. Tax Assessor Map 11, Lot 64-ETC (95 Main Street). L.L. Bean, Inc, applicant & owner; Kylie Mason, RLA, Sebago Technics, representative.

Ms. Pelletier advised that the applicant is here regarding proposed changes on the Flagship Store. Most of them are utility related. They are proposing some changes to the Justin’s Way façade of the building. Changes to the site include relocation of generators and transformers, relocating some utilities, adding a new employee entrance on the Justin’s Way side of the street. Leading up to that entrance they are proposing to widen the sidewalk. The sidewalk has a

portion in the right-of-way but they are proposing widening it onto their own property connecting to the back parking lot so it will be 10' in width. They are proposing some new lighting, moving some HVAC equipment and then landscaping in that area all along the building. They included a landscaping plan. They do have some work in the right-of-way that is proposed. They would need permits from Freeport's Public Works Department. They are proposing a new sewer pipe on Main Street and a new storm drain that would connect into their closed system on the property. They are proposing to update some panels at one of the crosswalks to be ADA compliant. They do have a Site Location of Development Permit for that property because of the square footage proposed on the side. They have to notify DEP if they want to request an exemption from Site Location which is allowable. They did that. There is no overall in square footage of the building so no changes to parking or solid waste. She mentioned the landscaping plan and the only signage they are proposing is just some way-finding directional. We did have a stormwater peer review done. It was outsourced. Will Haskell from Gorrill Palmer did review and gave some comments. The applicant made some revisions and he did a final sign off. That was attached to the Staff Report as was the memo from Earl Gibson. Because they are making changes to the building that are visible from the right-of-way, they do need a Design Review Certificate. Some of the changes on the outside are related to utilities and some are the result of changes they are making in the interior. For example, you don't want a window in a bathroom or dressing room, stuff like that. She offered to provide a quick overview for the Board if they were starting at Main Street and Justin's Way. The team can walk the Board through the changes. On the corner of Main Street and Justin's Way, they are proposing two solid doors that will be on the side façade to give a temporary construction access into the site during construction. At the completion of construction, they will go away. As you go up the Justin's Way façade, there is a bump out that came to the Board a couple of years ago when they did some window replacements. They are proposing to remove that bump out. Just past there they are proposing to add some new windows on the upper story to break up the façade. Further down there they are proposing two bump outs to hide some of the utilities. They are adding a new employee entrance in an area where they have a lot of conduits today so there will be door and a canopy. On top of the structure, they are proposing what they call a utility penthouse to close off some of the utilities on the roof so you will be looking at that metal façade and all the utilities on the site. Drafted before you are proposed Findings of Facts and Motions. Again, these Findings of Facts are not her's. They are the Board's as a draft and she is sure the Board has read them before but you can go through them and change as appropriate with any discussion the Board has tonight. Sebago Technic and WBRC are here to make a presentation.

Kylie Mason of Sebago Technic introduced Tyler Johnson and members of the L.L. Bean team. She displayed an image and walked the Board through the project. She mentioned modest improvements on Justin's Way. She then displayed a rendering of the proposed changes and noted the temporary doors are just for access while they are doing some internal modernizations and getting everything bundled up together. Over the history of the building there have been many infrastructure enhancements. This is a way to combine all the utilities, do some modernization and put them in a central location. She pointed out where the widening of their sidewalk would start. Currently it is anywhere from 6-8 feet wide but would increase to 10 feet. It would run all the way down to the Cross Street entrance. They are relocating a number of generators, transformers, conduits that are located in that area and ultimately creating an employee entrance. Finally, one improvement would be the elimination of an existing structure that is used for storage and a small garage. She displayed a slide showing the elevations of the building and mentioned that down at the Main Street and Justin's Way level rising you would see the elimination of the bump out. You would see the new windows created to match the existing. You would see that they are eliminating awnings and creating a new canopy for the building and a new door for employee entrance and the mechanical penthouse at the top of the building. She showed photos they took this afternoon and explained them. She offered to answer any questions the Board might have.

NOTE: Mr. Monteleone arrived at 6:35 p.m. on zoom.

Mr. Donahue brought up the mechanical penthouse and the way the elevation has a green color on it and it looks more prominent as a result of that. He asked if that could be adjusted to blend in with the façade of the building? Ms. Mason explained that the rendering is misleading because they still do not have a way to render aged bronze. What Mr. Donahue will see here is actually an aged bronze. It would not be that bluish/green. She apologized for the way it is showing when it actually will be a brownish tone. Mr. Donahue feels that would be better. Ms. Berger referred to

the street scape and asked if the sidewalk would be expanded into the street itself? Ms. Mason explained that they are proposing all of the improvements within L.L. Bean's property but the electric poles have to stay and they will have to widen around them. Ms. Berger asked about way-finding signage and was told that no way-finding signage is being proposed. They are just picking up signage and putting it back. Ms. Mason explained that construction signs will be put up temporarily and Ms. Pelletier added that she can work with Public Works to maintain circulation.

Mr. Yankee asked if the sidewalk is brick right now from Main Street up to a ways? Ms. Mason advised that it is brick only in the frontage of Cross Street and then it is bituminous nearly all the way down to the intersection of Cross Street. She displayed a slide and explained they are not proposing any sidewalk changes.

Chair Blanchard mentioned he has penthouse questions on the roof. He asked what the mechanical penthouse adds to the height of the building? Ms. Mason explained that 45 feet is the limit in the zone and the penthouse is under those 45 feet. She suspected it adds 10 feet approximately and it is really close to the edge of the building. She does not feel it can be moved further inset so it wouldn't be so visible from the street. She displayed a rendering and noted it has some repetition and pattern to it. Chair Blanchard wondered if the solution is having something that is slatted. While it wouldn't hide the equipment as well but it wouldn't be a solid material up there on the roof. Ms. Mason hopes that given the narrowness of Justin's Way, it is so far back from Main Street that you would really need to look up to see it. Chair Blanchard mentioned the concern is that Jameson's Tavern is a Class A building so if you are standing at the corner of that lot, you will be able to see that. Ms. Mason explained that if the Board would be open to it, she could perhaps work with Staff to satisfaction with guidance. Chair Blanchard noted he would be okay with that.

Mr. Yankee noting other height issues, that this might warrant a site walk. Chair Blanchard mentioned he has other questions. He referred to the demolition that is proposed. Ms. Pelletier advised that it is not a Class A or B building. They don't need approval to demolish it. She also noted it is not in great condition and has been owned by L.L. Bean for quite sometime and used for storage and additional uses. Ms. Berger clarified that this is the big green square we are talking about.

Chair Blanchard suggested opening the public comment period and because we have so many people here tonight that public comments be limited to two minutes per person for the entire evening and to the application we are discussing at the time.

MOVED AND SECONDED: To open the public comment period and because we have so many people here tonight that public comments be limited to two minutes per person for the entire evening and to the application we are discussing at the time. (Berger & Yankee) **ROLL CALL VOTE:** (7 YES) (0 No)

Dominic Petrillo explained that he lives on Upper Mast Landing Road and is the property owner at 115 Main Street and 4 Justin's Way across the street from this project. He mentioned that he did not see where the construction entrance is proposed and would like to see exactly where it is and if there is a possibility it cannot be on the corner of Main Street and Justin's way. Perhaps it can be on the back of the building entering from the back on L.L. Bean's property so it doesn't impact any of the other local businesses specifically on Main Street and on Justin's Way? He is also curious to what the storage would look like, exactly what structures and what walls are coming off the exterior and how we are going to mitigate dust and noise during the project to not impact businesses in the immediate vicinity?

Ms. Mason advised that the construction entrance as she described is two metal doors on the corner for people access. It is not a vehicular access. While it seems like a big open building, it is not. There are a lot of obstacles, walls, customer spaces and this is a very direct access and it makes sense. It is also required for egress, and pedestrian egress and there are those doors. This is one of those we want to be transparent, temporary doors are not required for approval but they wanted to offer them as a demonstration of what is going on. In terms of noise and dust, those are all practices managed by the permits and it has a program associated with it. In terms of the materials being removed and put on those are in the packet as presented. In terms of storage of materials, those will be contractor storage in an area she pointed to in the back of the loading dock area so she feels it is a pretty self-contained, very responsible and reasonable plan as she described. It is a modest improvement on the façade on Justin's Way.

Chair Blanchard asked if Board members feel a site walk should be conducted on this application. Ms. Hamlen and Mr. Donahue noted they would like a site walk. Mr. Monteleone agree but added he would like a plan for how they might measure height since this has come up in other applications. Mr. Yankee suggested for the site walk that it would be helpful to raise balloons on the two front corners of the penthouse. That would be the only way to gauge from the street level how high it is. Ms. Berger asked the applicant to show the pictures they have of the current building with that area? Ms. Mason asked that the photos be shown. She added that she always enjoys a site walk with the Project Review Board but this is a pretty standard request for a mechanical penthouse. It is not approaching the 45 feet and the peak is falling away from the peak of the Justin's Way rise. It would not be visible from Main Street and would be very limited sight from the Jameson Tavern Building. This is a typical construction method but she would support it if the Board wants a site walk. She is working closely with Staff and would not like to have the project delayed but if flying balloons is necessary, she would support it.

Ms. Pelletier asked if the reason for the site walk is for all the changes or is it for the mechanical penthouse? Mr. Yankee advised that it is the mechanical penthouse. Ms. Pelletier advised that we as a Board we haven't gotten into regulating utilities on top of roofs so is it the desire of the Board to just see the utilities and not have the enclosure? Chair Blanchard advised that it is the conditioned space. Mr. Reiche asked about the timing on this project? Ms. Mason indicated that it is as soon as approval is given. They hope to get construction started quickly. Ms. Pelletier added that they have a building permit out for interior work that didn't result in changes to the outside.

Chair Blanchard asked to see the slide showing the corner on the left. Ms. Mason pointed out that the indent would be the employee entrance with the canopy coming across. The elevator run is about 4 feet from the top of the roof and the penthouse would be about 9 feet above the 4 feet. Ms. Berger noted that she doesn't think putting a balloon over there would make much difference than them seeing something that is already there at 4 feet and saying we are going an additional 9 feet. In her mind she can see that it will be pretty wild. Ms. Hamlen asked how long it will take to finish the project? Ms. Mason advised that the paving will happen during the season but this is a small enabling component of a project they hope to bring to the Board soon. Roadway construction will happen during the season, anytime between spring and fall. Obviously, the season is important to L.L. Bean as well to manage it so that it is not impacting their own need for tourists and customers. Ms. Hamlen pointed out that a lot of people use Justin's Way to leave the back parking lot to get back to Main Street. Would it be cut off or would it become one lane? Ms. Mason advised that during the construction, there would be flaggers and redirection just like any roadway construction in Maine. Unfortunately, there is only one construction season for any roadway improvements. The work being done in the right-of-way would actually improve the surface. They would be putting the utilities underneath and would be required to put the road back to the Town's standard. Unfortunately, that season is the same season that people are visiting the area and there is no winter option for that. Ms. Pelletier added that what happens in the right-of-way would really be beyond the purview of this Board. Any work in the right-of-way that would alter traffic circulation, they would have to coordinate with Public Works and other appropriate departments to accommodate traffic.

Chair Blanchard and other Board members indicated they would like a site walk. Ms. Pelletier asked if the Board is willing to take action on everything else presented tonight noting that it would not include approval of the penthouse but you do want to schedule a site walk? It is up to the Board. Board members agreed. Mr. Monteleone wanted to share his concern about granting a partial approval. His concern is that they will undertake work that will become irreversible and may provide no alternative but the full penthouse layout at the anticipated height. If work starts, there is no going back. Ms. Mason advised that the roadwork nor the entry are dependent on the penthouse. She offered that the penthouse falls within the ordinance requirements for material, continuity with the structure and height so she will ask for feedback in a site walk what additional information would the Board hope to obtain if it is under the elevation allowed by the ordinance and if it meets the requirements set forth. What additional information could be provided or obtained in the site walk that would provide greater comfort?

