

**MINUTES
FREEPORT PROJECT REVIEW BOARD
WEDNESDAY, FEBRUARY 17, 2021
5:30 PM**

This meeting was held online/virtually using Zoom teleconferencing

PRESENT: Guy Blanchard, Chair, GERALYN Campanelli, Gordon Hamlin, Ford Reiche, Adam Troidl, Suzanne Watson, Tod Yankee and Caroline Pelletier, Town Planner

CALL TO ORDER: Following a Site Walk, Chair Blanchard called the meeting to order at 5:37 p.m.

ITEM I: Information Exchange

Ms. Pelletier pointed out that it is that time of the year and the Council is getting into the budget season which is also when they have Board and Committee workshops. This Board has the opportunity to have a workshop with the Council and they have availability next Tuesday, the 23rd and wondered if this Board has an interest in meeting. She suggested that the Board think about that and can talk about it later in the agenda.

The annual training for Board and Committee members is coming up at the end of March. It is geared primarily towards chairs and vice chairs but anyone can go, especially if you are new. It will cover Freedom of Access, legal proceedings and all of that. She will send the information out to the Board.

In March we have a couple of Board members ending their terms. They don't get to leave on March 1. They have to wait until the end of the month so we will have them for at least one more meeting. We do have some vacancies so if anyone is watching from the public and is interested, we are always accepting applications for all of our Boards and Committees including the Project Review Board. She urged them to visit the website or reach out to her at the Town Office so we can get an application to them, if anyone is interested in applying.

We have also been doing updates each month on what the Planning Board has been up to. They had two meetings this month. At the first meeting they made recommendations to the Council for new Solar regulations in Freeport. It would include adding new uses of solar energy generation systems, an accessory system, a small solar farm which could cover up to 2 acres and a large solar farm which could cover up to 30 acres. Last week the Planning Board talked about some changes to the Village Commercial Zone altering the land per dwelling unit requirement, permitting mixed use development and increasing building heights in certain areas.

Finally, the other thing we have going on, the Board should have gotten an e-mail from her and seen posters and stuff all around Town. The Town Council, the Town of Freeport with FEDC taking the lead, is working on a new plan for downtown Freeport Village. They have had The Principle Group from Massachusetts guiding the process. Right now, there is a lot of public outreach to hear what our residents and community members want and envision for downtown Freeport. They would love to hear what you like, what you don't like and what you want to see in the future so if you haven't already taken the survey, you can visit www.Freeportdowntownme. There is a survey and information on a Community Walk and then information on some community workshops they will have. She suggested that Board members check that out if they haven't already.

ITEM II: Review of the minutes from the January 20, 2021 Project Review Board meeting.

Chair Blanchard noted that Mr. Hamlin was not here for that meeting. Ms. Campanelli referred to Page 3, fifth line down, and explained that the word she intended to use was mitigation not litigation and requested that the correction be made.

MOVED AND SECONDED: To approve the Minutes of January 20, 2021 as amended.
(Watson & Campanelli) **ROLL CALL VOTE:** (6 Yes) (1 Recused-Hamlin) (0 Nays)

ITEM III: Reviews

Two Stonewood, LLC – Subdivision Amendment – Public Hearing

The applicant is seeking approval to amend the previously approved subdivision plan for the Stonewood Campus Subdivision on Lighthouse Road. The applicant proposes the consolidation of four of the existing lots (Lots 3, 4, 5, and 6) into one large lot. Zoning District: Commercial I (C-1). Tax Assessor Map 23, Lots 70B-3, 70B-4, 70B-5, and 70B- 6. Two Stonewood, LLC, applicant and owner; Kylie Mason, Sebago Technics, representative.

Mr. Reiche explained that he needed to recuse himself because he is an owner of the project and is the applicant. Mr. Hamlin noted that he needed to be recused because he recused himself the last time that Two Stonewood LLC was before the Board. Ms. Pelletier requested that both of them turn off their cameras, mute and become members of the public. She asked that they not leave because she wanted them to be available for the next item on the agenda. They can listen and after the motion is made, they can turn their cameras back on.

