

**MINUTES**  
**Freeport Project Review Board**  
**Freeport Town Hall Council Chambers - 30 Main Street**  
**Wednesday, February 21, 2024**  
**6:00 p.m.**

**Attending:** Linda Berger, Jason Donahue, Fred Madeira, James Monteleone, Chair Ford Reiche, Tod Yankee and Town Planner, Caroline Pelletier

**Excused:** Lynn Hamlen

Chair Reiche called the meeting to order at 6:09 p.m. and asked the Town Planner to provide the Information Exchange.

**ITEM I:** Information Exchange

1. Update on topics reviewed by the Planning Board

Ms. Pelletier advised that the Planning Board has started the initial stages of updating the Comprehensive Plan. The Town has engaged North Star Planning and they are starting to publicly review draft chapters. We just got the first three draft chapters, the inventory chapters required by the State of Maine. The Planning Board just saw the first draft and gave the consultants some feedback. They are making some changes and then we are going to go live with a new website launch for the Comprehensive Plan and the drafts will be up there. Before you know it, she will be spamming the Board regularly with more opportunities of things to read in your free time. Pretty much monthly, the Planning Board over the next couple of months, will be looking at multiple chapters. In March they will be looking at Transportation, Marine Resources and one other that she could not recall. One that is peaking a lot of interest is the Housing Chapter. The process is that Staff sees the draft. We circulate it to applicable Staff members. We give feedback and then it gets refined. We then have a version we share with the Planning Board. They do the same thing. They review it and give feedback, we put it online for people to look at it and at that point we will do specific outreach to neighbors. They think they will start a more robust public discussion process in early spring. That is the update on the Comp Plan.

The Council recently took action on adopting amendments to Zoning Ordinances that pertain to LD 2003 which is the State's rules for new housing opportunities in municipalities that resulted in changes to our ordinances. They adopted the recommendation stemming from the Central Core Working Group on amendments to Design Review that resulted in a significant shrinking of the current Design Review District and changes to the ordinance, some of which we will talk about later tonight as they come up. The third thing that just got adopted by the Council was Land Use Standards for cannabis cultivation, manufacturing and processing facilities. This is something that the Planning Board looked at all over 2022 but has been sitting there because it was waiting for licensing. Staff has e-mailed the Board to see if you would like to see new ordinance binders. The most up to date ordinances are on the web. There will be another new version up that either tomorrow or Monday. We would be happy to print them. If you haven't responded to Cecilia that you want them printed and you change your mind and you do, send her an e-mail and she will be happy to get them for you. We will be talking about a couple of them

tonight as we get into new applications. Applications depending on when they came in and the review process will be reviewed under the ordinances that were effective at that time. A lot of tonight's agenda items were tabled so they came in under the ordinances that we have been talking about for years. As we get further into the agenda, there is one item that came in under the new Design Review Ordinance so depending on the time, we will take a look at what those tweets are before diving into that discussion.

2. Update on the Downtown Vision Task Force Implementation Group

The Downtown Vision Task Force has been silent. She believes that at one of the next two Council meetings there will be an update on the Downtown Vision Implementation. There are a lot of different things happening from a land use perspective. We have been making changes with Design Review. We are about to release a Design Review overhauler P. We are working with GPCOG. We got a grant to hire an outside source to do a parking analysis of downtown parking to help us look at the parking situation, the requirements, the surplus to figure out what the tipping point is if we purpose some of these lots to bring in more housing, how much capacity do we really have and at what point, do we really have a shortage? A component of that will also look at on-street parking. Those are a couple of projects going on to the Downtown Vision Charters that we have been talking about now for the past year.

3. Update on the Town of Freeport Climate Action Plan

Ms. Pelletier noted that since there is not enough going on, we are in the last stages of the Town of Freeport's Climate Action Plan so Meddy Smith, our Sustainability Coordinator has been working with Freeport's Sustainability Advisory Board on that. They had a meeting a week and a half ago and looked at the draft actions coming out of that draft plan. A lot of them are more policy decisions so they are not necessarily things that will come to you for initial implementation but if we change the Land Use Standards to become a more sustainable community, you will see them. Next Monday they will have a whole roll out of the plan and a presentation. It will be available on-line. There are copies here for public feedback. If you haven't seen the plan, again it is on-line. We would be happy to e-mail it or give people paper copies if you want to look at it and provide feedback as we move forward.

4. Update on the Freeport Comprehensive Plan—we already talked about the Comp Plan.

5. Update on recent ordinance amendments approved by the Town Council – we already talked about the amendments.

Ms. Pelletier wanted to give the Board a head's up on projects for March that are due next week and we are already up to eight. She suggested the Board rest up. If they keep coming in, she might reach out to you for a second meeting if it is warranted.

**ITEM II:** Review of the minutes from the January 17, 2024 Project Review Board meeting.

Chair Reiche asked if there are any comments or additions? There were none provided.

**MOVED AND SECONDED:** To accept the minutes from the January 17, 2024 meeting as presented.  
(Berger & Yankee) **VOTE:** (6 Yes) (1 Excused: Hamlen) (0 No)

**ITEM III:** Tabled Items

**Depot Square – Multiple Family Dwelling – Extension Request**

The applicant is returning to the Board to request an extension of the timing between the Conceptual Review process being deemed complete and returning for final approval. This is just an extension request, and no changes to the Plan will be discussed at this meeting. *Note: The proposal is for a replacement structure at 15 Depot Street. A three-story multiple-family dwelling with eight residential units is proposed in a 2,144 square foot footprint structure. Access to the site will remain from Depot Street and no new road is proposed. No open space is required. Design Review, Site Plan Review and Subdivision Review are required. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class C. Tax Assessor Map 10, Lot 24-2 (15 Depot Street). Charter Maine Properties, LLC; applicant and owner; Dominic Petrillo, representative.*

Ms. Pelletier did not see Dominic Petrillo here and the applicant is supposed to be present for the Board to take an application up if you have questions. In this case, she feels it is pretty straight forward if the Board wants to talk about it but if the Board doesn't, that is fine too. Chair Reiche suggested that Ms. Pelletier provide some background. She mentioned it was about a year ago that we had an application come forward for a small multi-family housing project on Depot Street. It is where the current Petrillo building sits. The Board may remember that the building had a fire and they were proposing to demolish it and put up an eight-unit multi family. They came and the Board granted conceptual and said let's have a site walk before they come back. We did that but it is taking them longer to get plans and engineering done. The Board might remember the site is pretty small and it is pretty limited for where it can go. It is mostly a parking lot and it is not like they are removing a lot of vegetation so in this case, she doesn't feel they have a lot of options. Interestingly enough, when we were reviewing the ordinance for a major subdivision, you go conceptual, preliminary, final and it acknowledges that you need to come back within six months between preliminary and final. If you can't, the Board will grant an extension. When she talked with the applicant, they indicated they still want to do the project. They are trying to get plans done and, of course, that is an additional expense. They looked at this and for a minor subdivision, you go conceptual to final and it says if you resubmit for final beyond six months, the Board can make you go back to concept. It doesn't require that action but since it has been a year before the applicant goes out and puts money into all the engineering and all the drawings, they are looking for an indication from the Board that do you think they are okay to continue on or do you feel they need to come back with conceptual plans even from a Staff perspective due to the nature of the site and the project and the Board is still here and standards have not changed for subdivision or density that would limit that project today? She doesn't have a problem with it. The only thing she would suggest which is in the draft motion here, is that if you do that, you state that they come back within six months or whatever timing is good with the Board because as it goes on and on, Board members could change, we could forget and standards can change. She wouldn't want the Board to leave it open ended and Boards do change.

Chair Reiche advised that the motion is for a six-month extension and the applicant says he can have everything within two or three months so it sounds like it works. He called for a motion.