Chair Blanchard noted that for him it is the proximity to the edge of the building because that is what is increasing the height. If Ms. Mason is able to find a way to create some kind of setback for the utility enclosure, it would be less visible from the street and it wouldn't give the impression of a major increase in height. On a site walk, Ms. Mason

would have an opportunity to show the Board here is what it looks like on the edge. Here is what it would look like 5 feet in or here is what it would look like 10 feet in so she could give the Board that perspective. Changing the color would help as well but he would not like to have that visually jarring effect that he is afraid that this might have sitting on the corner of the building. Ms. Mason advised that she would appreciate a partial approval if the Board is willing to grant it. She thinks it would be helpful and would allow them to focus on the issue that the Board is concerned with and allows them to focus their efforts on that one piece as opposed the entire application.

Ms. Berger advised that she is not happy with granting partial approvals for the same reasons that Mr. Monteleone brought up. She thinks it is not a good precedent. Mr. Donahue noted he is in agreement with what Chair Blanchard talked about the relationship about the new wall to the existing wall he thinks it has to do with the wall materials and the way that that renders. It makes the wall feel much taller in scale. He would be comfortable saying that the site plan could go forward with a Design Review Certificate could hold off until we have the site walk and then the applicant could come back with a different proposal to manage the material relationships. Mr. Yankee noted he is okay with splitting them as well. Ms. Pelletier pointed out that it depends on how you split it. There are site features under Design Review too and pulling up dirt and putting in pavement could be a change of the site features. She is not sure with the comments made of don't do anything for Design Review and just the site. She doesn't think the Board can fully separate the two with that site feature. If you were to grant approval for the building and site changes minus the penthouse, if there is any way those two pieces are linked, unless they have approval, they can't do the penthouse. That is a risk the applicant is taking. They could do this work but they don't have approval to do that penthouse. It is really up to the Board and what you are comfortable with. Mr. Reiche advised Ms. Mason that in addition to exploring color and fabric, he is interested in how much this thing can move laterally. Ms. Mason mentioned the feedback was good and she is trying to figure out how she will show it but she is working on it. Mr. Reiche feels it is clearer to exclude the penthouse. Mr. Yankee asked if they would have to resubmit for the penthouse? Ms. Pelletier feels the Board could table that and work it in and put a condition that this approval does not include the addition of the penthouse as presented. That portion of the application review will be tabled upon a site walk to be held by the Board. If the Board wants to do that, it would also want to do the Findings because there are references to the penthouse so you would want to strike that if you are not intending to take action on that tonight.

Ms. Hamlen asked if the applicant would have to wait for another meeting for the approval of the penthouse so they can't bring us a new rendering showing new color, new placement at the site walk? Chair Blanchard advised that it has to be at the Board. Ms. Pelletier added that they could show that but it has to be talked about at the Board meeting so the public would have an opportunity to participate in the process.

Design Review: The applicant is proposing changes to the exterior building façade and most are related to utility improvements and interior renovations. Façade changes include: installation of temporary doors for construction; removal of bump-out with windows; installation of new windows on second story; removal of second story canvas awning; removal of conduit and in place, installing a solid employee entrance door with roof canopy; installation of two new bump outs to cover conduit; generator replacement; sidewalk widening; and, installation of utility penthouse on third floor.

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

Design Review Ordinance: Chapter 22 Section VII.C.

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

The building is existing. Changes to the Justin's Way facing building façade are proposed. Windows will be added to the second story portion of the façade and a new employee entrance and temporary construction entrance will be added. 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 change. ~~A third-story penthouse will be added for utilities; the height of this roof will be 44'-7-1/2".~~ 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 building is existing. Changes to the Justin's Way facing building façade are proposed. Windows will be added to the second story portion of the façade and a new employee entrance and temporary construction entrance will be added. An existing bump out on the façade will be removed and new smaller bump outs will be added to cover utilities. 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.

Windows will be added to the second story portion of the façade and a new employee entrance and temporary construction entrance will be added. 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.

New doors will be rectangular in shape and new windows will be square. Styles will match those on other portions of the building. Based upon this information, the Board finds that this standard has been met.

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

The main roof is flat. ~~The new roof on the utility penthouse will also be flat.~~ 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.

Any new windows will match the material of the existing aluminum windows on this façade. The temporary construction doors and employee door will be solid. Any siding repairs will be made with wood materials to match the existing façade. 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 location of the structure on the site will not be altered and the only changes to the footprint will be from changes to the bump outs and new canopy over the employee entrance. 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 site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance. The sidewalk will be widened on the applicant's property to ten feet in the area leading from the parking lots in the rear. The sidewalk will be paved. Some areas of fencing will be replaced, as shown in the drawings. New landscaping is proposed. Based upon this information, the Board finds that this standard has been met.

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

The only signage proposed will be for wayfinding as shown in the submission. 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 1 Review Ordinance.

Findings of Fact: Section 602.F.1 of the Town of Freeport Zoning Ordinance

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

The building is existing, and any site changes have been designed to comply with the space and bulk requirements for the Village Commercial I Zoning District. New landscaping is proposed. Changes to the building façade are proposed and a Design Review Certificate is required. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related

harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

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

The building is existing, and any site changes have been designed to comply with the space and bulk requirements for the Village Commercial I Zoning District. The overall location of the building will remain the same, with some footprint changes proposed due to changes in bump outs and the addition of a canopy over the new employee entrance. Based upon this information, the Board finds that this standard has been met.

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

Vehicular access to the site will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

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

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

Stormwater Management and Erosion Control Plans were included in the submission. Grading plans indicate that run-off from the increase in impervious areas (1,650 s.f.) will be collected and treated with the applicant's existing closed system stormwater facilities. Due to previous changes in the amount of impervious area on the properties, the system should have adequate capacity to manage the additional impervious area and should not increase the quantity of

water leaving the applicant's properties. Review comments from the Town's peer reviewer (Will Haskell, PE, Gorrill Palmer) are attached in an email dated 02/06/2023. In the email, Mr. Haskell concludes that "We have reviewed the materials for conformance with the technical engineering portions of the Town of Freeport Ordinance and generally accepted civil engineering standards..." The applicant has submitted documentation to show that they have notified the Maine Department of Environmental Protection that they are seeking an exemption under their Site Location of Development Permit due to the proposed square footage changes. Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

The building is already connected to public utilities. Exterior building modifications are proposed and based upon some changes to the electricity and generators. The applicant is proposing to install a new sewer piper in the Main Street right-of-way; a Street Opening Permit will be required. Based upon this information, the Board finds that this standard has been met.

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

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

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

Changes to the site include relocation of existing generator and transformer; relocating utilities and HVAC equipment; widening sidewalks (on private property) and leading to a new employee entrance; and relocation of HVAC equipment. Fencing, landscaping and bump outs on the building are proposed and will contribute to screening the area. Some additional work is proposed in the public right-of-way including new sewer pipe, new storm drain, upgrading panels at existing crosswalk. Based upon this information, the Board finds that this standard has been met. Based upon this information, the Board finds that this standard has been met.

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be

arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

A photometrics plan has been included in the submission and lighting has been proposed and updated to comply with Section 521.A Exterior Lighting of the Freeport Zoning Ordinance. All lighting fixtures will be full cut-off. Based upon this information, the Board finds that this standard has been met.

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

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

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

A landscaping plan has been included in the submission and prepared by Sebago Technics. A variety of species have been included in the design and will help soften the appearance of the building. Based upon this information, the Board finds that this standard has been met.

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

- (1) 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 the Marine Waterfront District;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building is connected to public utilities. There are not areas of flood plain identified on the site. Stormwater will be treated with an existing closed stormwater system. No known historic or archaeological resources will be negatively impacted by this project. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be It ordered: that the Freeport Project Review Board approve the printed Findings of Fact, Design Review Certificate and Site Plan Amendment for LL Bean, Inc for exterior alterations and site changes at the Flagship Store at 95 Main Street, (Tax Assessor Map 11 Lot 64-ETC), to be built substantially as proposed, plan set dated 07/14/2022, revised through 01/25/2023, finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) These approvals specifically exclude review or approval of the penthouse mechanical enclosure which is specifically tabled and any reference in the Findings of Fact to the penthouse mechanical enclosure shall be stricken
 - 2) 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.
 - 3) Prior to any site work associated with this approval, and prior to the issuance of any building permits, the applicant do the following:
 - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the to be reviewed and approved by the Town Engineer, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - b) Establish an escrow account, in the amount of \$TBD to cover the cost of plan review and inspections of the site improvements by the Town.
 - c) The developer have a pre-construction meeting with Town staff.
 - d) The applicant enter into a new Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds.
 - e) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
 - f) The applicant obtain any applicable permits from the Freeport Department of Public Works.
- (Reiche & Yankee) **ROLL CALL VOTE:** (6 Yes) (1 No-Berger)

Ms. Pelletier asked when the Board would like to do a site walk? All abutters within 200 feet would need to be notified so we need at least a week. Chair Blanchard advised that the Board should schedule it as soon as possible. Ms. Pelletier mentioned that last time the Board did a site walk, it was scheduled in the

morning and the majority of Board members felt mornings are good. The Board agreed to do a site walk on Monday, February 27 at 8:30 a.m. Ms. Pelletier will coordinate with the applicant to find a good safe location to start the walk and will add it to the public notice.

12 Maple Avenue – Design Review Certificate

The applicant is seeking approval of a Design Review Certificate to add roof mounted solar panels at a residential property at 12 Maple Avenue. Zoning Districts: Village I (V-I), Design Review District One – Class C, & Freeport Village Overlay District. Tax Assessor Map 12, Lot 44 (12 Maple Avenue). Rose Mary Burwell, applicant and owner.

Ms. Pelletier explained that the applicant came in for a building permit to add solar panels to the roof but the Codes Enforcement Officer flagged it because they are in Design Review. They went by and noticed it will be visible from the road so under the current ordinance, they need to come in. We don't have a standard that addresses solar panels but we have had other applications in the past come in and put solar panels on various roofs and the Board has considered those requests. The applicant is here tonight. There was a good aerial photo in the submission. They are roof-mounted panels and they are only going to be on portions of the structure as noted. They will be on a back ell and on a section of the garage. The applicant is here to answer questions.

Mrs. Burwell mentioned that Freeport is trying to get residents off oil and solar is an option for us to look at.

There were no questions from Board members. Chair Blanchard asked Ms. Pelletier if there are other buildings within Design Review that have solar panels. She answered yes and mentioned Wilbur's on Lower Main Street and Wilbur's Candy on Bow Street. This is something we flagged on the list of things when we update the design standards that we need to figure out in the community and encourage.

Chair Blanchard opened the meeting up for public comments. There were no comments provided.

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

Design Review Ordinance: Chapter 22 Section VII.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant is proposing roof mounted solar panels on an existing structure. The solar panels will be installed on two sections of the roof, with varying visibility. Based upon this information, the Board finds that this standard has been met.

8. **Rhythm of Spaces to Building on Streets.** The building itself is not the only thing you see when

you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

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

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

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

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

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

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Rose Mary Burwell for exterior alterations at 12 Maple Avenue (Tax Assessor Map 12, Lot 44), to be substantially as proposed, application dated 02/03/2023, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any construction, the applicant obtain a building permit from the Freeport Codes Enforcement Officer. (Berger & Yankee) **ROLL CALL VOTE:** (7 Yes) (0 No)

Freeport Village Apartments – Multiple-Family Dwelling

The applicant is seeking final approval for two new, three-story, multiple-family dwellings (approximately 4,620 sf footprint each) with a total of 30 residential dwelling units and associated site improvements on a vacant parcel of land located at the corner of Main Street and West Street. Vehicular access into the site would be from West Street. Design Review, Site Plan Review and Subdivision Review are required. Zoning Districts: Village Commercial I (VC-I), Design Review District

One – Class C & Color Overlay District. Tax Assessor Map 11, Lot 132 (22 Main Street). LWS Development, LLC, applicant; Moser Properties, LLC, owner; Eric Dube, PE, Trillium Engineering Group, representative.