Ms. Pelletier explained that the Two Stonewood Subdivision is here for an amendment. This is a public hearing. Board members have been on the Board for a while so you have all seen it a couple of times. At the end of Stonewood Drive where there is the L.L. Bean Data Center and L.L. Bean Employment Office, there was a 7-Lot Subdivision previously approved back there. They are back today seeking to merge 4 of the lots previously shown as Lots 3, 4, 5 and 6 into one big lot so resulting at the end of the day, there will be 5 lots remaining which will be renumbered. By doing this, they can shorten the length of the road so there will be less public infrastructure improvements even though it would be private. They will still have the previously shown walking path, gravel area. Along the side of the road, there was a light pole so they will be putting that stuff in. Something else they agreed to do in the path was to give a pedestrian easement to the Freeport Conservation Trust to go over a trail to the abutting property. That has been shown on the plan and relocated and also relocating previously shown parking. She sent the Board a modified plan this afternoon. They added another arrow to more clearly designate that easement area because it did blend in with everything going on. They did affix a note to the 2 lots on the bottom just to show there was a shared access easement through Lots 3 and 4. The Board will note there is a turnaround but the access easement is just passed out of the turnaround area and they were trying to not go into that turnaround because as you know, they can't have an access or driveway off a turnaround so they positioned it a little further down. Otherwise, it is a Subdivision amendment and it has to come back to the Board because they have to have a plan for the Registry with your signatures on it. Again, this is a public hearing and Kylie Mason is here representing the applicant.

Ms. Mason pointed out that this is pretty straight forward and is just as Ms. Pelletier described it. There is an improved easement that wraps around the new larger lot. It actually goes behind the stormwater improvements and then tucks along that line for the existing Data Center so the Board can probably see it there. This whole thing is just removing a couple of lines to make one large saleable lot.

Mr. Troidl mentioned the trail easement and asked if the parking is in the back where it widens to 35 feet or is the parking somewhere else? Ms. Mason shared her screen and noted that the parking is located within the right-of-way on the shoulder. She pointed out where the area is reserved for 2 public trail parking spaces.

Ms. Campanelli asked if there is a reason why the easement goes from 15 feet to 35 feet? Ms. Mason explained that it was to give the Freeport Conservation Trust the flexibility to go top of bank or bottom of bank at their leisure as opposed to defining the trail. She shared her screen and explained that this is the stormwater bank, it gives them the choice in this area to go to the bottom of the bank or the top of the bank. It gives them flexibility. Ms. Campanelli asked if there is an easement on the Lighthouse Road? Ms. Mason showed where the access easement is to benefit Lots 3 and 4. It is a shared driveway access not a pedestrian access. She pointed out where the pedestrian access is located that picks up on the previously approved trail.

MOVED AND SECONDED: To open the Public Hearing. (Troidl & Campanelli) **ROLL CALL VOTE:**
(5 Yes) (0 Nays)

There were no public comments received.

MOVED AND SECONDED: To close the Public Hearing. (Troidl & Campanelli) **ROLL CALL VOTE:**
(5 Yes) (0 Nays)

Findings of Fact:

11.1 Pollution

A. State Standard

Pollution. The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

The entire parcel is in Flood Zone C – Area of Minimal Flooding based upon the most current FEMA Flood Insurance Rate Maps. The lots will be connected to the public water and public sewer system. A stream has been identified on the plan. Setbacks will be maintained with the exception of the trail for which an NRPA Permit has been obtained. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

A. State Standard

Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

The development will be connected to the public water system. A capacity letter from MaineWater (dated 9/26/18) was previously submitted. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

A. State Standard

Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

The development will be connected to the public water system. A capacity letter from MaineWater (dated 9/26/18) was previously submitted. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion.

A. State Standard

Erosion. The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

The applicant previously submitted stormwater management and erosion control plans. The Town Engineer previously reviewed and approved the plans for the stormwater improvements associated with the road. His comments were previously issued in a memo dated November 20, 2018. It is his recommendation that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, and to be recorded in the Cumberland County Registry of Deeds. This has been added as a proposed condition of approval. In addition, the parcel is subject to an existing Department of Environmental Protection Site Location of Development Permit. The permit was issued for the potential buildout of the entire development; treatment has been comprehensively designed for a pre-determined amount of impervious area on each lot. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

A. State Standards

Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

The existing road will be improved but will no longer need to be extended. Due to the number of parcels with access off of the road, a road name is required. The road name of "Lighthouse Road" has been reviewed and approved by the Town of Freeport's E-911 Addressing Officer.

A draft road maintenance agreement has been included in the submission. Submitting final legal documents to the Town of Freeport for review and approval has been added as a condition of approval.

Based upon information submitted by the applicant, this subdivision is not triggering the need for a Traffic Movement Permit from the Maine Department of Transportation .

Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

A. State Standards

Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

The parcels will be connected to the public sewer system. A capacity letter from the Freeport Sewer District (dated 10/09/18) was previously included with the submission. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

A. State Standard

Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

In accordance with the Freeport Solid Waste Disposal Ordinance, each lot owner will need to either contract with a private waste hauler or bring household waste to the landfill. Based upon this information, the Board finds that this standard has been met.