Mr. Yankee pointed out that there is a building there now with extensive fire damage, is this related to the need to tear that building down or are these two independents? Ms. Pelletier could not talk about that. When she talked with the applicant, they were focused on the application before the Board. She does not know the status of the building. It is not marked condemned or a safety hazard at this point. Mr. Monteleone asked if the time line with which an extension is required already passed? Ms. Pelletier advised that for this it is weird because it doesn't give you a concrete window that you have to grant an extension. It just leaves it really vague like you can come back, but if it is beyond six months, we might send you back to concept. Because it has been a year, she is bringing this back to the Board to get an indication from the Board that he is okay to proceed with the engineering and drawings before he comes back. Otherwise, the Board is just winging it. It is definitely flagged as something when we are cleaning up the ordinance, we should address it and be more

concrete on in fairness to all parties she thinks. Chair Reiche added that he doesn't think it is officially expired because of the gap in the wording of our ordinance. Ms. Pelletier added that for minor, there is a gap in the ordinance but for major, it would be a clear expiration which the Board has always looked at on a case-by-case basis. Mr. Monteleone mentioned that without having a formal expiration, we are okay to act on it as a traditional extension. Ms. Pelletier agreed and noted that in this case, she is looking at it as a fairness thing to the applicant and the Board because we are already a year out.

**MOVED AND SECONDED:** that the Freeport Project Review Board determines that at this time Charter Maine Properties, applicant for the proposed Depot Square – 8-unit Multiple Family Dwelling (Tax Assessor Map 10, Lot 24-2 -15 Depot Street) will not need to resubmit the inventory and analysis plan to the Board to allow for additional time for the applicant to file for final subdivision plan review, in that the site walk has been held and the applicant continues to work toward satisfying the submission requirements of the Freeport Subdivision Ordinance for a minor subdivision, with the condition that the applicant return to the Board within six months of this action.

Mr. Yankee asked if Board members change, would it be fair to discuss requiring another site walk? Chair Reiche feels it would be appropriate to discuss that at the time. Ms. Pelletier mentioned that there are two members that their terms are up at the end of March. They could be termed out or have the option for reappointment but otherwise, there would be five members that would be consistent over the next year.

(Madeira & Yankee) **VOTE:** (6 Yes) (1 Excused: Hamlen) (0 No)

### **30 Morse Street – Design Review Certificate and Site Plan Review**

The applicant is seeking approval of a Design Review Certificate and Site Plan Review for a new mixed-use development (residential and office) at 30 Morse Street. The lot is approximately 50 feet each in length and width. The structure will be two stories with approximately 1,330 square footage of space (plus garage). The Zoning Board of Appeals previously approved a reduction in setbacks to allow a replacement structure to be constructed on the property. There is already an existing foundation on the site. Zoning District: Village Commercial 1 (VC-1); Design Review District 1 - Class C. Tax Assessor Map 11, Lot 54 (30 Morse Street). Christian Stevens and Amanda Gale, owners and applicants.

Ms. Pelletier explained that the applicants were here twice before in the past. They purchased a small property with an existing foundation in the VC-I. It used to be a very modest single-family home but through various things it lost its non-conforming status. They want to reside here and have a small business so they are coming forth with a mixed-use development. A mixed-use development is a structure with a commercial and residential use. It doesn't get into sizes or square footages and all those details. It is one permitted use in a zone with at least one residential unit in the building. This is a very complicated site. It is a 50' x 50' lot and is surrounded by a lot of parking lots. It is the last parcel in the VC-I and in the Design Review District. When we did the site walk between this parcel going towards Main Street and Design Review with Morse Street School across the street and anything past this house are all outside of Design Review and all in a different zone. We have had a lot of conversations about this building. They have two factors in consideration. A previous decision was granted by the Board of Appeals many years ago to reduce setbacks and because it is in the VC-I, they can have further reduction and certain setbacks if they build to non-combustible construction. So, that means that the actual walls of the building are non-combustible and they would have a variety of materials they could use on the outside but they still need to meet that non-combustible strategy. When they looked at this, it is a small site and they are trying to fit stuff on it. With regards to the building design, the Board had given feedback to the applicant about the building height and so they made changes to the building in the way they are constructing it and constructing the base of the first level. They believe they dropped it about 6 inches so the highest point is

only 22 ½ feet. They have also adjusted trim and added a fascia board at the top. In past conversations, Jason made comments about the roof line and changes they could do there. They incorporated that and also provided the Board with two different color renderings that they would be willing to consider whatever the Board feels would more adequately meet the standards of the Design Review Ordinance. Clearly, when they came in, they felt it met Design Review but there were some differences of opinion and the Board gave them more feedback. They have made further adjustments and also done some things to break up the façade of the building. Again, this is a 50' x 50' site. With regards to site features, it remains a complicated little lot. They meet the impervious area requirement. For parking, they need 2.49 parking spaces. They can fit one space in the garage which the Ordinance says they can count. They showed two additional parking spaces but they were not entirely located on private parking which offsite needs to be. They were not able to confirm otherwise. Because they are in VC-I, they would have the ability to meet the parking requirement in leased parking. She thinks they have two options. They could take another look at the site if they find a way to add a parking space that meets the dimensional requirements, they could come back for a Site Plan Amendment or they could lease parking just like any other commercial user. Because they have that option, she is not concerned about the parking. We make that contingent before they get their CMO just like we do for commercial spaces. The VC-I does have some requirements for the front setback, landscaping, benches, planters. In this case, other than the driveway which is already there, they will repave it. They are proposing grass in the front setback. Because they are on a zone line, there is a buffer requirement on the west side between this property which is a commercial property and the abutting residential property. It is a unique situation that the abutting residential driveway encroaches onto this property so there is already no vegetation there because that driveway is over the line. That itself is a private property matter between the two of them. The Board is not approving that encroachment staying there. You are approving their site plan at this point. To her knowledge, they are not going to make the neighbor go out and rip up the driveway but they are also not proposing doing any additional buffering. There is limited vegetation there and they are proposing to retain it. Otherwise, she does not have any outstanding items. She just wanted to flag the last two things to make sure they are okay with the Board.

Chair Reiche mentioned the inability to meet the 2.49 parking spaces and asked if it is to be a condition of the order if the Board approves this? Ms. Pelletier felt there was a draft condition provided but they would have the ability to lease parking spaces through the pool which the Town oversees. At this point she feels they have looked pretty hard at the site to maximize what they can fit in there.

Chair Reiche advised that the applicants have processed all of the Board's suggestions and explained their responses in their most recent submission. He thanked them for that. Mr. Stevens explained how they made the roof a flat roof and redesigned the windows. It is still a pretty modern design. Mr. Monteleone asked how the 2.49 parking spaces were calculated for this property? Ms. Pelletier explained that we look at the residential portion which is a single-family that requires two parking spaces and then for the office we look at the Shared Parking Table in Section 514. She thinks it is one per 300 so it is the math of the size of the office based upon the one per whatever square feet comes out to the .49. In Freeport we calculate parking to the first decimal so if they have the one garage space on site and they are leasing, they would actually enter into a lease for 1.5 parking spaces. She explained the leased parking pool that exists in Freeport. Mr. Monteleone asked if they have to lease to the decimal? Ms. Pelletier noted that they do to the tenth decimal. The Board does not have any flexibility to waive that requirement?

Chair Reiche could not recall why the applicants have a light shaft in the middle of their building and asked if it was because of an aesthetic or because of a zoning requirement? Mr. Stevens advised that it is more of an aesthetic but the roof shape was dictated by zoning and is the reason it is a flat roof. Ms. Gale explained that there is not a lot of yard space and having a little balcony that is private and on the inside feels nice. Ms. Pelletier pointed out that they are using the foundation that is on the site that was capped sometime ago.

Chair Reiche noted this is not a public hearing but the Board always welcomes public comments. Does anyone wish to speak or offer comments about this? No public comments were provided but Mr. Yankee added that when the Board is going through the Comprehensive Plan, this should be reviewed. The applicants have certainly listened to us and he appreciates that. He thanked the applicants for that. Having spent some time in the West End of Portland and seeing that neighborhood lose its way from a design element, he hopes that through our Comprehensive Plan process we will be encouraging less modern-like structures in our downtown area and in other parts of Freeport as well so they are more consistent with the surroundings. He knows this was a very challenging site but there are some places we need to respect the surroundings.