Ms. Pelletier noted that the Board has been talking about this project for sometime now. The Board held a conceptual review, held a site walk and held a second conceptual review. They conducted a preliminary Subdivision Review and held a public hearing on the entire project at the last meeting. The Board had been giving comments previously but since the last meeting in December you have received a lot of public comments on this application, in excess of 60 pages of letters as represented in the room tonight. The Board was sent that in its packets or in e-mails prior to the meeting. She had some comments trickle in today and anything that came in today was out before you tonight. There were comments over on the table for the public. Also, before the Board tonight you had an updated recorded plan. The ordinance says we need to require things and we asked for some clarification on the wording for the corner pins that they needed to note. As we work on improving our process and clarity, there were two notes that we asked them to add here. On Note 11 which notes that a subdivision plan for this type of subdivision would be good for two years for the exact wording of the ordinance. Also, to note is that this project that is before the Board tonight requires three separate reviews with independent standards by the Board. To streamline our process, we have one Board that does all three and we do them at the same time. The three things this project requires is a Design Review Certificate based upon the standards in the Design Review Ordinance, a Site Plan Approval for the use as a multi-family dwelling per the standards in Section 602 of the Zoning Ordinance, and then they are requesting final subdivision approval and, in this case, it is a major subdivision under the standards of the Subdivision Ordinance. As with any projects or the projects the Board did tonight, for the Board to make a decision, you have to demonstrate based upon the application and information submitted by the applicant whether or not they have demonstrated that the standards have been met.

It is a tough job for the Board because you have a lot of public comment. You have very specific standards before you and that is what you need to consider tonight. You have a lot of public feedback and you can take that into consideration as it pertains to the standards but your decision tonight has to be considering the three sets of standards in front of you. Walking through them again, they are here before you tonight for final approval. You did have the public hearing at the last meeting but your practice is to always take public comment. You already noted tonight when you choose to take public comment where there is not a public hearing, you can opt to set a time limit. That is to clarify why that was done for the public. This is a subdivision. It did not require any open space. The Board looked at the layout of the lot in the past and determined that the general layout from a subdivision perspective was the same. Overall, the plans remain relatively the same from the last meeting. Originally the applicant came in with one building with a larger footprint. They shrunk it down into two buildings with a less overall footprint based upon feedback at the Board meeting and from the public. That general layout stays the same. Each footprint is around 4,600 square feet. They are still proposing 14 one-bedroom and 16 two-bedroom units. There is no net residential density requirement per dwelling unit. In this case they have .40 of an acre of buildable land and there is no limit so they could propose the number of units they wanted as long as it works with all the other standards. Upon review it seems it meets the space and bulk standards of the Zoning Ordinance with regards to setbacks, building heights and underlying uses. Again, we have the Design Review which is an additional set of standards in the subdivision. They do plan to connect to public utilities. There were capacity letters from both Maine Water and the Freeport Sewer District. As you know with all subdivisions, unless a waiver is granted, the utilities have to be underground servicing the subdivision. They did show that on the plan sheet and included a lighting plan to demonstrate that they meet the standards of the ordinance and to show that

they will be using full cut-off fixtures. The site is located in an urban impaired watershed. They did have stormwater and erosion control plans prepared and submitted. They were reviewed by the Town Engineer. His final comments were included in a memo. He does feel that they meet the standards for stormwater. They don't trigger any additional permitting from Maine DEP. On the Board and our Town Engineer asked for information on traffic and circulation. There was a traffic report included in the submission which gave you an analysis of the site conditions and the trips that would be generated. Based upon the size and nature of the proposed use, they are not triggering any traffic movement permit from the Maine DOT. They do need a Driveway Entrance Permit. There are a couple of curb cuts on the property now. They are not proposing to use the Main Street entrance. They are proposing to solely use an entrance off of Depot Street. They are proposing a one-way circulation and would come in on Depot Street. They did go to the Town Council as we discussed at a past meeting to see if they could get an easement to exit over the Town Hall property. The Town Hall exit actually goes down the hill and connects to Depot Street. That is what they have a conditional easement for from the Council. There is a draft condition before you today in a draft motion executing that easement be done before a Certificate of Occupancy. For interest, that easement is conditional on the project in the use as proposed. They will need to wait until they have possession of the property to execute that easement with the Town. Pedestrian connection to the buildings is provided with a set of walkways that connect to the existing sidewalks on Main Street. They are proposing 33 parking spaces on site and they are proposing private parking meaning they could sign it for tenants of this use only. The new parking requirement would be one space per unit but they are actually a little excess of that. They have 33 spaces. Overall, the building design is relatively the same. They have made some adjustments and have culled out a lot of materials. They have put some additional information at the request of the Board in the packet of the height and length of other nearby buildings in the photo renderings you requested a couple of meetings ago were also included. The plan still incorporates the open space between the buildings with the interconnected walkways and includes the corner park. She will let the applicant go into details on those things. Again, this is a major subdivision and they are requesting final approval of the three different levels of review. The other two kind of random facts, they included in their submission a letter from the Maine Historic Preservation Commission required for subdivision, stating that the proposed undertaking won't have an effect on historic properties and there has been talk about vegetation and the stone wall. They do show the location of the stone wall and what parts they will retain and what parts they are going to repair on the plan sheet. They did include in the submission at the request of the Board a letter from Davey Tree Company about the large tree on West Street. It is their opinion that even if they left that tree there, during construction that tree probably would not survive. A new landscaping plan has been included in the packet. Before you tonight you have some draft findings for consideration and deliberation. As with the other two findings, these are your findings. She knows there are a lot of different opinions. Those are just there as a guide. You don't have to use them. She encouraged the Board to look at them carefully and alter them as you feel appropriate to reflect whatever decision you want to make.

Ms. Pelletier explained that there is a draft motion before the Board on regular paper. Because of the amount of interest, discussion and complexity of this project, there are three motions before you. You have a motion for Site Plan, a motion for subdivision and a motion for Design Review. There are a lot of people here and she is guessing they want to comment so enough for her.

Chair Blanchard added that the three proposed motions are based on a conversation he and Ms. Pelletier had with the Town Attorney just because of the complexity of the issue and that the appeals process for each different level of review is different. This is something to consider.

Paul Peck introduced himself and explained that it has been a year and a half since he started looking at

the site next door. His interest was piqued through the Vision Plan being formulated at that time that showed a huge interest for housing in the village. He has always loved Freeport and liked suburban in-fill development. He has done some of that in Yarmouth and Portland. He really likes a walkable neighborhood and knows that the Vision Plan had aspirations of the town to have housing downtown to transform the town a bit from retail to a normal downtown with residents and shopping options, parks, entertainment and food. That is why he got interested in the lot. He also examined the Zoning Ordinances and found that the lot would support what they wanted to do with three-story buildings. About a year ago, he put the lot under contract and about eight months ago they had their first hearing. They came with their first design and he doesn't think they appreciated enough the design criteria. Their design didn't go over well but they modelled it after some of the Vision Plan renderings for their site and other sites. They found very quickly that the Board and residents didn't like that design so they pivoted. They met with Staff and toured the Town with Staff and did a lot of brainstorming. They worked with your consultants, the Principle Group on design. Their architects and engineers were heavily involved and they analyzed the Design Review standards and came up with a new design that they thought fit with the Town's colonial and federal architecture and that is what they have now. The scale that the Zoning Ordinance allows up to 45 feet. They are at 32 feet but the scale is what is important to a project in an in-fill development. Unless you want to be strictly luxury, it is hard to build urban in-fill without some scale, the numbers just don't work. We felt comfortable with the scale and the zoning and worked with the Design Review criteria and came up with what they thought would be a good design. Right now, on the board out front you can see what this town used to have for housing. There was a significant number of apartments and residences downtown populated by residents. Those were three-story and very similar to what they are building but maybe with not as much architectural articulation but plenty in their three-story walk-ups. That is what most towns in Maine were populated with when downtowns were populated by residents. There were many three-story flat tops and that is the design they came up with. Out in the hall there are many pictures of three-story flat tops so it is a historically correct type of construction and design for this town. We didn't do well at the first hearing so they heard the Board and the residents so they came back with some new designs and broke up the scale of the buildings having two buildings and significant green space, garden-style apartments or condominiums whatever they decide how the market accepts them. They provided for a pocket park at the corner of West Street and Main Street which they thought would relate well to the community and also if the town decided to develop the fire station lot into a public square as envisioned in the Vision Plan. They thought the two would relate well together and if the public square doesn't happen, they would still have a nice pocket park that everybody can enjoy to some degree. It will be open to the public in an easement to the public.

In their design, they are providing 14 ground-floor apartments that would be very suitable for elderly residents and be accessible to them. What is happening around the state and around the country, is that as we age, we stay in our houses longer and one of the reasons we stay is because we have no other place to go. We have no other place in town to go and we want to stay in our town so he thinks by having these 14 ground-floor one-bedroom apartments or condominiums will give residents a chance to downsize but stay within their community. They are excited about that and like providing that. They worked with the Town on traffic circulation. The Town offered up ideas on sharing of driveways and that is something the Town has done with other properties. They embrace that and the Council voted in favor of that a couple of weeks ago and it is conditioned on these approvals. They have really reduced their impact on the roads by having a one-way circulation. Their traffic study found that there is a negligible impact on traffic in town for the 30 units. It is a significantly small impact to the town from a traffic standpoint.

They are really proud of their design. It is really hard to build housing in Maine given the economic environment and the political environment of trying to get some scale and trying to build something in the downtown of our towns. This process has been challenging but he thinks what they have now through the Board's guidance, through Staff's guidance and through their architects and engineers is something he is proud of. It will blend well with the town overtime. He introduced his team and that Eric Dube of Trillium Engineers will be speaking next. He noted that the team has worked very hard made a lot of changes to make this project acceptable and comply with the zoning and design criteria.

Mr. Dube mentioned that Tony Cowles, a landscape architect is here as well so if there are any landscaping questions, he would be happy to answer them. Mr. Dube displayed the existing site plan that Mr. Peck and Ms. Pelletier covered some of it. When they started this project, Mr. Peck entered into agreements and this is what exists on the site now. A few years ago, there were two existing 2 ½ story buildings there that were demolished a few years ago. What essentially is left is the paved parking area adjacent to the site. They also have the driveway, stone walls and some ledge outcrops especially on West Street, a little bit of wetlands and drainage that comes from the Town's parking area. That is essentially where the site is as it exists today.

They have two 4,500 square foot buildings that are shown adjacent to Main Street with parking in the rear and the existing sidewalk is to remain on both Main Street and West Street. The entrance is approximately 165' from the Main Street intersection. They are talking with one-way traffic entering the site. They don't want traffic to stack up coming from Depot Street, they want to make sure they will stripe that so people don't block the entrance. They will put up appropriate signage, Don't Block Driveway so people that are coming in and taking a left turn into their site don't get blocked out. It is very important and the Traffic Engineer talked about that as well. The existing ledge outcrop they talked about is basically on the lower part of the proposed building (he pointed it out) they are planning on leaving that because they are essentially one slab buildings. The grade drops off from Main Street to the back parking lot so they can build up and then fill to a slab on the grade area and go up from there. They really want to leave that ledge and pin any footing structures to that ledge and maintain that ledge appearance. They will not blast but if there are pieces that need to come out, they will use a ram and remove those pieces.

They talked about 30 parking spaces and they have pull-in spaces off to the right and a lane that is about 16' wide. They have a pull-off to the left and additional handicap parking and a ramp off to the rear of the proposed buildings. The current slope of the site comes from the Town's parking area and drains down towards West Street. They do have some underground stormwater storage that they are collecting and some treatment areas they have shown to be able to treat this because they are draining into an urban impaired water shed. They talked to the Town Engineer to make sure they have covered that issue. Because of a tight grading on the site, they have a small retaining wall that is down on the corner of their site. They have trash removal so it is easy for trash trucks to go in for recycled and regular trash at the top of the site (he pointed to on the plan).