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline

A. State Standard

Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

A vernal pool study was conducted in April 2018 by Sebago Technics; no significant vernal pools have been identified on the site (see memorandum dated 07/05/18). The Maine Historic Preservation Commission did sign-off on the project (dated 09/19/18) and noted that no historic resources will be affected by the project. The applicant also obtained a letter from the Department of Inland Fisheries and Wildlife (dated 10/03/18) in there they state that there is no known critical habitat on the property. A letter from the Maine Department of Agriculture, Conservation and Forestry regarding the potential of any natural resources on the site was previously submitted (dated 10/03/18) and noted that there are no rare botanical features within the project area. Based upon this information, the Board finds that this standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

A. State Standard

Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

The parcel is located in the Commercial I (C-I) Zoning District. No open space is required. The plan complies with the space standards and open space requirements of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

A. State Standard

Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section.

The recording plat and submission was prepared by Sebago Technics. The recording plan was stamped by a land surveyor. A letter from Gorham Savings Bank (dated 10/31/18) noting financial capacity to complete the project was included in the submission. Since the length of the road will not be extended, the infrastructure costs have decreased significantly. Prior to any work beginning on the project, the applicant will need to establish a performance guarantee to cover the cost of all site work. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

A. State Standard

Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B¹, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

This parcel is not located within the watershed of a great pond or lake, nor is it within the Shoreland Zone. The locations of wetlands have been shown on the plan. NRPA Permits for wetland filling and proximity of work to the stream will be required. The applicant did receive approval from the DEP for a stream setback reduction to allow a portion of the setback on Lot 3 to be reduced from 100 feet down to 75 feet; this is reflected on the plan. An amendment to the existing Site Location of Development Permit from the Maine Department of Environmental Protection was previously issued. Based upon this information, the Board finds that this standard has been met.

11.12 Impact on Ground Water Quality or Quantity

A. State Standard

Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The parcels will be connected to the public water system and public sewer system. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

A. State Standard

Flood areas. Based on the Federal Emergency Management Agency’s Flood Boundary and Flood way Maps, Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

All of the land is in “Zone C” — areas of minimal flooding – on the FEMA Flood Insurance Rate Maps (FIRM). Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

A. State Standard

Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

The locations of wetlands have been shown on the plan. Wetlands were delineated by Mike Jakubowski of Sebago Technics, Inc (see memorandum dated 7/5/18). An NRPA Permit from the DEP will be required for some filling of wetlands. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A. State Standard

River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

The location of an un-named stream has been identified on the plan. An NRPA Permit from the DEP will be required for the proximity of some work to the stream. The applicant did receive approval from the DEP for a reduction in the setback to the stream to allow a portion of the setback on Lot 3 to be reduced

from 100 feet down to 75 feet; this is reflected on the plan. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

A. State Standard

Storm water. The proposed subdivision will provide for adequate storm water management.

The applicant did submit stormwater management and erosion control plans. The Town Engineer has reviewed and approved the plans for the stormwater improvements associated with the road. His comments are in a memo dated November 20, 2018. It is his recommendation that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, and to be recorded in the Cumberland County Registry of Deeds. This has been added as a proposed condition of approval. In addition, the parcel is subject to an existing Department of Environmental Protection Site Location of Development Permit and an amendment was previously obtained for the development. The amendment was for the potential buildout of the entire development; treatment has been comprehensively designed for a pre-determined amount of impervious area on each lot. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

A. State Standard

Spaghetti lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

No spaghetti lots are proposed with this development. Based upon this information, the Board finds that this standard has been met.

11.18 Phosphorus Impacts on Great Ponds

A. State Standard

Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

The development is not within the watershed of a great pond. Based upon this information, the Board finds that this standard has been met.

11.19 Impacts on Adjoining Municipalities

A. State Standard

Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

The development is entirely within the boundaries of the Town of Freeport and does not cross any municipal boundaries. 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 Subdivision Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision plan for Two Stonewood, LLC, for a subdivision amendment on Lighthouse Road, to merge previously approved lots 3, 4, 5 & 6 into one lot, with minor associated alterations to the plan, subdivision recording plan dated 2/11/2021 to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, including but not limited to clearing of the site, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in an amount of TBD, in a form acceptable to the Town Attorney. The performance guarantee, in accordance with Article 12.9 of the Freeport Subdivision Ordinance, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines etc. along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount of TBD, be paid.
 - C. Establish an inspection account, in the amount of TBD for inspection of the site improvements by the Town Engineer.
 - D. The developer have a pre-construction meeting with the Town Engineer.
 - E. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
 - F. Final legal documents be submitted to the Town for review and approval including association documents, road maintenance provisions and the draft easement language for public access to and over the proposed trail connection.
- 3) The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
- 4) Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
(Troidl & Watson) **ROLL CALL VOTE:** (5 Yes) (0 Nays)

Ms. Mason thanked the Board and added that it hadn't missed a beat.

Ms. Pelletier asked the Board if they could come in and sign the approved recording plan tomorrow between the hours of 11 a.m. to 6 p.m. Board members agreed. Ms. Pelletier noted she would leave the plans with Bonnie. She reminded them to stay socially distanced. She will e-mail the Board as soon as she has it so they can come by.