**Proposed Findings of Fact:** This project requires a Design Review Certificate and Site Plan approval for the Mixed-Use Development. A draft version of proposed findings for each standard 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 height has been reduced since the original submission. The finished height measured from finished grade will be 22'5" at the highest point. The building will be relatively small in size, fitting on a 50'x50' lot and building features such as doors and windows have been sized to meet code, but also fit with the overall scale of the building. 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 applicant has redesigned the roofline of the building to lower the overall height, resulting in a ground to top of roof height of 22'5" at its highest point. The other abutting properties that are in the Design Review District contain parking lots and do not have structures. The building height will be similar of that of other nearby residential structures, however lower than the height of nearby commercial buildings. 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 new mixed use development will be located on a 50'x50' lot. The garage will be set back from the remainder of the house. The front façade will be broken-up with an opening in the middle which will lead to a door to the residential space which will be set back from the remainder of the building façade. 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 be broken up through the use of a garage door, recessed entry to the residential portion of the building and windows which will be placed symmetrically. In the center of the second story, will be two large solid glass windows similar to those used on other commercial properties. 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 mostly small size of the windows and standard size doors have been designed to be appropriate for the small size of the building and will all be rectangular in shape. In the center of the second story, will be two large solid glass windows similar to those used on other commercial properties. Based upon this information, the Board finds that this standard has been met.*

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

*The roof shape will appear almost flat from but will pitch slightly down towards the front. There will be an opening in the center over the entrance to the residential property. 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.

*Building materials can be summarized as follows: fiber cement siding, aluminum frame windows (solid glass, no divides), aluminum door (full glass, no panes), metal sectional garage door as shown, standing seam metal roof, and fiber cement fascia at roofline. Many of these materials are used by other nearby commercial and residential properties. 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.

*The Zoning Board of Appeals previously approved a reduction in setbacks to allow a replacement structure to be constructed on the property. There is already an existing foundation on the site. To maximize setback allowances beyond what was granted beyond the Board of Appeals, the applicant is proposing a structure of non-combustible materials and a roof pitch, both of which will allow for reduced setbacks in accordance with the requirements for the Village Commercial I (VC-I) Zoning District. The driveway will remain in its current location. The calculations for impervious coverage demonstrate that the applicant complies with the requirements of the Ordinance. Based upon this information, the Board finds that this standard has been met.*

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

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

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

**Proposed 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 site was previously developed with a structure, but now remains with an existing foundation, driveway and limited vegetation. The lot is 50'x50' and the applicant is presented a building to be used as a mixed use development. The Zoning Board of Appeals previously approved a reduction in setbacks to allow a replacement structure to be constructed on the property. To maximize setback allowances beyond what was granted beyond the Board of Appeals, the applicant is proposing a structure of non-combustible materials and a roof pitch, both of which will allow for reduced setbacks in accordance with the requirements for the Village Commercial I (VC-I) Zoning District. 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 site was previously developed with a structure, but now remains with an existing foundation, driveway and limited vegetation. The lot is 50'x50' and the applicant is presenting a building to be used as a mixed use development. The Zoning Board of Appeals previously approved a reduction in setbacks to allow a replacement structure to be constructed on the property. To maximize setback allowances beyond what was granted beyond the Board of Appeals, the applicant is proposing a structure of non-combustible materials and a roof pitch, both of which will allow for reduced setbacks in accordance with the requirements for the Village Commercial I (VC-I) Zoning District. The building will be Class C in Design Review District I and a Design Review Certificate is required. Based upon this information, the Board finds that this standard has been met.*

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

*Access to the site will be from an existing driveway on Morse Street and for which the applicant is proposed to pave. The applicant will also need to obtain a Driveway Entrance Permit for the change of use of the driveway from a residential to commercial use. 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.

*Based upon the parking requirements of Section 514 of the Zoning Ordinance and the proposed use, the required parking will be 2.49 parking spaces. One of these spaces will be provided with the garage. The applicant shows two other proposed parking spaces, but they do not appear to be located entirely on private property and as placed, do not appear to comply with the dimensional requirements of Section 514 of the Zoning Ordinance; this is something that will either need to be resolved, or since this is a commercial property in the Village Commercial I District, the applicant will have the ability to meet the parking requirement through the shared parking program. 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.

*A stormwater management report and plan were included in the original submission. No changes are proposed and the Town Engineer has reviewed and approved the plans (see email dated 02/13/24). Since the stormwater plans include a connection in the public right-of-way, the applicant will be required to obtain a Highway Opening Permit from the Freeport Public Works prior to any work in the right-of-way; this has been added as a proposed condition of approval. In an email dated 02/15/24, Earl Gibson, Superintendent of Public Works, notes that an easement from the Town of Freeport will be required for the connection and crossing of the proposed storm drainage utility in the public right-of-way; this has been added as a condition of approval. 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 applicant will still need to submit capacity letters from MaineWater Company and the Freeport Sewer District for the new mixed-use building; this has been added as a proposed condition of approval. Solid waste will be stored inside the building; the applicant is aware that commercial users are required to contract with a private waste hauler and sort cardboard from other waste in accordance with the Town of Freeport's Solid Waste Disposal Ordinance. 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 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.

*There are no special features associated with this project. Based upon this information, the Board finds that this standard has been met.*

**i. Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public

ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

*The applicant has submitted a plan to show the location of full cut-off building mounted lighting fixtures. 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.

*No vegetation is proposed to be removed. Exposed areas of the site will be loamed and seeded as the end of the project and no other vegetation is proposed. 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 will be connected to the public water and the public sewer 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:** that the Freeport Project Review Board approve a Design Review Certificate and Site Plan Approval for Christian Stevens and Amanda Gale for a building to be used as a mixed use development (residential and office), at 30 Morse Street (Tax Assessor Map 11, Lot 54), to be built substantially as proposed, most recent site plan dated 1/31/24, finding that it meets the standards of the Freeport Design Review Ordinance and Section 602 of the Freeport Zoning Ordinance, with the following conditions of approval:

1. This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
2. Prior to the start of any sitework for the project, the applicant do the following:
  - a) Obtain approval of an easement from the Freeport Town Council for the stormwater drainage pipe to be allowed to be located in the public right-of-way.
  - b) Obtain approval of a Street Opening Permit from the Freeport Department of Public Works for any work in the public right-of-way.
  - c) Obtain approval for a Driveway Entrance Permit from the Freeport Public Works for the change of use of the driveway to serve the mixed-use development.
3. Prior to applying for any permits from the Codes Enforcement Officer, the applicant submit copies of capacity to serve letters from MaineWater Company and the Freeport Sewer District for the change of use to mixed-use development.
4. Prior to a certificate of occupancy being issued for the building, the applicant submit documentation that the parking requirement for the project has been met. (Berger & Donahue) **VOTE:** (6 Yes) (1 Recused: Hamlen) (0 Nos)

**Whitetail Drive Subdivision – 1473 US Route One (North)**

The applicant is seeking approval of the Final Subdivision plans for the Whitetail Drive Subdivision, a four-lot (8 units in four duplexes) open space subdivision. There is an existing driveway on the property which will be expanded and upgraded to a subdivision road. Approximately 137,825 square feet of open space is proposed. Zoning District: Medium Density A (MDA). Tax Assessor Map 18, Lots 17 & 17-2 (1473 US Route One & 0 US Route One). William Davenport and Todd Harrison, applicants; Todd and Michelle Harrison (Lot 17) & William Davenport (Lot 17-2), owners; Adrienne Fine, Terradyn Consultants, representative.