For underground utilities, they are connecting out to Main Street. They have worked with both utility companies for underground utilities that will connect Lower Main Street and water and sewer. Electrical will come from an existing pole that is down to the entrance to their site. That is it from an engineering standpoint.

Patrick Booth, Architect explained that they looked at Zoning and also the Design Review Ordinance which have similar qualities to them but they are more subjective. They also looked at the Vision Plan

that was recently adopted by the Town Council. The downtown visioning process for the Downtown Vision Plan was an exercise with the public, stakeholders and a great planning firm and was to capture what the vision of Freeport should be and what could be. They talked about walkability, a downtown for all making sure it was inclusive and embracing a mixed use and vibrancy of a lot of Maine downtowns. They looked at a lot of imagery of historic buildings at the Freeport Square and things that have continued to keep Freeport being the great town it is including some visionary diagrams of what town squares and new construction might look like.

He displayed a slide and explained that this site is on the Vision Plan and this is what it shows. It shows two sizeable buildings that create a street wall. It creates the same kind of street wall effect close to L.L. Bean where the buildings are close to the sidewalk and invites the best walkability and is slowing the traffic so more pedestrian friendly. On their first pass, they tried to do something like that. They developed street walls and it was pretty dense and they recognized they had some feedback that it was too large a project to scale and the architecture itself was too modern so they listened and revisited everything and came back to the drawing board and two months later they came back to a concept plan as shown in the rendering on the left of two buildings that are more in the federal colonial style which is the predominant architectural style of the buildings in Freeport's downtown district. Two months later after approval of that concept, they went to a preliminary design meeting with the Board and public and it was approved back in November 2022. We are here for the third time with a new design for final approval. He referred back to the original slide he showed the Board in that corner from the Vision Plan, these are the two buildings on the property versus that and you can see how much smaller they are than what the Vision Plan is. His point is that they are trying to find a nice balance of seeing what the proper future would be for maintaining that sustainable growth that would be healthy and happy for a town in the future. The major elements of Zoning would be setbacks and these are all met. The building is actually 13' less than what zoning allows and there are more parking spaces than what zoning allows.

He then displayed the landscape plan. He knows there are beautiful oak trees along Main Street and on West Street. Unfortunately, the size of the crown will not allow them to survive after construction so they have said that they will install 9 or so large format trees and smaller shrubbery and plantings in and around the site.

In addition to Zoning there are Design Review Ordinances for the Town of Freeport. There are nine criteria that have descriptive language about what that is but nothing set in stone or about what exactly that is. It is more about having design professionals take stock of the neighborhood and look at what is appropriate in that context in the site that it is located. The three things of most interest to the people that are here tonight are scale of the building, height and possibly roof shapes. They have read all the letters that were submitted and feel they personally have done their best to make sure they balanced that within the Design Review language and also with the interest of the project viability itself.

Looking at scale first they looked at the area from above and the site plan. He displayed a slide showing what is building and what is planned and noted that in terms of footprint, their buildings are smaller than a lot of the footprints around the area. The second diagram in the middle talks about building heights around and most of the buildings are 2 ½ stories but there are some 3-story buildings around the area and, of course, some one-story buildings that are all a part of a vibrant downtown with a mixture of heights in the neighborhood. The last diagram takes inventory of the Type A and B classified buildings in the historic stock in the urban area. From their standpoint to study those to see what are the defining characteristics of those buildings so that they can apply that in their design process for a building that fits in with that character.

He displayed a diagram that he did not have at the last meeting because they didn't take the time to do a study themselves but they learned that their building is 32' tall and the buildings facing Main Street, the front façade he knows there is concern about three stories or 32' but taking into account the context when you have the roof pitch incorporated as well, the 32' is within the dash line for all the other buildings nearby.

Outside of those elements, there are also studies about the town's character so when they came back in September, they did the diagrams and studied all the nearby A and B Buildings and took inventory of things they thought would define the characteristics of them that could be influential in design. They saw a lot of bays with pitched roofs on them, clapboard siding, corner boards that are wide, etc. Federal/Colonial architecture is always very aligned to each other. It is much simpler than the more ornate type of architecture and was something they also wanted to incorporate into their design as well. There is also a lot of use of stonewalls in a lot of buildings around town. Thankfully there is a nice dry laid stonewall on the site already so they plan to keep that wall but move it closer to the street. That will be part of the incorporation of design. He showed more diagrams with bay windows. When there is a hip roof, most of the time the eaves come closer to the street so there is a flat line across the front versus a gable facing the street for example, which is another way to help lower scale which is what they are looking to do with this building with a flat roof.

When there is a change in material in round 4 which is a common thing with a change in foundation material whether it be stone or brick, they alluded to that with their change in material on their building as well. Window details are very important having nice true wider casings around the windows themselves and real sills where there is not a frame below but there is actually a projecting piece of wood that has water allowed to drip off. That is a common historical detail that is sometimes cheapened in architecture that they have included in their design as well. Another nice detail on Depot Street is the incorporation of shadow lines on the second floors to be able to cast the light's interest so that has also been incorporated in the design in front of the Board today.

The Board has seen the renderings before but they had the rendering of the upper left corner when they last came back in November so they were asked to do a new rendering that shows the context of the buildings. He displayed one that they just added and provides an understanding of the entry into Freeport and also verified height of the traffic pole so that is also accurate within a foot. He displayed other renderings. He explained that they broke up the original buildings and allowed this 30' breath of air space between the buildings that allows more light into the courtyard space and allows more free access for people going to the apartments themselves but also if they are parking there and decide they need to run to a store, they are walking through a nicely vegetated courtyard to get to L.L. Bean, for example. There are four front doors facing Main Street that go directly into someone's apartment which is a nice feature to have to encourage walkability. Sometimes you have an apartment and have to walk into a lobby and then make your way into a corridor to your apartment but here you can walk right out straight to Main Street if you desire. They think it is important to keep that vibrancy up There were not many balconies they saw on Main Street so they did not incorporate that. They did incorporate the bay windows they felt were elegant but also helped to break down the scale and adds a nice prominence to that building. The balconies themselves are along the courtyard and also along the back and side of the buildings. He explained that the fiber cement is much sturdier than vinyl. On two stories there will be clapboard siding and ending in a nice historically detailed type of cornice while having a refinement that recesses back into the primary building. He displayed a view coming up from West Street towards Main showing how they are keeping the ledge outcropping that is there and how the bay

window element still continues along the side and completes that corner around Main and West Street. He displayed more slides and explained them.

Mr. Booth mentioned that there have been questions about a flat roof and one thing was about keeping the scale down. If they were to put a pitched roof on this the building would just get taller and flat roofs are a very common thing for New England architecture as well. It also allows for mechanical equipment to be on the roof and not be visible from the public way because they will have parapets along side to obscure the visibility. Each unit will be using heat pumps so there will not be fossil fuel used on this site. It will be all electric. The flat roof also makes it easy to incorporate solar panels in the future. They do have floor plans and he explained them.

Living in downtown Freeport is what this building is all about and they are confident it is something a lot of people would be excited about. He hopes this articulates the entire process for them from where they started 7-8 months ago to where they are at now.

Chair Blanchard opened the Board up for comments and explained that they will go through each level of review separately starting with Site Plan. He opened it up to those on line first.

Mr. Monteleone advised that he would provide comments after he has had an opportunity to hear Board comments. Mr. Donahue and Ms. Hamlen did not have any comments on Site Plan. Ms. Berger noted she has a question on the parking spaces. Where they have an entrance in from West Street, they have parking spaces that start immediately from the entrance. From a safety standpoint she is concerned from the first one or two parking spaces are dangerous for vehicle ingress not egress and people that might be walking because there is so much close proximity to that entrance without a lot of turn space or move space. It is shown on Sheet 101.

It looks like that the first one or two spaces feel too close for people and or cars. Mr. Dube explained that when you do one-way travel, you want the angled parking spaces. In this case, they have 16' which is appropriate for that width we are talking about. They worked it out with the Town Engineer and the Travel Engineer. Practically, he can tell Ms. Berger that it will be the last one used. He would not park there unless he absolutely had to but if he didn't, there is enough room to back out without going into the sidewalk and then being able to pull out from there. Ms. Berger feels that the first space should not be included. It is just a thought but mentioned she did not read the whole traffic report. Mr. Dube advised that the depth of the driveway coming in is at least 18'.

Ms. Berger also had a question about the easement for the exit. After listening to the Town Council meeting, she is aware there is an approval for that easement. If they do not do the easement as was suggested, she would like to make sure that the easement was done in the way it is being suggested and written through the town council because if for some reason you change your mind and don't activate the easement the way it is written, this whole in and out plan with the spaces indicated does not work without rethinking what you are going to be doing. She feels they will have to totally revise things and she would not want to go forward and give an approval for starting the work and then at some point decide that they don't want to activate the easement.

She feels the easement should be signed in advance of any work is started. Ms. Pelletier clarified that if they were to go two-way, they would need 24' in width and they wouldn't be able to do it with 16' so they would have to amend their site plan and would have to come back with a Site Plan Amendment. They would be out of compliance with what the Board is approving. Chair Blanchard pointed out that the easement is on the recording plan. Ms. Pelletier noted that they don't yet own the property.

Ms. Berger had another question regarding the walk-up buildings and there are no elevators shown on

the plans. Mr. Dube advised that they are not proposing elevators at this point. They have ADA units on the ground floor which is essentially what they are showing.

Chair Blanchard suggested proceeding to Subdivision. There were no comments provided.

Chair Blanchard proceeded to the Design Review Ordinance. Ms. Hamlen referred to the renderings provided and asked to go to 3 of 8, the one entitled Main Street Corridor Rendering. It has four vantage points. In looking at the view coming up West towards Main, there is nice vegetation that screens a lot of the bulk of the building.

In looking at the lower right shows the southern route down Main, the existing trees by Town Hall that provides nice screening but when she looks at the two on the top and left, there is none of the screening she had hoped to see. She moved down to the next slide which is 4 of 8. You have your little corner with the dog and people sitting and there is vegetation there but all along the front of the building, all the vegetation is very low and she understands there is not a lot of space for full-grown trees. However, she would hope that you could do stands of birches. She suggested going to the next slide which is the flat on view. In that huge white expanse between the doorways on the ground floor, she had hoped to see a tree there whether it is dwarf apple or something to break up the white. That is the longest view to the public whether they are driving by or walking on the other side of the street and to have it barren is not what she personally had hoped to see. That would go a long way to break up the block look that people have been concerned about and just put the whole thing in better perspective as do the other views coming up West and going north. Chair Blanchard asked if landscaping would come under Site Review? Ms. Pelletier advised that it could tie into Design Review. Ms. Hamlen mentioned that if the Landscaper is there, she is hoping he could address somehow to accomplish what she is saying. The courtyard is looking nice, the side is looking nice from both directions but then the view from the south that makes the building look large, flat and a block. She is hoping the Landscape Designer can address some of these issues. Tony Cowles, Landscape Architect advised that they do have street trees along West Street that start to create a rhythm and will start to provide some cover and some canopy over the years. They are 2 ½-3" caliper which is an industry standard so they won't be overwhelming to the building but in a few years as they start to grow, they will start to provide that screening Ms. Hamlen is talking about. It gets to be a bit more challenging on Main Street given the fact that we don't have a lot of space between the front of the building and the curb on the street. We have a sidewalk out there, some plants and a small stone wall. Frankly there just isn't enough space for a tree there. They are showing some shrubs in front of the units and between the two buildings they have tried to help with the scale issues by putting in a couple of street trees to identify what Ms. Hamlen is speaking about. He hoped that answered Ms. Hamlen's concerns.