Dog House Energy Services – Site Plan Renewal

The applicant is seeking renewal of a previously approved (February 20, 2019) Site Plan for a new 2,800 s.f. building (to be used for office and warehouse/storage) and associated site improvements on an existing vacant parcel on 0 US Route One (North). No changes are proposed. Zoning District: Medium Density B (MD-B). Tax Assessor Map 18, Lot 59-1. John Scola, Dog House Energy, applicant; Dog House Properties, LLC., owner; Tom Saucier, P.E., Site Design Associates, representative.

Ms. Pelletier advised that this is a renewal for a Site Plan on U.S. Route One. Site Plans are good for two years and this one will expire this month. There has obviously been a lot going on in the world and the applicant has not had time to start this project. The Ordinance does allow an applicant to come back and get an extension of the approval if they do so prior to the expiration date which is why the applicant is here tonight. It is a straight approval. There are no changes proposed to the plan nor have there been changes to Ordinances affecting this project since it was originally approved two years ago but it was for a 2,800 sq. ft. two-story office but they were going to use as warehouse and storage for Dog House Energy. At the time it was previously approved, we did not spend a lot of time talking about the building, the landscaping, and provisions for the MDA and MBD Districts that were applicable on U.S. Route One North but otherwise it all remains unchanged. John Scola, the applicant is here tonight if the Board has questions about the project.

Mr. Yankee explained that he was not part of this discussion previously, does he need to recuse himself tonight? Ms. Pelletier explained why that would be the safest approach to take on it. Mr. Yankee recused himself and turned off his camera.

Mr. Scola explained that he is re-examining the whole process again. He is looking to build something over there in the near future and wanted to get re-engaged with the process.

Mr. Hamlin asked how long an extension would be granted for if the Board decides to do so? Ms. Pelletier explained that the approval would be valid for two years from today's date if it is granted. Mr. Hamlin suggested that if the Board grants the extension, that the date for expiration be added into the motion. Ms. Pelletier suggested adding Condition 5 saying: This approval is good for two years and will expire on 2/17 /2023 unless extended before it expires.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review grant an extension of the previously approved Site Plan approval for Dog House Energy Services on US Route One (Tax Assessor Map 18, Lot 59-1), for a new building and associated site improvements, to be substantially as proposed, site plan dated January 2019, revised through 2/14/19, finding that no municipal ordinances affecting the approvals have changed and therefore the application would still meet the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, or a building permit being applied for, the applicant do the following:
 - A. Plans be revised and reviewed and approved by the Town Engineer specifically addressing his comments included in a memo dated February 14, 2019.
 - B. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - C. The applicant obtain approval from the Maine Department of Environmental Protection for the NRPA Permit by Rule for the work in proximity to the stream.
 - D. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, to be reviewed and approved by the Town Engineer and in a form acceptable to the Town Attorney. The performance guarantee shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount to be determined by the Town Engineer, be paid.

- E. Establish an inspection account, in the amount of \$1,500, for inspection of the site improvements by the Town Engineer.
 - F. The developer have a pre-construction meeting with the Town Engineer.
 - G. At the time that a building permit is applied for, the applicant pay a Pavement Maintenance Impact fee to the Town of Freeport based upon the size of the proposed structures and the impact fees effective at such time (est.\$1,800.00)
4. Prior to starting work on the proposed entrance, the applicant's contractor obtain a valid contractor's license from the Freeport Department of Public Works Department.
 5. This approval and extension will expire on 2/17/2023 unless further action is taken by the applicant.
- (Troidl & Hamlin) **ROLL CALL VOTE:** (6 Yes) (0 Nays)

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

Mr. Reiche noted he did not participate in the first item but thanked the Board. He also thanked the Board for accommodating the signatures for tomorrow.

Chair Blanchard suggested discussing the workshop with the Town Council and that they have offered February 23. He wants to be sure we are talking to them about something specific and not just sitting there talking about what we do on a monthly basis. He asked Board members if they have anything specific we need to bring to the Council's attention?

Ms. Campanelli noted that the Board intended to work with them and the Planning Board regarding our workshop but it didn't happen. She feels it is unfortunate we never revisited all of those discussions. She is concerned with the vision plan that has come up which is going through FEDC instead of the Planning Department and we will end up with another Overlay District and a whole other set of building design guidelines because we never were able to have a conversation with the Council about how cumbersome our planning documents are presently. It isn't a lot of time to get together to come up with a discussion with them. It is unfortunate that we missed the window of opportunity with this vision plan coming because she doesn't think they are aware of the cumbersome planning documents that we waded through when projects fall within these certain districts. She is concerned with them coming up with another set of design guidelines in districts without looking at what is existing. She feels this needs to be discussed with the Council but doesn't think we can do a 15-minute dog and pony show by next week. Chair Blanchard feels that is the challenge and it is exactly something that needs to be workshopped. He asked Ms. Pelletier if we know what the process for this vision plan or what the ultimate product is going to be from this? Ms. Pelletier advised that right now they are working on Phase One which has been funded. It is an early action plan and hopefully provides the Town with some feedback on the immediate results it could take to revitalize the downtown area with regard to COVID and some of the stressors we were seeing. She doesn't believe we will see standards that adopt design guidelines or all that at this point. It will potentially be a larger project with Phase Two and Three. Right now, they are collecting data to get an early action plan and the Council and FEDC are heavily involved and she and the Town Manager have been participating in the meetings they have going on.