Chair Reiche explained that this is here for final subdivision approval. It is a four-lot subdivision with eight dwelling units on an 8-acre parcel. At conditional approval we resolved that the utilities could stay above ground as far as they exist. Ms. Pelletier advised that like with most applications between preliminary and final, they are wrapping up a lot of the engineering. They worked with the Town Engineer on the road design entrance and storm water management. He did issue a memo signing off on the components of the project. They did make some changes to the recording plat. Standard notes are on there. The notes were tweaked a bit but to reflect the requirements of the ordinances. There is an existing duplex so any houses built after the approval if it is granted, would have to be sprinkled and also the utilities would have to be underground. The Board did have a last-minute e-mail from the Town Attorney. They did do a final sign-off on the legal documents. They do have a

few minor modifications which the applicants agreed to so that has been added as a standard condition of approval. They worked with DEP and Army Corps to do all the after-the-fact permitting because again, they did not intend to do a subdivision. They have an after-the-fact permit for the vernal pool and the wetland impacts for the culvert installation. Staff doesn't really have any outstanding items with this application. Standard conditions here would be a letter of credit which they submitted a cost estimate and the Town Engineer approved, inspection account in the amount of \$2,000 for inspection of site improvements by the Town Engineer, applicable impact fees, stormwater maintenance and submitting a final copy of the legal documents. She doesn't have anything outstanding with this application if the Board decides to take action on this tonight. If you don't change any of the proposed conditions, you do have some paper plans that you would sign at the end of the meeting.

Adrienne Fine from Terradyn Consultants mentioned that Ms. Pelletier provided a fine overview of what happened since they were here in October. Tonight, they are here for final. This is the same plan that we were looking at in October in terms of site layout. It has not changed. They have worked with the Town Engineer since they were last here. She wanted to provide comments on stormwater and some technical design items, one of which is the driveway. It is called a Driveway Entrance Permit with DOT which they had but they ended up going back and getting it updated. The Board had some concerns about it and the Engineer wanted to make sure DOT was still okay with it so they worked with them and have a new permit that represents exactly what is going on here now that it is going to be four lots which is a bit different than when they first got a permit. That is the biggest change and then just making sure that the grading right at the entrance where the road hits Route One is exactly how DOT wanted it to be so they made those tweaks to the plan. Most of the other items they worked on with the Town Engineer were minor detail technical items to make sure all the details were in the plan set. As Caroline mentioned, the subdivision plan has all the conditions on it including the one about the wells and the water. That was also pointed out at the last meeting to make sure it was in writing on the documents. They provided the financial capacity letters with the amount provided to the Town Engineer from the estimates they prepared. Other than that, she offered to answer questions.

Ms. Pelletier mentioned the only thing she would add, in case the Board reads the motion, there is a last proposed condition tacked on there that says plantings will be installed per the approved plan set. The plan set has some plantings that they need to do for revegetation per DEP permitting but you might remember early on, you can faintly see between Buildings 2 and 3 there are a couple of trees along the back property line that the applicants had agreed to plant in an area that the clearing went over and so that is included in the planting plan. She put that condition on the recording plat. There is significant tree buffer on the other side but they were proposing a couple of plants in there. That was from an earlier conversation.

Chair Reiche asked if there are any questions from the Board? Ms. Berger asked if the sheet that was put in front of us tonight is the sheet that is the recorded signed sheet? Ms. Pelletier explained that this was e-mailed to the Board because the recording plat has to be legally stamped by the surveyor so you will see that and then they have to show all the corner pins. They were missing a couple of pins so they have been added and they worked with Adrienne and the applicants to put the proposed conditions that needed to be on the plan in notes. She thinks they added one note and added the surveyor's stamp and then added the pins. Otherwise, nothing else has changed. Ms. Berger pointed out that there are no house locations. Ms. Pelletier advised that the recording plan is very limited as to what is supposed to be on it for the requirements of the ordinance. With the current Codes Officer, they stopped putting building envelopes on here because we found that a lot of times, they found they were not being drawn on there correctly. If they are on the plan, we can only permit what is on the plan even if it is stricter so we had a lot of applications coming in where they had to build in this envelope that was not done correctly and actually was more restrictive so we have gone to the strategy of putting setbacks on there so when they come in, they can determine where that is. It is not always the case. In some cases,

developers like to put restrictions that you can't clear beyond a certain area so in those cases you would see a plan coming in with a building envelope and that is what we stuck to and that is why you don't see it here. Ms. Berger asked about a circular line around where the septic and wells. Ms. Pelletier advised that that is the well exclusion zone and their wells will be outside of there and they are well aware of that. For the open-spaced subdivisions, they have smaller lots, smaller setbacks. Everything is clustered and you have open space around them and we can't require more than the ordinance does unless it is in the case of a vernal pool setback or something like that.

Chair Reiche advised that the Board has already had a public hearing at a prior meeting but would welcome comments or questions from the public if there are any. No public comments were provided.

**Proposed Findings of Fact:** This project requires subdivision approval. A draft version of proposed findings for each standard 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:

## **Findings of Fact – Freeport Subdivision Ordinance:**

### **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 floodplains;
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.

*No floodplains have been identified on the recording plat. The applicant completed an inventory and analysis for the site, and wetlands have been incorporated into the open space to the greatest extent possible. The location of passing test pits have been shown on the recording plan. 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.

*Each lot will have a private well. Per the requirements of the Freeport Subdivision Ordinance, within one (1) year of the date of purchase, each lot owner shall be guaranteed by the subdivider access to a supply of potable water of at least three hundred and fifty (350) gallons/day, or the purchase price shall be refunded. 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.

*No connections to the public water supply are proposed. 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.

*Erosion and sedimentation control plans were included in the submission, and have been reviewed and approved by the Town Engineer. His comments were included in a memo date 02/14/24. 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.

*There is an existing driveway on the property which will be expanded and upgraded to a subdivision road, about 656 feet in total length. Driveway plans have been reviewed and approved by the Town Engineer for compliance with the requirements of Article 11.5 of the Freeport Subdivision Ordinance (see memo from the Town Engineer dated 02/14/24). The Board granted a waiver (on 10/18/23) of Article 11.5.C.2.E.2 of the Freeport Subdivision Ordinance to allow access facing a separation of less than 100' from other residential access points and roads that are existing and permits from the Maine Department of Transportation have been issued. As required, a note indicating such as been added to the plan. 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.

*Each lot will have a private septic system and the location of passing test pits have been shown on the recording plan. 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.

*Each unit owner will be responsible for the disposal of solid waste in accordance with the requirements of the Freeport Solid Waste Disposal Ordinance. No dumpsters are proposed on the site. 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.

*The parcel is not within the Shoreland Zone. In a letter dated 1/25/23, Kirk Mahoney with the Maine Historic Preservation Commission noted that “no historic properties will be affected by this proposed undertaking...”. A letter dated 08/30/23 from the State of Maine Department of Conservation, Agriculture and Forestry notes that “...there are no rare botanical features documented specifically within the project area...” In a letter dated 1/19/23, Tribal Historic Preservation Office notes “...we do not have knowledge of any specific sites or cultural features that exist at the proposed project location(s).”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 net residential acreage as shown on the recording plan demonstrates that the proposed project complies with the space and bulk standards of the Freeport Zoning Ordinance. Approximately 137,825 square feet of open space is proposed and will be retained by the Homeowner’s Association. The amount of open space and the restrictions on the open space appear to comply with the requirements of the Freeport Subdivision Ordinance and 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 updated recording plan was prepared by Nick Racioppi (PLS 2621), Professional Land Surveyor. The plan set was prepared by Adrienne Fine, P.E., Terradyn Consultants, LLC. The applicants are Todd & Michelle Harrison and William Davenport. Since they will be completing the project together, each has submitted a letter of financial capacity for half of the cost of all of the sitework. Mr. Davenport’s letter is dated 01/31/24 from Bath Savings Bank and states that he has access to funds in the amount of \$150,000 and Mr. Harrison’s letter is dated 01/30/24 from Norway Savings Bank states that he has sufficient funds available to cover the needed \$150,000. 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-B<sup>1</sup>, 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. Based upon this information, the Board finds that this standard has been met.*



### 11.12 Impact on Ground Water Quality or Quantity

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

*No changes that would impact water quality or quantity are proposed. 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 Floodway 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.