Mr. Reiche mentioned that it is his understanding that all of the large trees on West Street and Main Street are coming down because of the construction and Mr. Cowles agreed. Mr. Reiche asked him to go to the graphic that shows the elevation on West Street and noted there would be no trees during construction but they will plant some. His question is how many years between 2 ½" calipers going in and the elevation shown on the West Street side? Mr. Cowles advised that the rendering is probably representing a tree that has been in place for about 3-4 years. A 2 ½-3" caliper tree is pretty good sized when it goes in. It is probably 16' tall when it goes in. Once they are established, they will start to grow a couple of feet a year and the canopies will get larger and eventually they will start to provide screening long term. The trees that are there are most likely 75-80 years old or more. It will take a long time for a tree to provide that kind of canopy. In 3-5 years, you will see a pretty significant tree there. Ms. Hamlen noted that the trees Mr. Cowles is talking about providing great canopy are different and she thinks they are absolutely necessary but on your Main Street, where you don't have the space, couldn't stands of

birches provide twinkling leaves in the spring and summer that will in some way soften the front of the building? Mr. Cowles noted that they could put something there but he wouldn't recommend it since you need sight lines for when traffic comes down the street. There simply isn't enough room to get a sizeable tree in there that would soften the architecture adequately and there is vegetation in front of both the units and in front of the wall so he thinks it is a vegetated street zone. It just doesn't happen that there is enough room to get in many trees. Mr. Donahue pointed out that the landscape plan that there are a couple of red oaks on the street side. Mr. Cowles agreed and noted there are setback issues in there too so there is really not a lot of room between the stone wall and the front of the unit. The trees are there in front of the courtyard but they are recessed from the road.

Mr. Donahue had a question pertaining to the West Street façade. It is unclear what the order of things is with the materials on Main Street between the shiplap at the base and then the 4" clapboard at the body and the trim work at the cap where the cornice of the building. When that progresses to the West Street side and the grade starts to drop away. What is the base material between the ground and the base? He also wanted to make a point that what is it about this project to prevent it from looking like a cookie cutter approach to housing which is one of the criticisms of this typology in this project? In order for it to be successful, there needs to be a material authenticity and integrity to the details in the way that it actually gets constructed. That depends on the developer's commitment to doing that and what the architect puts on paper and what the contractor includes in their spreadsheet. Many of those things are out of our control from the Project Review Board's standpoint but he feels that in order to be well regarded as a project upon completion, it needs to have that level of authenticity and integrity. Mr. Booth explained that as the grade drops in the back, the concrete foundation is exposed but they will be providing a vegetated screen wall there so it provides more softness to the area. It is shown on the elevations as well. He believes in authenticity and is something that we Mainers are all about. We want authentic buildings so that is the reason we don't want plastic on the sides of the buildings. In His mind, that makes cookie cutter buildings. They are using solid materials that are mitered correctly so you won't see a flappy shadow lined corner board. Those are the types of details that make a building look firm and it doesn't look cheap. It is also in the Design Review Ordinance so the Town has made sure there is authenticity for these projects. When it comes to the cookie cutter comment on the building, he would say that all those apartment buildings in Freeport's downtown are also boxes that are decorated in a sense. The reason why is because it is economical to make housing affordable for people to build as a box like that. They also did not have it be sterile but gave it some life by having these nice details that are ubiquitous to New England architecture with the way a real window sill supposed to be there and not like a picture frame below that does not do anything to shed water. Sometimes it is hard to see that in renderings far away but what you will see and appreciate when you are walking down Main Street and you are 10' away from someone's porch that you can see the quality and care in this building. The materials will last over years and it will not be a cracked piece of vinyl in six years. This is something that will be a nice well-constructed building suitable for the downtown.

Mr. Reiche asked if he said the trim would be wood. Mr. Booth advised that it would be fiber cement just like the siding. It will not be plastic but it will be the width of what traditional wood casing is. Mr. Reiche asked about the cornices and Mr. Booth advised that they would be made of plywood backed boxes and trimmed out in fiber cement as well depending on what is available. They haven't gone to that detail yet but it will be of a durable material that would be low maintenance. Mr. Reiche asked Ms. Pelletier if the Board often asks for more details on the trim, the doors? She advised that if the rendering was not detailed enough, the Board could request the applicant to provide additional information. It needs to be clear what they are proposing and you are approving under the standards. They did have a lot of details on the black and white sheets and we can look at what you are concerned

about there. They could walk you through it.

Mr. Donahue asked if there would be vents coming through the walls for driers or other mechanical devices?

Mr. Booth advised that they wouldn't be on Main Street for sure. They haven't selected condensing driers, etc. He assured the Board that they would be placed in a way that is suitable for the building. Mr. Donahue feels the West Street façade would also qualify. Mr. Booth added that if it was a hood, they would keep it as innocuous as possible. A drier vent might be painted the same color as the clapboard and would be the same height as the adjacent clapboard so it would basically disappear as much as possible. They have not selected appliances.

Ms. Berger noted she is not sure if there will be condos or rentals. If it is going to be condos, the Board needs to have as part of the application the condo documents. She doesn't feel the Board would need that if it is just rentals. Mr. Cook advised that they are looking at all their options and looking at maybe even mixing up affordable in one building and market rate apartments in the other building. He was not aware that they needed anything more for condos. Ms. Pelletier explained that if Mr. Cook switches to a condo format, there are legal documents he would need to submit and we would have to have reviewed. If he made a change, it could come back to the Board. Mr. Cook stated that whatever they have to do, they will do.

Ms. Berger pointed out that the spacing between the two buildings was mentioned at 30' and she thought it was 18'. Mr. Booth advised that it is not 18'. The buildings will be 30' apart and he noted that 30' is a good dimension for making sure that everyone in those apartments has access to light and air.

Ms. Hamlen wanted to go back to trees. She mentioned that there has been a lot of emphasis on building stone walls. It looks like the low vegetation will be covering the stone wall all along the street. She would vote between the middle of those buildings to remove the stone wall and put a nice tree in there. They do it in New York and they manage to be able to see down the roads. She just thinks this needs help on Main Street. She mentioned that she may have to leave the meeting. Mr. Reiche explained that there is a procedural oddity in the Design Review Certificate saying a Design Review Certificate passes automatically unless there are four votes against it. There are seven of us present and it would be majority rule. If Lynn leaves, it is not majority rule, it is four votes negative are needed or it automatically passes. It is a very unusual thing in our Zoning Ordinance so hopefully Lynn can stick around.

Ms. Berger mentioned it was just a technicality but on the first-floor schematic plan that has the apartment layouts, it says the first-floor units would be one-bedroom units but on this plan, they are stated as two-bedroom units. Mr. Booth advised that they are all one-bedroom units on the first floor. It is a typo.

Mr. Yankee mentioned that he would like to see more detail on the authenticity portion on the windows, trim, doorways, and exterior general details more than these 20,000 feet out because he thinks that if this goes forward, it is going to be so close that those details are going to jump out at people. He thinks those details are going to be very emphasized. Mr. Booth noted that the notes are pretty detailed about what they consist of. Everything of the individual pieces of that but it takes a lot of time to get to a construction document set that has a level of detail that show all the things at the minutia level and also being protective of the client's cost investment. It is challenging to say we could spend the time to get that but he would say there are a lot of written notes to talk about exactly what

we are looking at to put into the building itself and the size of the elements and what they are and all of their practice is in doing details for people living in Maine and especially the ones walking by the street making sure the buildings are made of high quality.

Mr. Reiche mentioned that authenticity was mentioned a number of times. He believes the building we are in was built with authenticity and it is brick and real stone. He asked if there are any natural elements outside of this building that will be in that building? Mr. Booth advised that the building will be framed in wood so they could make the building wood on the outside but it will be more expensive and will need more maintenance. A painted fiber cement is the same look and feel as wood and has more durability and low maintenance over time. It is important to keep costs down for the project because they are thinking about the full picture of keeping the rents as low as they can be. Construction is expensive. They realize there are good alternatives that are better than the cheap stuff and are appropriate for expressing a quality of construction that is suitable for the neighborhood it is in. Mr. Reiche explained that he is trying to picture the buildings that have gone up on Route One in Falmouth and he doesn't regard them as authentic materials so he is trying to understand how these will be different from those. Will there be some PVC or AZAK on these buildings? Mr. Booth noted there might be some for areas up high and the sills might be PVC because water will sit for a long time on a sill and if they are built out of wood, they might rot. If it were built out of fiber cement, it would peel away the paint quicker. There are instances where you do want to use plastic. It is the responsible thing to do but for example, not make a plastic box. That is part of authenticity. He explained the details that will be in their windows.

Mr. Yankee feels the details are so important on this, it is something that would help him out a lot is to see a lot more of that detail. He is not so concerned about what the material is. It's what it looks like and would it be the soffits, the windows, the doorways and all of that and how does it all come together in the details. It doesn't have to be the whole side of the building; he suggested picking one section of the building and what does it look like up close and personal. Are there other renderings and are there pictures from catalogs that can be shared with us showing this is what it looks like and these are the windows we are talking about using. A small miss on a lot of these could add up to a big miss.

Ms. Pelletier wanted to clarify that there is a lot of materials noted on here and a lot of widths and they have taken time to show certain details. If the Board approves this tonight, they have to be using materials where noted as noted and the widths noted. It is very specific. To be comfortable to understand what they are proposing, Mr. Yankee would want to see certain sections blown up to show him exactly what that trim detail is going to be and he feels he would need that to make a determination on certain standards. Mr. Reiche asked if there is any indication on the windows and whether they are true divided light or just the electrical tape? Mr. Booth advised that they might be simulated divided and is something they would want to do and it is expensive to build and they are trying to make sure that they are making these projects obtainable for people but they certainly propose to do a window that is say aluminum clad and has simulated divided lights versus just like the ones that have the grids with plastic for example. If the question is that it is a part of it, that's fine and they can make sure it happens. Some of those changes could be a lot of money that could really affect the building. Mr. Reiche advised that the Board normally has that type of information. Mr. Booth noted he could provide anything that is requested and would be happy to provide a summary of what those are. It is easy to zoom in on the model that they are showing now versus drafting the details of it. Mr. Yankee advised that he would need a lot more than just zooming in on this. He recalled that a lot of times the Board gets cut sheets with the details and what the trim on the window will look like or it could be photographs from other projects. Mr. Booth mentioned that it sounds like it is specifically around the

windows and he could provide more information on that but he doesn't know how to provide the soffits.

Mr. Reiche noted he doesn't want to give the applicant a hard time but the more they say authenticity, the more he is looking for it and he is not seeing it. To have that level of detail would be helpful for the Board. Mr. Booth mentioned he would be happy to provide that information if it can help provide comfort to the Board.

Mr. Reiche advised that the Board routinely gets samples of exactly what the door product, the window product and certain products we would think are not adequate quality. We usually have that input. Ms. Pelletier added that she is hearing material cut sheets. They have noted a lot of material but if the Board needs to see cut sheets, she is confident that is something they can provide. They have drawings and they have specifically designed this to trim windows out a certain way. She asked Mr. Yankee if they showed a zoomed in window, PVC 3" rounded corners? Mr. Yankee noted that if they could give him a picture of an example of the window. Obviously, if they are putting that level of detail in here, that product exists but what does that product look like or the fitting of trim whether it be the cornices or the soffits? What does that look like? He mentioned that this is 12' from the road and less than 10' from the sidewalk so people are going to be seeing this and those details will matter. Mr. Booth agreed and could provide an image showing how all the pieces come together and could have an actual picture. Mr. Yankee would like to see cut sheets on the exterior railings on the back side and on the ramp. More discussion followed.