Ms. Pelletier noted that the typical workshop is only 15 minutes and there is really not a lot of time. They had another date in March that she can maybe get the Board on but it is an even longer agenda and it would still be 15 minutes. We could give them something in writing if the Board prefers to do that or we could meet at another time. It is hard to workshop with them during budget season but Ms. Campanelli made some valid points. This Board already has these concerns on its radar and it would be good to get them flagged while this vision is going on and while somebody is looking at the village. At this point they are just doing surveys and haven't had public workshops. They look at Design Review and the Overlay and the overlap and the A, B and C and we could streamline some of these things. As individuals, the Board could participate in the process. She

thinks the Board has options to get its information out there but she is not sure how you want to do it because these workshops right now are pretty limited in time.

Ms. Watson feels that clarification might be good. If what Ms. Pelletier is defining right now is more of an immediate impact, or opportunity to get a concern about the economic approach now as we move into a post virus environment, if that is the real purpose of this envisioning process and there is longer term thinking. For her, the question she asks of the consultants is how is this leading into a larger Comprehensive Plan? Comprehensive Plans take years and for a reason. Her thought is that we could at least put our concerns before the Town Council and say, how are we building into this larger vision? For her, that is way bigger than economic problems post pandemic. Ms. Pelletier advised that the Planning Board is going to be talking with the Council about the Comp Plan and how they would like to see it done with associated budget requests that come along doing the Comp Plan. While timing is tight, she would hate for the Board to not flag some of its concerns because she feels they are important. You see them in a different way than other people just because of the way you understand and use the ordinances. She can see the Board's concerns being addressed in the whole Comp Plan but then also in some of the vision work, especially if it goes beyond Phase One and we have a more complete vision plan for the downtown area.

Mr. Yankee pointed out that he is finishing up his first year and has not had the opportunity to participate in one of these workshops. It seems like this is an opportunity to present some flags even though they may be preliminary and summary flags, and by doing so, in the course of 15 minutes, there is also an opportunity for the Council to ask questions as well and have somewhat of a dialogue so that we can set a path forward on moving forward in conjunction with everything else that is going on.

Mr. Troidl mentioned he has been doing this for five years and we have done the updates and brought up some issues but there has not been a consultative approach by the Council or ongoing collaboration has occurred after those. We are giving our Board's update and not our personal opinions. He feels the Board had some valuable comments when he and Ms. Campanelli were on that combined committee that a year ago died out because of the pandemic. He is interested to see what this visioning is about and where it crosses between Comp Plan and economic development. In the commercial real estate world, there is a ton of liquid capital that will be invested somewhere. We obviously have zoning, Design Review and all of the ordinances we have on the books right now so anyone could come in and build anything they want. Is the vision plan to change uses, zoning and all of that or is this more of an immediate economic plan on how do we get dollars to flow into Freeport? He knows they are two different issues just looking for business to come and align with the local ordinances we have now versus changing things that would probably be the downtown core of town that should follow more of the Comprehensive Plan process because that seems to be the overall vision for Town. He is not really sure we are updating other than a year ago when we were having these discussions and the Planning Board should also be telling them the same thing but if we do that in 15 minutes and there is no circling back to that, he doesn't know how valuable that is.

Ms. Pelletier noted that another thing the Board never got to talk to them about due to the pandemic, was the historic inventory update and we have two beautiful boxes of materials sitting here on buildings that are contributing and non-contributing. Pre-pandemic we felt we were making progress with the Planning Board and the Project Review Board and FEDC working collaboratively when the Planning Board and FEDC talked about changes to the village, there was desire by both of those groups to get that group back up and running to look at what we have. She feels that is valuable but due to the pandemic, budget requests and the way the world was last year, we didn't put in a financial request to hire a consultant to help us with a rewrite for Overlay and Design Review but you haven't really talked to the Council about the issue of Design Review, what they think and what data the Board has. She thinks that is a valuable conversation no matter how it is used whether it just be us and the Planning Board going forward and making some recommendations for changes or whether it be part of a mid-range vision for the village and Comp Plan. She feels it is an important discussion on various levels that the

Board has not yet had. If you are going to have conversations like that, it would be good to know how the Council feels about it.