*The land is located within Zone C, areas of minimal flood hazard, as delineated on the Flood Insurance Rate Map for the Town of Freeport, Cumberland County, community panel #230046-0010b, having an effective date of January 17, 1985. 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.

*Wetland & vernal pool information is shown on the plan and is based upon wetland delineation & vernal pool delineation performed by Basswood Environmental in April, May, July & October of 2022. The determination was made by the Department of Environmental Protection that the vernal pool on the site was a vernal pool of special significance (letter dated December 13, 2022 from DEP). Due to the significant vernal pool on the site, the wetlands are considered wetlands of special significance and after the fact permitting for the initial driveway construction was required (Natural Resources Protect Act Permit from the Maine Department of Environmental Protection) and issued on May 4, 2003 (included with the preliminary submission). The Army Corps of Engineers was not going to require any new permitting but will be issuing an after-the-fact permit for the fill associated with the previously installed driveway culvert. 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.

*No rivers, streams or brooks are identified 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 Plans and Erosion and Sedimentation Control Plans which have been reviewed and approved by the Town Engineer (see memo from the Town Engineer dated 02/14/24). Based upon this information, the Board finds that this standard has been met.*

**11.17 Spaghetti Lots**

**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. 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 parcels do not abut or cross the municipal boundary. 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 Todd and Michelle Harrison and William Davenport for the Whitetail Subdivision, a four lot (8-unit) open space (Tax Assessor Map 18, Lots 17 & 17-2), recording plat dated 1/9/23, revised through 2/20/24, 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 their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
2. Prior to the sale of any units/lots, the applicant shall provide the Town Planner with a letter from a Professional Land Surveyor, stating that all monumentation shown on the plan has been installed.
3. The applicant shall provide the Town with digital file, in a format compatible with the Assessor's records, containing the information shown on the recording plan.

4. The final signed copy 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.
5. Prior to any site work, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
6. 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.
7. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$297,522.50, 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, at the rate established by the Freeport Town Council, be paid.
8. Establish an inspection account, in the amount of \$2,000.00, to cover the cost of site for inspection of the site improvements by the Town Engineer.
9. The developer have a pre-construction meeting with the Town Engineer.
10. The applicant submit a final copy of the updated legal documents to the Town Planner.
11. Pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structures, the length of the subdivision road, and the current impact fee effective at such time.
12. Plantings will be installed per the approved plan set.

(Donahue & Madeira)

Mr. Monteleone advised that he intends to vote against this project not because he is concerned with project but because he believes the Board does not have adequate authority in the ordinance to grant a waiver that we have done with utilities and he knows that is an issue we have already addressed and the majority concluded differently but he wanted to clarify that. He is voting no and that is why.

**VOTE:** (5 Yes) (1 Opposed: Monteleone) (1 Recused: Hamlen)

#### **LLBean (95 Main Street)– Design Review Certificate & Site Plan Amendment**

The applicant is seeking approval of a Design Review Certificate and Site Plan amendment for Phase One of the proposed site and building alterations at the L.L. Bean Flagship Store Campus on Main Street & Justin’s Way. Overall plans include demolition, building alterations and an addition; alterations to existing parking lots and internal pedestrian and vehicular circulation patterns; and alterations to the outdoor spaces on the campus. This Phase of the application includes site and building improvements to the areas of the building closest in proximity to Main Street. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class B & C buildings. Tax Assessor Map 11, Lots 36-ETC, 40-ETC and 64-ETC (12 Nathan Nye Street, 57 Main Street & 95 Main Street). L.L. Bean, Inc, applicant & owner (*Note: Snow Flake Holdings is the landowner at 57 Main Street*); Kylie Mason, RLA, Sebago Technics, representative.

Ms. Pelletier advised that this is another application the Board has seen a couple of times and did a site walk on. There is going to be a major update to the entire Flagship Campus as you are aware. They are already doing some work in the building and did need to get some approvals but were not ready for the whole thing so they talked with the Board and the Board was okay and wanted the applicant to come up with a phasing plan. They presented a phasing plan at a past meeting and got some feedback from the Board at the last meeting on the design and is here. We had a lot of discussion the last time and it is really important that we look at what the

applicant is proposing and that is what we are here to react to tonight. She offered to summarize the site improvements first because it is the easier of the two. As you know, the façade of the building closest to the sidewalk on Main Street, there is an entrance that used to go in Coffee by Design. They are proposing to eliminate that entrance and put an entrance on the Justin's Way side and an entrance on the south side. You will not have that conglomerate of people right there on the sidewalk. It will be broken up to the two entrances but as you know, those are still not going to be the main entrances to the Flagship Store when said and done. The main entrance is going to be further up towards the upper plaza. On the Justin's Way/Main Street Corner they are proposing a flat patio where people can get into the building. As discussed at the last meeting, they will do some supplemental landscaping there to soften that corner and screen it a bit. On the entrance facing the south where they have that whole tiered plaza there is actually a little pond hidden back there. Pond is a generous word. It is really a water holding area. There is an elaborate area there with steps and stone walls and boulders so they are proposing to move back the stone wall and retain as much as possible but they do want to fit that plush surface and even come up the sidewalk and go in to the area. They will add some supplemental vegetation behind there where they will fill in the depression that is holding the water. Most of the large vegetation as you saw in the renderings on the plaza will actually be retained so they are adding the two new pockets of landscaping at the two new entrances. There is a small area in the upper plaza shown on the plan that they are also proposing to add some additional vegetation.

Now that she has taken the easy route out, she will give the Board a high-level overview of the building façade. At the last meeting we talked a lot about the façade along Main Street. There are two areas where they are actually going to add windows. They are removing that door so they will fill that in but they are proposing to keep the awnings which is something the Board had great concern on at the last meeting. The other thing the Board wanted to see was some green to connect the visual appearance of the building so in addition to retaining the green awnings, that was not the preference of the applicant, they are also painting that top fascia board green to make the connection the Board wanted to see. Both of the new entrances and all the replacement windows will match the aluminum storefront that is already used there on the L.L. Bean site. They are proposing canopies over those two entrances that will be made of metal. When you go around the corner on the south side you have that existing wall that is really all windows. They are not proposing changes for the front portion until you get back where the existing door is which as you know, they will close off that door. She thinks they may have some signage or murals there which really won't be visible from the right-of-way and would not be under the purview of the Board. In the stair tower she thought there was significant change to the design of the stair tower from the original submission. The Board had concerns about the color. They have changed the color and then they added some openings to that façade which was another concern the Board had mimicking some of the windows on the Main Street side. In the upper building façade where the locked moose are today, they are also proposing some building improvements. This is the part that is a bit tricky because the Board said "we want to see everything what it is going to look like for Main Street but we know this is a phased project." When you are looking at it, you are going to see where they will come back to you next month for the demolition approval of the 1940s structure, they will take that down and put in a big addition that will face the inside but it will have an end façade which will face Main Street. Because you asked to see that complete façade view in the first phase, they have done just that. Be aware, we don't have what is around the corner. That will come back to you next month but what you wanted to see is the whole thing together and how that new end façade is going to relate to the tower, windows and materials. She feels that is what they have for you tonight. They do have some additional slides to show you to walk you through the materials and really call out the proposed changes because there are a lot of drawings and when you look at them, it is hard to tell so she thinks the Board will look at some good information here.

Kathryn Wise, Senior Manager for Design and Planning for L.L. Bean. She felt that Caroline did a great job expressing the changes they made. She thanked the Board and noted that she feels it will really enhance the

downtown and experience of their visitors. She noted that they are seeking final approval which includes the Main Street changes which Caroline outlined and the upper portion of Main Street. This presentation is reflective of the materials the Board has. She explained Project Area One that is shown in yellow. The blue area is Project Area Two that they are not seeking approval on. They will be back and also will be back with signage and lighting for the full campus.