Mr. Yankee mentioned that he is still challenged with scale and feels they have done a good job of providing reference points for that. He still has concerns with scale and does this scale make sense where it is? Would it be more appropriate a few buildings down and maybe not where it is right now? He is unsettled on that. Mr. Reiche advised that he is flatly opposed to this project. The Design Review Ordinance is about scale and appropriateness for your part of town. After we get public comments and get into specifics, he will outline the specific reasons why he thinks six of the nine required standards are not close to being met. There are a lot of people in the room and watching television that are not familiar with the Board's process and we have three zoomers on our Board who are not with us tonight. He wants them to know that the Council Room is full and there are people sitting in the hall. When we have a controversial project, we typically have 3 or 4 people show up and we get 3 or 4 letters. We have received 60 letters overwhelmingly opposed to this project. This is an unusual project for us. He also wants to make sure that people understand and if anyone disagrees with his interpretation of the standards, please speak up. He has been careful in preparing his comments for tonight. The Board has an ordinance and does not have any latitude except to enforce the ordinance. The ordinance is written by the Council and until they change, we have this set of rules. The Design Review Ordinance is one of three that we have to review is all about continuity. This site used to be a Farmer's Market. We cannot deliberate on whether it should still be public space. Freeport has a housing problem which is at a high priority that the Town is trying to solve. We cannot address that under the Design Review Ordinance. We are trying to revitalize Main Street. There was an elaborate town-wide revisioning process but it has nothing to do with our Design Review Ordinance. Hopefully, that will be built into our ordinance structure. He offers this just for folks to understand the context of what we are up to tonight and also maybe to fashion in your two minutes to speak and understand the areas we can't delve into. He wanted to outline his opposition to this under the Design Review Ordinance. The Design Review Ordinance is all about continuity and a building that works two blocks from here might not work here. He noted that he would go through this in detail but added that the Board has to look under the Design Review Ordinance at a building within the context of what is around it. If there are

historic buildings around it, that really governs the Board on whether a building is compatible. Compatibility appears 20 times or more in the 7 or 8 pages that we are dealing with here all about compatibility. We have to look at what part of town this is in. Main Street in Freeport in his opinion starts at this intersection out here. It does not start at Shaw's, Sam's or the Public Works Building. This intersection is what we think of as downtown Main Street. That is the neighborhood that he thinks the Board has to look at when we are deciding whether this building is appropriate in scale and context. Next to that building is the building we are in. It is a historic structure but not on the National Register. It is clearly a traditional building. Across the street is a cape. Next to us is the beginning of the Downtown Freeport Historic District. It is not something the town designated. It is listed on the National Register of Historic Places. That is the neighborhood we have to look at when deciding is this building which is so large consistent with the compatibility required in the ordinance. He noted that he would stop here but specifically he will speak after the public comments. Chair Blanchard agreed and offered to reserve his comments so the public can speak.

Chair Blanchard opened the meeting up to public comment starting with people in the room. He requested that speakers go up to the microphone and provide their name and address and also speak to what we are considering tonight which is Site Plan Review, Subdivision Review and Design Review. Please speak to the Ordinance because that is the only thing the Board can consider such as housing in town, affordability and farmer's markets. These are not things we can consider tonight. They should limit their comments to 2 minutes and there will not be any back and forth. If there are any questions for the applicant, please state the question and they will respond at the end of the public comment period and please don't duplicate each other.

Ken Sparta of South Street advised that after this is all over, the bar will be open down the street for people to have a beer on him. He lives in this town and has two businesses in this town. He feels these buildings look great to him. He doesn't think they look ridiculously out of scale. He is not opposed to this project.

Chris Grimm advised that we need housing and this makes sense to a lot of people for good reasons. We have a willing and experienced developer willing to do this. If you wait another six months, the feds have said they will be raising rates and will make it unaffordable. This is something that can be done now and you should take the opportunity.

Peter Anzuini of South Freeport Road thanked the folks trying to propose something that originally looked like a dorm room in Portland. Now it is starting to look like Scarborough Downs and is a much better rendition than the original one. The bottom line for him is simple. Maine's average income is \$54,000 per year and Freeport's is around \$85,000 per year. They originally said these would be condos and now they are apartments. In Freeport there are about 3,500 homes valued at more than \$300,000 and about 1,600 valued under \$300,000. He ran over his time allotment.

Chair Blanchard advised that people should keep in mind that affordability is not a standard this Board can consider.

Cliff Goodall of Indian Ridge Road advised that he served for 12 years on the Project Review Board. He wants to give rational and some institutional memory that supports the approval of these project. The first thing one sees here is that it is residential and he suggested that the Board look at the Subdivision Ordinance and the State Subdivision Law, Criteria 11.9 says that conformity with local ordinances and plans. The proposed subdivision conforms to a dually adopted Subdivision Ordinance, Zoning Ordinance, Flood Plain Ordinance, the Comprehensive Plan and other ordinances included in the Municipal Code as

appropriate in making the determination in municipal reviewing authority may interpret those ordinances and plans. His suggestion to the Board is that housing and the need for housing is central to the Comprehensive Planning process and has been beginning in 1974 when the 1974 Comprehensive Plan said people moving out of the village into the more rural areas was a negative impact for the neighborhoods. Then we go through a variety of different Subdivision Comprehensive Plans, two of which he served as Chairman of the Comprehensive Planning Committee. In 2004 and 2005 we had a Comprehensive Planning Committee for the Village and emphasized the importance of housing and we came up with growth districts. He suggested that Mr. Reiche read the definition of visual compatibility.

Michelle Peacock of Oak Avenue advised that she is in favor of this housing project. She feels that what has been proposed has been thoughtfully and beautifully planned including the parking, the trees and the scale and it should be even bigger. Her family cannot live here because there isn't enough housing. Here we have a developer that has the means to put a small dent into the lack of inventory. She encouraged the Board to approve this housing project and any others that come along.

Mary Babikian of Wolfe's Neck thanked the applicants for making such an effort to look at Freeport's history. There was a lot of talk about scale. What was not addressed was mass. The applicant showed diagrams of height but what he didn't look at was width. When driving down Main Street and you see that huge wall of building, it is very different than the adjacent buildings. The other buildings all have pitched roofs. Freeport has always been a town that started out with small buildings but as you got to the center, they got bigger. The tall, flat-roofed buildings are in the center of town and putting something big like this at the very beginning, changes the whole entrance into our beautiful historic town.

Eric Hoffsten of 3 Balsam Lane wanted to say that he is 100% in support of this project. They have already proven that this is within everything that needs to be done correctly. It looks great to him. What he has heard tonight in opposition seems really nitpicky and he hopes the Board supports it and votes yes.

Kathy Smith lives on Wolfe's Neck explained that it is hard for her to get up because she has good friends on both sides. She noted that she is worried about the scale here. We did flat roofs and the presentation has the center of town right. There did used to be three-story flat roofs but not here. She thinks it is in the wrong place but thinks we absolutely need housing and most people in town see that. This feels like it is in the wrong place. She mentioned that the Board has a letter from her explaining her details. She feels there is economic value to a village that is historically preserved. She hopes there is some kind of compromise and maybe there is a way to make this work.

Candy Marriner mentioned she has a 50-year history with this town. She assured Patrick and Paul with the level of detail they got into in looking at the architectural details in all these buildings that we call home. There are two flat tops across the street and feels it is important to point out the absence of two historic buildings. She feels these two buildings as quality as they have been designed with these details actually helps balance and compensate the lack of those buildings. As a parent of a soon to be 18-year-old, she wants and need housing in thi9s town so her own child can stay here. She also has a large home that she will not be able to take care of on her own. She would like to sign up for Apartment 3-C.

Brett Richardson, Executive Director of FEDC explained that they follow the goals of the community and works to implement those goals. Through the Downtown Vision, the top response from people that participated in surveys that downtown housing in all price points is a top priority for the town. He knows

it is not part of the Design Ordinance but wanted to share that and also thank the development team. As FEDC they followed this process and a lot of work has gone into this to pivot, plan and respond to the input from the community and come out with a great design. Thanks to the development team and for a great process.

Bill Gilman from South Freeport Road. He mentioned he is very impressed with the detail of the presentation tonight. He sent a letter and did not say he was in opposition to this because he knows our town needs housing in the center of town. He asked if there is a way the building can be moved farther back and perhaps take away 2, 3 or 4 parking spaces so trees can be put in front of the building? He in support of housing in town and applauds the applicants for working so hard to get it done.

Gordon Hamlin of Chapel Street advised that he is a former member of the Freeport Project Review Board and a 48-year resident of Freeport. While he supports affordable housing in downtown Freeport, he strongly believes that this project according to Freeport's Design Review Ordinance is clearly out of scale with the surrounding buildings and its design is not comparable with those neighboring buildings in the Freeport Downtown Historic District. This particular location is also the southern gateway to downtown Freeport. It is important to maintain a welcoming entrance and he believes we want to retain Freeport's classic, walkable New England Village look and feel. It is not the responsibility of the Project Review Board to promote more housing in the downtown. Approval of this project would establish a precedent for more boxy, out of scale projects in the downtown historic district.

Kristen Devoe of Bears Run Road mentioned that she is not fully opposed to any affordable housing in Freeport but would like the Board to give some consideration to the impact this would have on our schools. Our schools right now are jammed packed with students. Our kids are being evaluated in closets because there isn't room. She asked the Board to please consider the impact on our schools. She is not opposed to housing but asked the Board to consider our education first and then move on to housing.

Lindsay Graham of Flying Point Road noted she is a newcomer to Freeport. She applauded the builder and all the folks that have done their due diligence trying to meet all the needs of the Project Review Board. She feels they have done a great job and have been back several times. She fully supports this project. She also agreed that the retail outlet model is a dying model.

Joe Migliaccio of South freeport mentioned that he served on the Planning Board and the Town Council and was here when we voted on a lot of these ordinances. He has been impressed with what has been going on the past few years about trying to make this a place for the people who live here. Out of convenience, the market has changed and we have this great opportunity. He planned to submit an article to the Town Planner from the New England Historical Society that discusses the comeback of the tenement which were great opportunities for immigrant families.

Chris Kelly of Marquis Road explained that he feels this is a nice design but he honestly does not believe it belongs here. It is so urban and so flat. When he is walking by, is he going to be looking in someone's living room and is all their stuff going to be outside? He feels the scale is too much. It looks like something you would see in an old mill town. This is not a mill town environment. He wanted to ask the architect that if you are looking at it from the back, how tall would the buildings be from the parking lot to the top of the buildings? We need housing but do we need it on Main Street in the downtown? He cannot support it.

Craig Gardiner of South Freeport recalled when McDonald's came to Freeport and it was a big deal

because Freeport said okay McDonald's we are glad to have you but we are not going to have those big illuminated plastic golden arches and if you can wrap your head around going into a Victorian house, come ahead and we will figure it out. McDonald's did and he believes it was the first time they ever did that. They did it because little Freeport Maine said yeah, that is not what we are about. We are kind of this village rural feel. He feels this project feels imposing and he agrees with what Ford said. Surely, we can come up with something. Surely there are other options. Does it really have to be situated here? He does not recall that the Vision Plan contemplated multi-story high density residential right hard on Main Street in the village. He thought it was smaller buildings away from Main Street. This feels a lot like what is happening in Falmouth and Yarmouth along Route One. It is not in keeping with the kind of rural village-y feel that we all know and love.

Susan Nourse, Pleasant Hill Road and she cannot imagine how anyone would think this proposed building complex would satisfy the design guidelines in Freeport's Design Review document. She is shocked that this proposal has made it to this stage in the process without someone shouting from the rooftops that this proposal is out of scale with the site and the neighborhood. The scale of the building is first in the list of factors in the Design Review Ordinance to be used for review. The first factor describes how the scale, the sheer mass of the building can be overpowering. In this case it is two buildings overpower the surroundings because they are so big and awkward in relation to this space. In the Design Review Ordinance there is a reference to neighborhood significance. In this document it says that a corner lot on a rise as the first to visually introduce a property make it significant. All three of those apply to 22 Main Street. This property is at a dominant place in the neighborhood and is not visually compatible. She has a vision of downtown Freeport and it comes from her living 40 years in this community. The Design Review Ordinance was developed to protect Freeport from out of town, out of state developers who think they know what is good for Freeport. We live here and we will be here when they make their profits and leave. We will have to look at whatever changes are made to the landscape of Freeport's downtown. 40 years ago, McDonald's building complied with the character established for downtown Freeport. Certainly, the southern gateway to Freeport deserves the same benefit using the appropriate applications of the ordinance. She is expecting that the Project Review Board will use the Design Review Ordinance to maintain the character and charm of Freeport's village.