Ms. Campanelli mentioned that Ms. Pelletier is talking about Phase One on the vision plan, she knows it is a \$40,000 budget and asked if that is what she is considering Phase One? Ms. Pelletier's understanding is that it is Phase One. It is an immediate action plan coming out of it. She would be happy to have Mary Davis and one of the Councilors involved come and talk to the Board about the vision if that would be helpful. Ms. Campanelli noted it boggles her mind that \$40,000 is being spent and we are not sure what is coming from it when we have a Comp Plan and other things that need to be done and there is no connection to any of this. She doesn't feel that she is able to figure out how this works and how no one has seen this missed connection. Ms. Pelletier advised that it was really the Council and FEDC as well as the Town Manager that was involved early so, she can't give the Board all the background on the process and details. More recently she has been better connected in the public participation and engagement of where we are today on it. She is sorry she doesn't have all the background and details on the project.

Mr. Hamlin added that if we only have 15 minutes with the Council, it would be good to meet with them and talk about Design Review and the complication of doing some sort of an Overlay to encourage some other kind of development and how difficult it is to administer the process. He feels there are 3 things that are important. We need to be part of the process and how are we going to communicate that if we don't meet with them now rather than later? We don't have to have any specific recommendations but we can express our concerns on things they should be considering in this process. Ms. Watson added that a simple connect the dots might be a good message which is kind of where we are going with all of this. We are saying we are confused about where the longer-term vision process is taking us and again, making sure we are connecting dots.

Mr. Troidl felt that describing the impact on our purview and connecting those dots, as a resident of the Town and thinking about the legalities and liabilities of enacting some other plan and then going through a comprehensive planning process which then either does or doesn't take into account the thing that was just enacted kind of boggles the mind. He doesn't know how that really works and obviously might require someone to sue to ever make it an issue but it just seems to open a door to get out of a State-mandated process that the Town has to go through versus doing something else independently and no one is really sure what the reason is. Ms. Pelletier added that depending on how this downtown process goes, and how many phases they do depending on what they get out of it, they are thinking whatever the vision or recommendation for the village would be incorporated into the Town-wide Comprehensive Plan will hopefully be starting this spring in the early stages. She thinks that is what the vision of the group and the Council is that this will feed into that bigger plan with some of the groundwork for the village area already being done.

Ms. Pelletier clarified that she is hearing the Board wants to meet. She asked if the consensus is that the Board would need to get together again and decide what to talk about? Is the 23rd too soon? Chair Blanchard feels the 23rd is really quick. Ms. Pelletier agreed it does not give the Board a lot of time to get its thoughts together. If the Board feels it might not work, in the interim we can supply something in writing and we can see if we can get a later date to meet with them. Her concern is if we can't get in during budget season, the Board's concerns about Design Review and Overlay will be brought up. She thinks there are two concerns to be brought up earlier than the vision process if that is how the Board wants to flag them. She knows the Board wants to flag them in general but if you want to flag them for that too. She offered to find out if there is a date later than March 9TH?

Mr. Reiche asked if the Board only gets one opportunity to address the Council? Ms. Pelletier noted that it is her understanding that typically it is once per year for 15 minutes but historically, she did not believe the Board even met every year. Ms. Campanelli advised that all she knows is that all Boards and Committees are invited to meet with the Council once a year and it is for 15 minutes and it is usually to say how great you have done and all the things you have done and all the things you are planning to do for the next year. Committees are more

goal driven and Boards are based differently. Since she has been on the Board, she has never heard of the Project Review Board going before the Council doing this. She knows we intended to do it last year but the pandemic hit and it never happened. She finds it unfortunate that it is such a constrained schedule. Before she heard about the vision plan and because of her work on Active Living and Complete Streets, she sent an e-mail to all the Council members last year outlining her concerns about how we needed to meet with Council and the Council needed to understand all of the District issues, the Design guideline issues and she never heard from one Councilor so she is a little disheartened. She is probably not the calmest voice to go and speak before the Council. She feels the Board should meet with the Council and would hope it would be with calmer voices than hers. She does not understand any of the processes going on right now. She noted that Freeport has done this many times when it had reports come out but unfortunately, they have come from FEDC. One drove the Village District Overlay that has its own set of design guidelines. If you read the history of that, it is one that came from this kind of a process so she is concerned about that happening again. She feels it would be great for some calmer minds to go and speak before the Council and express concerns. If you can do it within a week, that would be great. If not, maybe in March.