At the last meeting they got some feedback and she wanted to run through that feedback and how they addressed it. The Board can see the renderings. The first one includes Upper Main Street and Project Area One and they did that and brought it into this submission. There was a lot of talk about the Main Street façade and the Board wanted to keep the existing awnings. They are adding windows to help with the current solids to void ratio on Main Street so they are keeping the existing awnings on Main Street and they are painting the upper trim dark green to match the windows. They are showing signage but they are not here to ask for signage approval but they are showing signage so the Board can see that. They are working on what the final submission will be. There was a lot of conversation about the stair tower and they did look at the solids to void ratio of the stair tower. The feedback was to make it more integrated through materials, architecture, etc. They added a pretty significant window to balance the current windows and also changed some of the materials to bring in more interest. It seemed like a green block before. They show more accurately sized trees and landscaping. All the renderings will show first what the install height of the landscape will be and then they will show it at a 10-year growth span. Show materials and bring samples. They have shown all the materials and she has samples in the room if people are interested. There is also a key included in this presentation tonight. Lastly, show a rendering looking up Bow Street. This is really an important view and is the last rendering they see so they included that.

Ms. Wise displayed the current building elevation on Main Street and Caroline mentioned particularly that the existing south elevation and all those windows are existing. She displayed the next slide and explained that it is their previous design that they showed the Board before. She then showed the new proposed updated design showing the new green trim. They are keeping the awnings and showing signage on Main Street. It is a pretty nice change. The stair tower used to be just green but they added the window and an upper window and brought in darker material to tie it together and below they brought in a wood-like panel which brings it all together better.

She showed all the different materials they are proposing. The roof and stair tower will be a green metal board and batten. The wood-look material will be a wood-look board and batten metal siding once again. No. 3 is a gray metal for different accents. The majority of the field color is sandstone color board and batten metal siding. It was chosen to match the existing color of their current buildings, Home, Hunt/Fish and Main Street so they are trying to match that tone. There will be a real stone base. The store front and doors will be a dark green. They are currently dark green so where they have to add new, they will be dark green. Anywhere on the main building will be painted green to match what is existing there. The windows on upper Main Street will have the dark bronze and then the new stair tower and the new window addition and also everything we are talking about will probably show up in Project Area Two. For 8 and 9 she does not have samples of but she showed their existing paint for the building. She noted that they will come back but showed all the different materials. In the yellow boundaries is where they are proposing change. Anywhere that is not yellow is already existing. She then jumped into the renderings. She displayed the previous rendering for Justin's Way and Main Street as well as the new rendering. She thinks the Board will start to see the color materiality and a lot more interest here. She showed the install height and then it is a subtle change but it will be the 10-year height. She showed a previous rendering on Main Street and then a rendering showing the new materials. She showed the existing trees and then again that 10-year growth height. She showed another view from Bow and Main and they have one looking up. As Caroline mentioned, they are trying to utilize the existing vegetation and then the install height which is a

subtle change. Upper Main Street which is Project Area Two but they wanted to give the Board context. She pointed out what they are here asking for approval tonight. She also displayed the overall view and noted she wanted to show that a lot of the site already exists and they are trying to preserve as much of it as possible but they are creating a new larger patio super accessible up to Main Street. She then displayed a view of Project Area One to show how that is coming together.

Ms. Berger mentioned that Ms. Wise noted that the other area is more accessible to Main Street? Is it still up the steps and everything? Ms. Wise advised that it would go up a grade but it is not handicap accessible. There are two different things. There will be handicap accessibility.

Ms. Wise displayed the new view as you are coming up Bow Street on what you will see. There is the 10-year planting view. Just a reminder, they ended with this slide last time so they are here tonight for March approval of Project Area One and they will start construction in April and Project Area Two construction will start in 2025.

Ms. Berger asked if their construction plan is to have No. 1 finished totally before starting No. 2? Ms. Wise explained that Project Area One that we are seeing tonight for Upper Main Street will be part of the second construction phase because it is an addition to the building. Construction Area One will be in two different phases of construction. Ms. Berger asked if barring any construction problems, there shouldn't be construction all over Main and Bow and then along the front and inside all at the same time? Are they planning to have many sides of the building done at the same time? Ms. Wise advised that they are working around the building. They are doing Justin's Way and then Main Street and then the uppers. It is their intention to phase those.

Mr. Donahue asked to go back to the slide showing the materials in the yellow boxes and then the one before it with the materials list. Ms. Wise advised that all the materials are labelled.

Mr. Yankee thanked Ms. Wise for listening to the Board. The changes that she made satisfied his comments. Chair Reiche thanked her for being responsive. Mr. Madeira noted that he loves the look of the stair tower. He asked how wide it is and will it be obvious from Bow Street? Ms. Wise added that it is not super visible and there is vegetation there so they tried to make it transparent so you could see that it is just this area that she pointed out. Ms. Pelletier added that when you walk by, you don't realize there is a story on top and when you see it in the picture, you say what is that? Mr. Madeira mentioned murals and Ms. Wise added that it could be in Phase Two in the boot Plaza which is outside of the right-of-way.

Ms. Pelletier advised that they don't have their lighting and signage. They know where they are going to put signage but because with signage we look at the entire building basis and all the different facades. For lighting we look at photometrics and cut sheets universally. They want to bring those back as a complete package which she thinks is the right strategy in this case. They know where they are going to put them and they put them to scale but you will see those details when they come back.

Chair Reiche asked if anyone from the public wanted to make comment or ask questions? Sally Walsh from South Freeport advised that she was out of town during the site walk. She feels the new plan looks gorgeous and she is on the Complete Streets Committee and posed a question that no one could answer because they were out of town. It was suggested that she come here and ask. She referred to the corner of Justin's Way and Main Street and noted it is what they call chaos corner. Complete Streets has not gotten it on the agenda yet but after the meeting they all asked what can we do with that. If we go out there during any of the Visit Freeport things, it is a calamity waiting to happen. Justin's Way is two-way traffic with people trying to turn left coming out of Justin's Way, people are trying to come up Justin's Way and going down Mechanic Street. Main Street is two way and pedestrians are trying to cross every which way. They have all said they have to sit down and talk about

this but there hasn't been time on their agenda so she came here to ask if this has been discussed as part of the redesign on Justin's Way. It looks gorgeous and it would be lovely to have but it has to be part of the conversation of what we are going to do with that intersection. Andy Seymour is the L.L. Bean rep on their committee but he wasn't there for the last couple of meetings. She would like to say that we need to add that to the discussion and she doesn't know how you want to do that but she feels we need to do some problem solving around that entrance because there will be a lot more people heading there and parking, sidewalks, signage and trees. To be continued!

Chair Reiche thanked her. Ms. Pelletier advised that parking and circulation on public streets is regulated by the Traffic and Parking Ordinance and overseen by the Complete Streets Committee so that is where that conversation needs to be as far as building capacity. At this point and even at the end of the project, they are not increasing the capacity of the building. They are actually shrinking the square footage. She can get the concern for possible pedestrian gathering. It was all in one area of Main Street but they are now giving two options on the other end so would hope that would alleviate some consolidated traffic congestion but again, these are not the primary entrances to the building. The primary entrances are where the site is designed to draw people is further up. She thinks these are really going to draw people like her on her lunch break. The one difference here is that they are not proposing any improvements in the public right-of-way and unlike the entrance now where you have no choice but to gather on the sidewalk, they are making the patio improvements on their property at the entrance. She hopes that will alleviate the concerns but as far as the traffic, she thinks that is a conversation that Complete Streets should have. It has been raised before and she is sure L.L. Bean would share their thoughts on general traffic and circulation in that area but no changes are proposed in the right-of-way.

There were no other questions of concerns provided.

**MOVED AND SECONDED: Proposed Findings of Fact:** This project requires a Design Review Certificate and Site Plan approval for a change of use. A draft version of proposed findings for each standard 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.**

- a. **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 overall scale of the building will not be altered and as seen on the sitewalk, will be consistent with the scale of other nearby commercial properties. All new windows and doors will be consistent in shape and size of the existing building features. Portions of the building that will be added to are set back from Main Street. Based upon this information, the Board finds that this standard has been met.*

- b. **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 building will not be altered. The stair tower enclosure will be the same height as a portion of the existing structure. Based upon this information, the Board finds that this standard has been met.*

- c. **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.