Andrew Arsenault is a 64-year resident. He went to school in Second Grade here. He has seen a lot of buildings torn down in Freeport. His family moved into a building similar to this next to Derosier's. It was a three or 2 1/2-story building and there was a lot of them on Main Street. It was where people lived when they came to town. He has seen a lot of nice houses torn down and is sure they are not coming back. L.L. Bean tore down the neighborhood his classmates grew up in. Where the pharmacy is, a neighborhood was torn down to put in a pharmacy. Nobody said anything about that flat roof. This is a nice project and he is in support of it. He does not feel the scale is too big. He asked where we are going to put housing downtown if not here? Where is the next lot for sale?

Tawney Whitney of 56 Baldwin Road advised that she served on the Council and for a short amount of time before she realized we needed to do something because Freeport's Main Street was not going to fix itself. We tried for many years but it wasn't coming back so they started interviewing 13 different consultants. Out of those 13 consultants, they had one solution and it was if you want a vibrant downtown, you need housing. This business community she works very closely with is not as well as it looks. They need residents living downtown. They need people coming here for different reasons. Paul and his team have worked with the Town of Freeport. He has been very thoughtful and has worked with the Board and has responded to everyone's needs. She fully supports this project and fully supports moving Freeport forward.

John Patterson of Flying Point Road. He noted these are hard hearings. He agrees with Sue Nourse that the building is too big and out of scale. If it had a peaked roof, that would be different. He understood the developer said that it is not economically feasible. He doesn't think it is fair for the developer to tell us it is not economically feasible without giving us the financial analysis. We can't see it and you can't see it. Maybe with less profit a different project is financially feasible. We don't know. With respect to Tawni Whitney's comments, he respects what she had to say but the point is whether it meets design development standards. He agrees with Kathy Smith and Mary Babikian and Sue Nourse and he will sit down and shut up.

Sarah Walsh wanted to go back to the comment that there are three stories and no elevator. In accepting this design, you are choosing not to permit military veterans or families with a small child that has to carry that child up the stairs and all the things they want to move to the upper floors. There are also a lot of people suffering with long-term COVID that you are saying you don't want them to live in Freeport.

Margaret Morfit of South Freeport and she is interested in new housing in Freeport and is not even opposed to this particular building design. She is opposed to putting this building on this site. It is too tall, blocky and too massive. It will change the feeling of the entrance to town from a village, which she considers a selling point if you are trying to develop the town, to a suburb and that is a loss. She understands from a developer's point of view that he needs those three stories even if they are too tall in order to be cost effective. We are really not responsible for his success. We are responsible for the long-term interests of the town and she believes we stand to lose more than we gain by giving up this very important location.

There were no other comments provided. Chair Blanchard suggested that the applicant go back to the podium and feel free to respond to any questions raised by the public. None were provided. Chair Blanchard then turned it over to Board members who are on zoom if they have any additional comments or questions for the applicant.

Mr. Monteleone mentioned he has two questions for the applicant to clarify. He asked if it is possible to plant trees larger than 2 ½-3" caliper standard? Mr. Cowles replied that yes, but only slightly. It is possible but the challenge is that they get difficult to install if they get too much bigger. He felt they could go to a 3 or 3 1/2" caliper but anything bigger than that becomes quite difficult to manage as far as installation goes. R. Monteleone noted he is concerned about the handling of the tree scape on West and thinks that more attention to the screening needs is necessary to address what many are perceiving as bulk scale. He finds that the Design Review Ordinance standards are subjective. What has come forward is grossly out of scale and to his eyes it is a reasonable scale. It strikes him that the size of the building is appropriate but the landscape plan surrounding it is inadequate to frame them to the scale that drives what is surrounding it. He thinks the landscaping plan needs attention. He echoed the concerns that Mr. Yankee raised about the level of trim details that is needed. We do in fact see other projects provide a very close level of detail and given the prominence of this location, he feels it is very important he encouraged that we ask for it. The third point he is raising is that the applicant needs to commit to what the plan is as to whether it is an apartment building or a condo. If there is some potential that this is a condo in the future, this application is incomplete. We would need condo association documents outlining for example, what the maintenance plan is going forward before we can approve the subdivision if that is on the table in the future. He would ask before we take a vote on subdivision approval some commitment as to what the anticipated plan is for that.

Mr. Donahue wanted to add that we have talked about the scale a bit and it is closely linked to the proportion question. One of the ways he has gotten comfortable with this three-story approach and this design is the way the architects have put this together. The façade of each one of the pieces uses the golden section proportion and he uses two pieces on Main Street and he uses it for the weight of the building is perking up on the West Street side. He thinks that is the operative part of understanding how this can work because the golden section is a universal principle. It is linking the traditional architecture and you will find it in many houses around Freeport with contemporary architecture. It has the same significance in both and for him, that is what allows the scale and proportion as related topics work on this project. Main Street's roof lines are very diverse and he believes this works with that diversity.

Ms. Hamlen noted that because of the comments of the other Board members, she is seeing that there are questions about subdivision because of the condo/rent question. There are questions about site, i.e., the landscape and lastly, there are questions about designs, i.e., materials. She doesn't know if this is premature but she would like to propose that we work on behalf of the developer but we have another go at this to resolve those outstanding issues. She appreciated all the comments from the public on both sides. They were very compelling but for us to make a decision using the Design Review Ordinance, the Subdivision Ordinance and site questions, she would like to see these key issues addressed with as much material to allow us to make the right decision going forward.

Mr. Yankee added that he thinks Ms. Hamlen is onto something. In terms of the scale, he is on the fence. It is not a big one way or the other. With keeping with its surroundings, he understands what Mr. Reiche is saying but this part of Freeport and this part of downtown also lacks consistency and there is a part of him that thinks this is going to help lift this part of town. He is still struggling with that but there are a few questions about landscaping which are significant and going back to the architectural details on the exterior, he would like to see those.

Mr. Reiche noted it is not fun having opposing viewpoints from friends in the community. We have had a lot of comments about affordable housing and the valuable vision for a new Main Street and it is not the ordinance we have to deal with. We have the Design Review Ordinance. He is opposed to this project under the terms of the Design Review Ordinance. He thinks that this building is not the first step of many. He thinks this is the building that changes downtown Freeport. He really feels strongly that this is so out of scale and out of character that it is going to be an impact on Freeport. He pointed out that Design Review Districts are not all over town. They are just in two small areas of town. There are nine sections in the ordinance and he proceeded to read a section from the six sections that he thinks are not met by a longshot. He feels this should not be approved because it fails to comply with the Design Review Ordinance but thanked the good work and the patience of the applicant.

Chair Blanchard felt he should make some comments. A few things about the ordinance, with regard to historical significance, architectural significance and neighborhood significance, only historic buildings in town can have significance so those are buildings classified as A or B Buildings. Class C Buildings do not have significance. That was a slight misunderstanding of how that ordinance was structured. With regard to the Maine Historic Preservation Commission letter, an effective determination is provided to historic properties the way they review it are properties eligible or listed in the National Register of Historic Places. That would be the Main Street Historic District and the L.L. Bean House which he believes is the only eligible historic property that is in the vicinity that is not listed and they determined it would have no effect and not even an adverse effect to historic properties so that is something to keep in mind as well. With regard to does this meet the Design Review Ordinance? We have these

guidelines and in looking at the first slide that was pulled up, you have this footprint and it is smaller than the footprint for Town Hall, smaller than the Public Safety Building, smaller than the Davis Warehouse. The elevation along Main Street is shorter than the elevation that 15 Main Street has by about 30 feet. It is shorter than the elevation that the Public Safety building has along Main Street. We are fixating on three stories but it is measured at approximately 32 feet and buildings around this project location are at 30 feet, 31 feet and 32 feet so he doesn't see where the height is the issue. He feels like it meets the subjective requirements of the Design Review Ordinance and understands the need for additional detail on materials for example but we have approved alterations to truly historic buildings in town with hardie plank siding as a replacement material and PVC as a replacement material so he is not concerned about those materials because we currently have them in town.

Chair Blanchard feels the amount of detail they provided to us in this packet is the amount of detail we would typically see. Cut sheets sure, for those very detailed things like window arrangement perhaps. The Board will not get much else out of cut sheets. We know what hardie plank siding looks like. He does not see a problem with approving this as it has been presented today. He does want the Board though if they feel they can't make a motion or approve what has been presented to articulate where precisely in the Site Plan Review Ordinance and Design Review Ordinance where you feel this application is failing. It is really important that we get it in the record from each Board member where they feel like this does not meet that ordinance.

He recognized that Mr. Reiche has made it quite clear about which standards he feels the project does not meet. We just need to get it in the record for the applicant so they can hear precisely the things that need to change for the application to be successful because ideally, they will make those changes and present it to the Board and we would approve it.

Ms. Berger noted that she is good at reading documents and requirements. When she looks at the Design Review Ordinance, she sees that they talk about compatibility with the neighborhood and she is still not sure she sees compatibility with the neighborhood. If we were voting on this, she would remove some of the suggestions that say that they are agreeable with the neighbors. She is even not on the fence because right now she could not vote for it the way it stands. She is willing to hold off and let the applicant give some thought to what was said today and decide to come back. She is willing to table this to a new meeting and give them an opportunity to address what was said and what they hear from us. The Board has to be okay with everything and she is not there yet. Her vote right now is no.

Mr. Yankee is okay with the scale now after listening to a lot of thoughtful people on both sides and Mr. Reiche. He agrees with what John Patterson said. It is a difficult one and people feel very strongly about this. In this neighborhood he feels it would be hard to find compatibility with two or three buildings in this area. In terms of size and scale, height and mass, he thinks he is comfortable with that. Because of its proximity to the road and relationship to the street, he would like to see more details with cut sheets, with photographs of similar, understanding that it is a guide but it would make him feel more comfortable. He also shares some of the comments about getting more details on the landscaping as well. He hopes somebody that understands landscaping better than he will come back. Mr. Cowles noted that he does. On West Street Mr. Yankee feels the landscaping will be very important and when Mr. Monteleone mentioned it, it sounded better.

Ms. Pelletier added that the landscaping plan submitted was very specific so is he interested in different plants?

Mr. Yankee offered to take it off the table.

Ms. Hamlen mentioned for the landscaping, she is thinking of Back Bay in Boston. She feels this is an attractive design but what makes it is block after block of building face is vegetation and so again, when you think about sidewalks, in Brunswick there is a sidewalk and a building and there's the road. They have found a way to put trees in to soften and make the Main Street more village-like, environmentally friendly and providing shade, habitat for animals and all that good stuff. She thinks it is needed but doesn't think it is here. If forsaking a stone wall to provide that, she would be all for it. Someone said siting the building so close to the road, she doesn't know if it is possible to move it back but the landscaping is very critical for her support. She would like them to propose an alternative to get her to support it. At the last meeting she said she was assuming they would be putting vegetation of the front and the answer was it was not a complete plan. Now the complete landscaping plan has come back and she feels it is falling short.

Mr. Donahue supports what he sees in the project. One of the improvements that could be made is if there is a way to increase the buffer from the front of the building would be beneficial whether that being shaving a couple of feet off the building or shifting it down the hillside enough to compensate for that. He feels it would be well worth the applicant solving that problem. It appears a few of us would definitely appreciate that in accepting the project. The other is like Todd mentioned a better understanding of what the materials are and how they fit together. He thinks the materials information would like the project better and it would be easier to support.