Mr. Troidl recalled meeting with the Council once since he has been on the Board with just a basic update. He doesn't know if the Board had bigger issues to talk about that year. It looks like they are looking for a brief input so whether we do it in person or in writing, next week or in a couple of weeks, he doesn't know it will make a huge difference. He would view the Project Review Board and the Planning Board as resources of the Town and they would want a more collaborative arrangement to figure out these things and get a little more work done. Obviously, the decisions would be made by the Council because it is the way government works but that hasn't seemed to be the appetite. Our Board and what we want to flag for them are the concerns and then there are the many other concerns some of which he shares with Ms. Campanelli and others about what is really being developed here. We can write a lot of words down but if there is no action or no incentive or no plan behind that to encourage any of the development hoped for, it is not going to work and he personally thinks there is a lot of retail panic that is a little overblown and he thinks there are going to be a lot of things that could potentially happen but whatever the motivation, he can see wanting to do something sooner than the Comp Plan because unfortunately Comp Plans take a long time to do but they take a long time because they are getting as much input as possible and trying to be the most comprehensive plan that takes into account what the entire Town wants to do and how they want it developed. Ms. Watson noted that commercial development is becoming something of the past and she knows no one wants to hear that as a rule but she believes we will see a mixed development desire as we quickly become the next destination along 295 for residential development and more commercial development. We have an opportunity to diversify our base and she is concerned that if we continue going in the direction thinking we are a retail stop; it is not realistic anymore. She feels it is a huge missed opportunity not to think about more diversified development in this Town.

Ms. Pelletier feels she has a solution. First, this Board understands the ordinances really good and understand and love Freeport and so some of the ideas here are beyond the typical duties of the Project Review Board and she would definitely encourage the Board to share their thoughts and participate in the early stages of the downtown vision. Some of them are what she is hearing other community members say. The more ideas we get, the better early action steps we can get to get ahead of the changes we will see downtown. She advised that she was just on the phone with the Town Manager and he advised that the Board can ask to workshop with the Council at any time. If we want to invigorate the Working Group, she knows there is interest from FEDC and the Planning Board. We could try to have the Planning Board and Project Review Board workshop together with the Council so that might be a good option. Perhaps if the Board wants to meet and send a memo whether it is on the 23rd or the 9th and flag these things. Hey, pre-pandemic we did an inventory, we see concerns with the Overlay. These are some challenges with Design Review and want to reinvigorate the Working Group with the Planning Board and come back to you. That is one step and maybe we can just have a little meeting to get this on their radar which a couple of Board members suggested and then we get to work again and go back with the Planning Board and get a little more time. That is one approach the Board can take if it feels it will be helpful.

Mr. Reiche advised that this makes sense to him because it will bring legitimacy to the visioning process. The Council should be seeking out input from Boards that know so much about the weaknesses in the Zoning process and the strengths. If we reopened the Working Group with an angle toward the priority we have on the visioning process, it would be a good result. Mr. Yankee added that he thinks this is an opportunity to affect the process and he thinks that is what he is hearing from everybody here. Everybody wants to improve the process and so we end up with a better outcome across the board.

Chair Blanchard noted we are starting with a memo to the Council for maybe March 9. Ms. Pelletier clarified that if the Board wishes to send a memo, it can do it at any time. If the Board wants to meet with them, tell her the day and she will tell the Clerk which day the Board wants. Mr. Troidl mentioned that if the Board wants to get its collective opinions no matter who goes, whether it is the Chair or all of us together, he asked how the Board could collaborate beforehand? Ms. Pelletier noted if the Board wants to collaborate beforehand, it will need to have a meeting which we could do. We would have to notice it but we wouldn't have to notify abutters or anything like that.

Chair Blanchard feels the meeting with the Council would have to happen once we have been able to put something together and schedule a date outside of this two-date window. Ms. Pelletier agreed and offered to write a memo to the Council saying the Board will workshop with them at a later date. If Chair Blanchard wants to draft an e-mail and just say that the Board will workshop at a later date without getting into any detail.

Chair Blanchard feels that this will give us an opportunity as a group to come up with talking points that we want to make sure we hit. He asked if the Board wants to wait until the next meeting to continue this discussion and workshop it or if we want to schedule another time to meet outside of the meeting. Mr. Troidl suggested if we are going to wait until the next meeting, we can e-mail agenda topics ahead of time so we can have a list and move down it systematically.

Ms. Pelletier did not feel there will be a ton of stuff on the next agenda but we do have a couple of projects that are expiring that want to come in similarly to what the Board had tonight. She is confident the Board could put a discussion item on that agenda. Ms. Campanelli asked if the Board would be running too late into the vision plan? She doesn't want to miss that. Mr. Troidl advised that the surveys are wanted back by late March but the first workshop is scheduled on the 25th. He strongly requested that Ms. Pelletier suggest that they go over process at that meeting because he does not know what the process is or how many more meetings they are having or how long it is going to go.