*Along the façade abutting Main Street, the relationship of the width to the height of the façade will not be altered. The facades of the stair tower and along the upper plaza have been designed to be compatible with the remainder of the building. Based upon this information, the Board finds that this standard has been met.*

- d. **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.

*Along the façade abutting Main Street, new windows will be added however retaining the existing rhythm of solids to voids in the front facades. The façade of the upper plaza and the stair tower, have openings to break up the façade, as requested by the Board. Based upon this information, the Board finds that this standard has been met.*

- e. **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.

*Windows and doors will all be rectangular in shape and scaled to blend with the corresponding façade while maintaining a consistency in style. Based upon this information, the Board finds that this standard has been met.*

- f. **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 of the overall structure will not be altered. The roof shape of the stair tower will be flat. The Main Street facing façade of the new addition near the upper plaza will have a hipped roof. Based upon this information, the Board finds that this standard has been met.*

- g. **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.

*Windows and doors on the facades of the building closest to Main Street will be like kind to match existing materials and features. The new building facades in the upper plaza will be sided in metal materials in various colors and finishes to complement the existing structure. Based upon this information, the Board finds that this standard has been met.*



- h. 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).**

*For phase one changes, the general layout of the building on the site will remain in the same general area. Changes to the footprint will be in the upper plaza area where the stair tower is being added, and existing entrance is being closes and a new addition is proposed. Based upon this information, the Board finds that this standard has been met.*

- i. 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.**

*Changes to site features include the relocated entrances with new flush patio areas at the entrance points. A majority of the existing plaza area will be retained, however altered slightly near the new doors. Landscaping has been retained to the greatest extent possible, with supplemental plantings proposed near the new entrances and in the upper plaza area. Based upon this information, the Board finds that this standard has been met.*

- j. 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 applicant will return at a later date with a comprehensive signage package for the entire 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 Design 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 changes have been designed to comply with the space and bulk requirements for the Village Commercial I Zoning District. New entrances will be added to the northern*

*and southern facades of the portion of the building closest to Main Street. New flush patios and supplemental landscaping will be proposed in these areas. The existing plaza and its vegetation will be retained to the greatest extent possible. Building changes have been designed to incorporate features of the existing structure. 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 new canopies over the new entrances, a closed entrance, the addition of the stair tower and a building addition. The design retains much of the existing plaza area and existing vegetation. 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.

*The applicant already has an existing closed stormwater management system to manage stormwater from the campus. No changes to stormwater management are proposed as the direction of drainage will not be altered and there will be an overall decrease in the amount (approximately 294 s.f.) of impervious area in Phase 1 (see email from the Town's Peer Reviewing engineer, Gorrill Palmer). Notification to the Maine Department of Environmental Protection under the site's existing Site Location of Development Permit will be required. Based upon this information, the Board finds that this standard has been met.*

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

*No building additions are proposed at this time, and therefore no changes to building capacity from a water or sewer perspective area proposed. Based upon this information, the Board finds that this standard has been met.*

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

*The applicant will return at a later date with a comprehensive signage package for the entire project. 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.

*There are no special features associated with this application. Based upon this information, the Board finds that this standard has been met.*

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

*The applicant will return at a later date with a comprehensive lighting package for the entire project. 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 majority of the existing plaza area will be retained, however altered slightly near the new doors. Landscaping has been retained to the greatest extent possible, with supplemental plantings proposed near the new entrances and in the upper plaza area and consisting of a variety of plants and shrubs. 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 no 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.*

m. **Erosion and Sedimentation:** The proposed site shall be constructed in accordance with the Maine Department of Environmental Protection's Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

*No changes to erosion and sedimentation control plan are proposed with this project due to the small size and nature of the proposal. 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:** 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 – Phase 1 of the Main Street Improvement (Tax Assessor Map 11 Lot 64-ETC), to be built substantially as proposed, submission dated January 2024 finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work associated with this phase of the project and prior to the issuance of any building permits for the proposed changes in this phase, 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 an amount to be reviewed and approved by the Town’s Peer Reviewing Engineer, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, erosion control, stormwater management, landscaping and hardscape, etc. Along with the performance guarantee, a Non-refundable Administrative Fee, at the rate established by the Freeport Town Council, to be paid.
  - b) Establish an inspection account, in the amount of \$1,000.00, to cover the cost of site for inspection of the site improvements by the Town Engineer.
  - c) The developer have a pre-construction meeting with the Town Engineer.
- 3) Prior to construction on the proposed building alterations, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Reiche & Yankee)

Ms. Berger mentioned the letter we were provided by Mitch Rouda and felt the Board should acknowledge the letter. Chair Reiche suggested making it part of the Complete Streets discussion.

**VOTE:** (6 Yes) (Excused: Hamlen) (0 No)

**ITEM IV: New Items**

**Kelly and Brandon Roberts – 41 Shore Drive – Shoreland Stabilization THIS ITEM HAS BEEN TABLED AT THE REQUEST OF THE APPLICANT**

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately ninety feet in length will be stabilized with rip rap. The areas of rip rap will be up to five feet below the Highest Annual Tide (HAT) line. An area existing timber retaining wall at the top of the bank (approximately three feet high and thirty feet long will also be replaced). Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5, Lot 106 (41 Shore Drive). Tim Forrester, applicant and representative; Kelly and Brandon Roberts, owner.

**Cynthia Barnett – 32 Island View Lane – Shoreland Stabilization**

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately fifty feet in length will be stabilized with rip rap. The area of rip rap will be about six feet below and four feet above the Highest Annual Tide (HAT) line. Zoning Districts: Medium Density Residential I

(MDR-1) and Shoreland Area (SA). Tax Assessor Map 5A, Lot 51 (32 Island View Lane). Cynthia Barnett, applicant & owner.

Ms. Pelletier advised that Freeport's coastline has had a lot of damage from recent storms so the Board will see a lot of these applications trickle in. This is a pretty standard shoreline stabilization and the Board will become well experienced with these in this point of time. The applicant included in their submission that they have a southeast facing shoreline that is eroding and they are proposing to extend an area about 50' in length with rip-rap. It will be about 6' below the HAT and 4' above. Like most of them, you will see that they will use a combination of filter fabric and rip-rap of various sizes to stabilize the bank. They did have some wetland impacts so they will need permitting from Army Corps and DEP. In this submission they said they were going to remove invasive species and do replanting. They gave the Board some information on that. We do ask the Codes Officer to look at that for us. He just got back from vacation and looked at it today. He does have some concerns with the vegetation, the removal and replanting. Looking at the photos included in the submission, it looks like there is some woody vegetation and it is unclear what those are. They had some late day communication with the applicant about getting that mapped out on a plan for him to look at what the existing vegetation is which is noted in here as invasive and a specific replanting plan. He would want to look that over. They submitted it to DEP and Army Corps. As part of the DEP process, the state law has changed so we will be hearing from DEP before they issue the NRPA Permit for the wetlands impact. They will be reaching out to municipalities in the Shoreland Zoning Department there to weigh in on these applications. If there is an issue, in the past they haven't held up these NRPA Permits so you had two kinds of reviewing agencies within DEP and they didn't communicate as clearly as they could have with each other. State law has changed so we will see a better relationship between that permitting process but they will rely on the town. That being said, we rely on the Codes Officer to look at the vegetation so if you want to take action on this tonight, you could but she would suggest that the Board add a condition of approval that as requested by the Codes officer they submit a detailed plan regarding vegetation removal and replanting to be reviewed and approved by the Codes Officer. If he doesn't approve it, and there are issues identified and they have to make changes, this is regulated under Shoreline Zoning and in Freeport the only person that review these Shoreline Stabilization Applications is this Board so if they have to make changes as a result of that review, they will have to come back to you with a new application. She wanted to be clear on that. She has no Staff approval ability and the applicant hears that if there is a change, they will have to come back. Her suggestion is that you make it conditional upon the Codes Officer review. DEP will reach out to the Codes Officer for his input on the Shoreland Zoning component so if there is an issue, it will have to be resolved before they issue their permits as well. Otherwise, it is pretty straight forward and if they are solely removing the invasives, that would be okay but if there is other vegetation, there may be other issues there.