Mr. Monteleone reiterated what he was trying to hint at earlier, he is comfortable with the height. 42' was not butting up to our 45' cap. He is comfortable with the proportion of the building's front façade given the break up of two structures that was originally produced. He is comfortable with the element on the rhythm of solids to voids and comfortable with the proportions. He thinks that we have seen the use of flat roofs in the vicinity. Guy's point earlier was well made that the façade materials we are talking about are in fact seen on other buildings that we are comfortable with and there is an aspect we can feel comfortable that the use of those materials here will be similarly appropriate. The points that come into question are some of the subsets of scale where it talks about where the Ordinance requires us to measure the mass and relationship to the building and the open space around it. Here that West Street frontage presents a challenge because the corner presents a challenge. He thinks the building as it stands is appropriate for that location even with the change in grade. If the Town Ordinance intended to have grade limit or otherwise change the cap of that 45' maximum that has been set, it would say that and it doesn't. He thinks it is unreasonable to impose some arbitrary standard or how to cap height particularly when we are talking about almost 10' less than what the cap would be. Feels the landscaping plan needs to have a more robust screening on the West Street side and the token sidewalk trees are insufficient. That is the only thing that can adequately put these buildings in harmony with the surroundings. He doesn't think it is appropriate to ask our community to wait 5 or 8 years until the trees can grow to be capable of that. He thinks a condition of approval should be for more tree plantings and larger tree plantings. Otherwise, he would be comfortable and would approve this proposal.

Ms. Berger wanted to make it clear on the record that when she looks at those two buildings, she finds them attractive and nice buildings to have in a small town. She thinks in proportion and in coordination with the rest of the surroundings is where she has problems. She has nothing against the buildings themselves. Mr. Monteleone added that he does not read the ordinance to require a harmony with the neighborhood. Those are not the words the ordinance uses. It requires harmony with the neighboring historic buildings so we are not measuring it based on harmony with what is current vacant space. If that was the standard, this lot would forever remain vacant. We are not comparing it with a single non-

historic house across the street as the sole basis. We are looking to the focal point in our community to compare it with. If you expand the view as the ordinance intends, he thinks it is not just a 100' view. It is more like a 1,000' view as we look for harmony within the community. Chair Blanchard feels Mr. Monteleone is getting at the visually compatible language that is in the ordinance and there is a definition we have in the ordinance for visually compatible and he read it into the public record.

Mr. Dube asked if they can address a few comments. He thanked the Board and noted this is a tough process. They can certainly look at tree sizes on West Street and make them 3 ½" caliper and can maximize that if we need to add a few more. They feel they can absolutely do that. They want to call attention to the trees around the pocket park so once you drive past the fire station and the empty lot, you will really be drawn to that and not necessarily the building. Going in between the two buildings and trying to put trees on each corner and the opposite corner, which essentially would be on the northwest corner, they didn't want to necessarily put in big trees in the sidewalk because sidewalks in the city are typically 8-10' and have tree wells and then you are able to access around them. We don't have that situation here unfortunately. The thing we are always fighting with these ordinances are the minimum setbacks. The trend is not to have the parking out front but the trend is to put the buildings out front and have the buildings beyond the street scape which is why you have the 5' in this particular ordinance with the parking out back. That is what we tried to do and bring that building to the front, have that building visible, have light and have the rock wall with low plantings so you can get light into the apartments so visually you can get it out with these big trees in front of these windows. He is not saying they couldn't pull the buildings back a bit but he is just trying to expand the intent of why we have trees on the corners in the center, on West Street and then on the pocket park side with low plantings that are not going to grow up in front of these windows with possible lack of light, possible mold or keeping moisture against the building or things like that. Hopefully that explains some of the decisions they have made specifically with the location of the buildings and the intent of the landscaping. Mr. Booth explained what they observed and studied the neighborhood. They saw the predominance of stone walls along the property lines but they didn't see many street trees on private property on Main Street. More discussion followed.

Mr. Reiche pointed out that Chair Blanchard is the only person that has voiced total agreement with the proposal but it does seem like there are a number of people that could be satisfied with some tweaks. He is opposed to the project but feels other people would be more comfortable if they could explore pushing the building back, if they could explore putting up more effective buffering with vegetation and with window details. He noted they could put \$250 windows or put \$2,500 windows in that would dramatically change the appearance of the building but we don't have that information. Those three gaps might make some people more comfortable. Ms. Hamlen felt that was nicely said by Ford and she agrees. Mr. Monteleone added that he may disagree with the suggestion of pushing the building back. It is hard to say until you see it but that is something that made construction in Falmouth look strange but he would echo what Ford addressed in his other two points.

Mr. Yankee agreed with Mr. Monteleone on that comment but thinks maybe if we could have a rendering of a little bit different landscape and disagreed with Ms. Hamlen. He likes the stone wall in the front but he understands what everybody else is saying about the landscaping. Mr. Monteleone wanted to clarify that the landscaping where he sees an issue and request for supplication is on West Street, not on Main Street. Ms. Hamlen pointed out that part of the Vision's goal is to make our streets leafier and she believes there is a crew working on tree plantings so we can make it a more comfortable place for people to walk. Chair Blanchard advised that the Vision Plan is not a standard to consider.

Mr. Booth wanted to address the street setback issue. While they are sad to lose two huge trees, they are planning to plant 12 so it will be a very lush and vegetated property. They can increase the size of the tree calipers but there is a lot there.

Chair Blanchard noted we need the Board to decide among ourselves if this is something we could get behind if we had more information or make a decision of yes or no. Ms. Pelletier pointed out that at some point the Board has to make a vote. If there are a couple of things missing that you need to be able to make that decision, then the Board can table it and they can come back with those things. At that point you talked about a lot of things but if you are asking for three specific things, when they come back the Board's conversation would be pretty specific to those items in fairness to the applicant. As an alternative the Board has the ability to make a motion and attach conditions of approval. They have to come up with a landscaping plan or whatever it might be. Mr. Reiche noted he is in favor of moving this forward but doesn't know how to approve it subject to something as significant as buffering. Ms. Pelletier advised that it is a decision the Board has to make. You have to take action. You have put on all sorts of conditions all the time and you craft them out that are appropriate for a project and your comfort level. By all means if you are not comfortable with that being a condition, you should not make it. Mr. Yankee advised that he could not because he wants to see the details. There is such a narrow margin of this being something that looks nice like the design is but depending upon the products and the mill work, and that sort of thing, he thinks it could go south because it will be so close to the street and so visual. For him, it is important to get that detail and it is his biggest concern right now. Ms. Berger noted that if she could hear some of the answers to some of these suggestions that might soften it, might screen it more with landscaping and do something that doesn't make it stick out like in your face when you are on that street looking at it. She is concerned with the front view as well as West Street. Her biggest problem is that it is just there and it doesn't feel compatible with the neighborhood because it is in your face. She would like to see calmed down a bit and she could move to the yes side but right now she is a no. If postponing this and getting more information helps the process, she is all for it. Ms. Hamlen noted that a lot of time, effort and money has gone into this on behalf of the applicant and the Board. She is not in a hurry to get it done now because there is a hole that she thinks could make a difference to people in the audience tonight thinking it is not so bad versus what were they thinking. She wants the people that are very nervous about this to get a greater degree of comfort that this thing is not going to stick out like a sore thumb but will be a great addition to the entrance to Freeport. She feels strongly and unfortunately the answer that we can't put anything along Main Street is counter to what her thinking was in terms of how it could be a nice attractive addition to town. She would like to take the time and make it a winner. Mr. Reiche pointed out that he has no idea what this building is going to look like when it is done because of the gaps that were left. The exterior trim, the extent to which will be PVC or sprayed or what have you, the window quality. He honestly does not know and a lot of comments were made about the need to economize yet be authentic. He does not understand the details of this and the details on this building as Lynn said, could be a great disappointment to the community if we don't drill down on them now. You could not possibly put this out to bid with this level of vagueness. If the applicant could complete his thinking on what it is he is going to build here and tell us, it would be much easier for people to be comfortable.

Mr. Yankee asked how the Board can table this and give them that direction in a motion? Chair Blanchard asked the applicant if he understands the concerns with the specific items that need clarification. Mr. Cowles noted he is hearing that the Board is looking for more cover to help scale the buildings and he will examine the relationship between street trees along Main Street. Potentially if they can fit 2 or 3 trees in there and create a rhythm there without encroaching too much on the building, it sounds like it would satisfy some but the Board would also like us to look at the trees along West Street.

They can upsize the trees and make the density a little closer but he is thinking about the people inside the building when we plant these big trees and they are going to be 50' tall in 15 years and they will shade those units and you will be introducing another problem. He is not pushing back but wants the Board to understand the ramifications of the trade-off. It is fairly common that with a 30' spacing with a street tree you will have a canopy in five years that is beautiful and starts to scale down that building in an appropriate way. If he adds 3 or 4 more trees, there will be a forest on that side of the street and it will look great for 3 or 4 years but you will be cutting them down in another 3 years. He thinks some proper guidance from the Board would be helpful. He will put in bigger trees and more trees if it is necessary but you need to think about what the quality of light is in the building and what does this do to that side of the building if we are adding many more trees. Mr. Reiche noted it is the south side of the building and it is flooded with light. He doesn't think shade is going to be as big a problem as that massive building that we are dealing with now. He thinks buffering would be to the applicant's advantage. Ms. Hamlen added that if she were living in that building facing south, with the headlights coming towards her up the hill, she would welcome the privacy a tree would provide. Mr. Yankee agreed and added as well as the noise and also that the leaves are not going to be on the trees for a good part of the year. Chair Blanchard asked if the pocket park has trees, but they are not showing up in the rendering. He was advised that three trees will be planted in that corner and another six along West Street. Mr. Cowles explained that that is a substantial amount of trees to provide a buffer along that street. If you start putting in more trees, you will be cutting down trees pretty quickly.

Ms. Berger noted her concern for light is for the apartments facing the center. They are not well lit like other parts of the building. She would rather not talk about how much light we will use because she thinks there is a limitation based on where some of these are situated already. Mr. Booth mentioned that architecture is not cheap and they are about one-third of the way through the design process which is very common. If they just limit to something that is more of a diagram that shows images and not sheets of details, it is something they can do affordably and provide the Board more comfort about the care they will provide the project for all its details and give reassurance that it will be part of the budget too.

Ms. Burger advised that it sounds like the Board is heading into doing a tabling. She feels the Board also needs to know if these will be condos or apartments. If they are condos, the Board will need more documentation for that.

Ms. Pelletier advised that the submission date for the next meeting is typically next week for a new application. Since they have already been here and you have it and are tabling it, we would give them extra time to get what the Board requested.

Mr. Cook pointed out that given approvals last a certain amount of time, he would prefer they all be consistent and tabled so they can come back at the next meeting or the meeting after and provide the Board what you have asked for. Mr. Reiche thanked him for his patience on this.

MOVED AND SECONDED: That the Board table the application from LWS Development LLC, Freeport Village Apartments at 22 Main Street for Site Plan Review, Subdivision review approval and Design Review approval until the additional information requested is provided. (Yankee & Berger) **ROLL CALL VOTE:** (7 Yes) (0 No)

Chair Blanchard pointed out it is past 9:30 so the Board will not be taking up any new items. However, we do need to go back to **ITEM 2**, Review of the Minutes from the November 16, 2022 and make a

motion.

MOVED AND SECONDED: To approve the Minutes from 11/16/22 as submitted. (Berger & Hamlen) **ROLL CALL VOTE:** (5 Yes) (2 Abstained: Donahue & Yankee) (0 No)

ITEM IV: Review of 2023 Meeting Schedule.

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

ITEM VI: Adjourn.

MOVED AND SECONDED: to adjourn at 10:33 p.m. (Yankee & Hamlen) **ROLL CALL VOTE:** (7 Yes) (0 No)

Recorded by Sharon Coffin