Ms. Pelletier screen shared the schedule for the Board to see. Chair Blanchard feels the Board needs to move quickly if we want to get ahead of the vision process and at least get in the Council's ears at least with presenting our comments, concerns and what we deal with on a regular basis. If March 9th is the internal deadline for them but that deadline is different from the vision deadline, he is open to whatever. As far as like having a quick turnaround next week on the 23rd, he thinks his head might explode. He is happy to hand it off to someone else if that person wants to take the lead in doing a quick turnaround like that.

Mr. Reiche asked at this point if the Board is effectively addressing the Council or the consultants? Ms. Pelletier advised that the Board morphed into a couple of different topics at one time. The initial question is do you want to have your annual workshop with the Council? You tell them what you have been working on and think that you have flagged pertaining to concerns. Do you want to meet and talk about some of the challenges you have faced with projects or standards that have come before you this past year?

Mr. Troidl added that there is that piece and based on all those things as well as Ms. Watson's connect the dot approach, if you are going forward with this process that you have already initiated, depending on what

recommendations that come out of this, here are all things that that could affect that we see on a regular basis that hit us or the Planning Board at the same time and it is just a be aware, caution ahead kind of thing. The third topic we kind of morphed into that the mechanisms to put all of the things in place that could possibly come out of the process they are talking about if they are going to do it in three months, how much of a data-supported approach to developing anything would that be and then what is that? Is it zoning changes and a million things that that could be to try to enliven downtown?

Ms. Pelletier mentioned if the agenda is not huge on March 17th, would the Board like to have Mary Davis and whatever Councilors could come, give a brief summary on what they are doing and what the phases are. Right after, the Board could have a discussion of a pending workshop with the Town Council and see how the Board wants to pull its thoughts together and how you want to move forward. It sounds like we will just not be ready in the next two weeks. Mr. Reiche added that that sounds like a great idea. Others agreed. Ms. Pelletier feels then the Board would have better information and understanding the process. There will be meetings between now and then so we will hear some more information about the community is thinking. It might change your comments and you might feel like you could have different comments to really be effective quickly if that is what this phase of the plan is. Mr. Troidl feels the Board's input will be in there in advance of the report if it isn't until May. If there are things that we bring up that the consultant or the consultant hasn't thought about, then those could be incorporated in if they so wish.

Chair Blanchard asked if the Planning Board was specifically engaged to help out with the vision? Ms. Pelletier replied that no, they had a bunch of community members involved in the process and doing outreach. They asked Mary to come and give an update on the vision and FEDC was there talking about some changes in the village. The Planning Board found it helpful to understand and she is sure Mary would be willing to do that for this Board as well. This was a Council-led project and they reached out to the Planning Board as they are reaching out to other Boards and Committees. It is a Council project that FEDC is helping lead for them. They have been giving updates to the Council every two weeks and Councilor Whitney and Council Piltch are heavily involved in the project. It is not a Planning Board project. Ms. Campanelli feels it would be good if the Board could talk to the Council before the next step. Chair Blanchard feels it is disappointing that they didn't reach out to the Planning Board or to us for a vision for downtown because every month we have a project that affects the downtown area. Mr. Reiche added that if we can get a Councilor to come and address us in a meeting, it is our opportunity to start the process the way we think it should have been Ms. Campanelli feels a Councilor and Mary would be good. She thinks the Council needs to start paying attention to the Boards a bit and she will try to be calm.

Ms. Pelletier clarified that we are going to tell the Clerk we are not going to meet with the Council on the 23rd or the 9th. On the 17th we will have a regular agenda and if there are no projects, we will still meet. We will have somebody come, preferably FEDC and a Town Councilor to talk about the downtown vision so the Board can better understand Phase One, what Steps Two and Three might be and how the Board can be involved in the process. We will then have another agenda item regarding a possible upcoming workshop with the Town Council. Board members were asked to give her comments prior to that so she can put them in the packets. Ms. Campanelli did not feel it was a bad idea to collect ideas in writing. Ms. Pelletier asked that the comments be e-mailed directly to her by March 9 and she will put them in the packets so everybody will have time to read them. She feels this will be a good discussion to have before some of our members are done at the end of March so they will have a good history on it. Mr. Troidl added that the existing issues we will flag will remain the same and they will be some part of our concern with the vision process or our pleasant surprise that all those things were addressed. Ms. Watson feels it doesn't hurt to make sure our voice is at least in the mix. We do care about this and it is showing our interest in being part and parcel to the discussion. Ms. Pelletier mentioned that there would be an update on the vision at this week's Council meeting if Board members tune into Council meetings and want to hear more about it. She warned that if we have a really packed agenda and she has a bunch of stuff come in, she will call and beg for two meetings.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 6:56 p.m. (Hamlin & Troidl). **ROLL CALL VOTE:** (6 Ayes) (1
Recused-Reiche his battery died) (0 Nays)

Recorded by Sharon Coffin