Chair Reiche mentioned that if the Board gets to the point of voting on this motion, there is a numbering issue. No. 5 becomes 1. No. 6 becomes 2 and then there will be a third one subject depending review and approval of further submissions by the Codes Officer. Ms. Pelletier added submit detailed plans for vegetation removal and replanting. She mentioned that the applicant and the Representative are her.

Cynthia Barnett of 32 Island View Lane introduced her neighbor, Nate directly south at 30 Island View Lane. She explained that the serious destabilization of the shoreline and erosion of the bank really happened on Christmas Day 2022. She lost power and had a massive storm that came through and just pounded them. Nate went through this process and got his application approved this October so in January when they got hammered again, Nate has been kind and helpful in the intricacies of applying and the things she has to do. She thought that on Page 11 she addressed the Shoreline Stabilization with the vegetation and invasives there. Nate added that five or six years ago the Barnett's shoreline looked identical to his where it was weed whacked and kept down. They then had some significant erosion that happened. They spent a significant

amount of money putting in plantings and doing all the soft kind of stabilization that is in the pictures the Board is seeing. In the last storm a lot of those trees and bushes failed and as a result you can see some significant erosion there. They made an attempt to do the soft approach of putting in trees and plantings but it didn't work unfortunately. More discussion followed. They intend to fix the problem once and for all. Nate mentioned he is Cynthia's neighbor and what affects her property, affects his property as well as the neighbors. He had a photo showing that all of the vegetation that was there has been wiped out. He noted it is an emotional thing.

Chair Reiche asked if the Board has any questions for the applicant. Mr. Madeira asked how the heavy equipment needed to do this work will access the property? Nate advised that they are coming in from the road and they will put in special mats and build things for the excavator. The excavator has a very long arm that reach down there without having to go onto the beach area. Ms. Pelletier advised that the Ordinance prefers that they access it from the water because we don't want removal of vegetation but they have an existing clear path. Nate pointed out that when the Board produced the language of his decision, it did talk about a barge. They considered using a barge but the unique aspect of this is that they both have this runway. Ms. Berger asked if his stabilization is okay now? Nate advised that he has not started his work yet because ideally you do this once and don't have to disturb everybody's life concurrently. He did receive all of his approvals and his plan is identical to Cynthia's. Mr. Monteleone asked if Nate has had a survey of the HAT line? It was drawn by the State of Maine. Mr. Monteleone asked if a professional land surveyor has located the HAT line? Nate advised that Cynthia's husband is a land surveyor. Nate advised that the signature is on Page 21 and on the NRPA. Mr. Monteleone explained his concerns. If we decide this is a category outside of the realm of survey control that is one thing. Ms. Pelletier did not find that we require a survey when we take measurements from the top of the bank, the unstable bluff. We are relying on the Geological Survey maps. Chair Reiche suggested making it a condition of the approval. Mr. Monteleone noted that he feels that is something we certainly can do. Chair Reiche added that in a building permit, the Codes Enforcement Officer requires that the HAT line be established on site.

Nate added that the Army Corps of Engineers came out to his property and his neighbor's and looked at the HAT line using tripods. This process is extensive. It is pretty amazing how much work the state and the federal government does in doing these things. Ms. Pelletier could not see that we require a survey but she can look into it. We have a whole slew of these coming next month if it is something we want to get clarification from DEP on. Chair Reiche suggested doing that in the meantime. He mentioned it is not any further burden on the applicant for us to have a requirement that you have a surveyor showing where the HAT line is before doing the work. Nate advised that it would not be a problem.

Chair Reiche asked if there are other comments or questions from the Board? He called for a motion.

*There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. The Board finds that this standard has been met.*

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

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

The Project Review Board, the Coastal Waters Commission, or the Codes Enforcement Officer shall approve an

application for a permit, only upon finding that the use, activity or structure complies with all requirements of this Ordinance and that it meets the following criteria:

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

*The project is for shoreline stabilization at a residential property on Island View Lane. The project was designed to minimize impacts to the coastal wetland, however resulted in about 450 square feet of impact. The area behind the rip rap and any disturbed areas that will be covered with rip rap, will be loamed and native plantings will be installed per the plan included in the submission. There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. The property is not within the Marine Waterfront District and there is no public access to the water. Based upon this information, the Board finds that this standard has been met.*

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

**MOVED AND SECONDED:** that the Freeport Project Review Board approve a Shoreland Zoning Permit for Cynthia Barnett, for a Shoreline Stabilization Project (approximately 50 feet in length) at a residential property at Tax Assessor Map 5A, Lot 51 (32 Island View Lane), to be built substantially as proposed in an application dated 01/14/24, finding that it meets the standards of Section 306 & Section 404 of the Town of Freeport Shoreland Zoning Ordinance, with the following conditions of approval:

1. This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
2. Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
3. There should be another requirement that precedes all permitting from the Army Corps of Engineers and the DEP.
4. The condition that the HAT line be located by a professional land surveyor prior to the start of construction.
5. Subject to the pending review and approval of the Code Enforcement Officer for vegetation removal and replanting. (Monteleone & Madeira) **VOTE:** (6 Yes) (1 Recused: Hamlen) (0 No)

#### **59 Depot Street – Design Review Certificate and Site Plan Review**

The applicant is seeking approval of a Design Review Certificate and Site Plan Review for a new mixed-use development (existing residential unit and new office space in existing building) at 59 Depot Street. The



structure is existing however exterior building alterations and some site alterations are proposed. Zoning District: Village Commercial 1 (VC-1); Design Review District 1 - Class B. Tax Assessor Map 11, Lot 142 (59 Depot Street). Brink Investments, LLC, owner and applicant; Thomas Kivler, representative.

Ms. Pelletier explained that this item if it wasn't in Design Review, would have been a good candidate to go to the Staff Review Board but because they are in Design Review and making changes, they are here before the Board. On Depot Street there is a row of Mallett houses and at the corner of Depot and West Street there is a white one with green trim. It has a garage. It is currently a single-family home with a garage and storage building on the side that they want to convert to an office or in this case a hair salon with about 600 square feet. They are seeking approval for a mixed-use development and she offered to do the Site Plan portion first since it is the easier of the two. They have a driveway that can fit two cars to serve the existing single-family. They have two parking stalls on the site and will add a third parking site coming in off of Depot Street. There might be some small adjustments to the area. They had something in their submission that they don't trigger an ADA parking requirement but they can fit a small aisle width, they do want to do that in case they have a user.

Mr. Kivler clarified that Ms. Pelletier said Depot Street when she should have said West Street and she agreed. Otherwise, they will be putting a small walkway into the parking area. They are proposing changes to the garage facing Depot Street. They will be removing the garage door and putting in a single standard entrance door. Going around the side on West Street there is an existing garden they will retain and there is a single window. They want to add a second window. We are talking about vinyl windows because that is what already on the building. If you go to the rear façade, they are going to do some upkeep to the skirting on the deck. They will replace the doors and windows. There is a large window that sort of has three bays and they are proposing to replace it with two side by side windows that can be opened. Facing the Community Center which will really not be visible from the public right-of-way, they are proposing a small transom. They had hand-drawn renderings and the Board will see that they are proposing to reside the building with shingles. They are proposing to paint it. As far as the material details, they did have a couple of tweaks on the transom and there is actually a cut sheet to show you what it is going to look like and what the detail will be. Also, that window on the back side of the building, it is a commercial space again in the garage so they are proposing a sign that will be wood with metal trim and the details on the signage are included. They gave details on the full cut of lighting fixtures. They already have their capacity letters from utilities so they really have pretty minimal conditions. The conditions are really to get a permit from the Codes Officer and any applicable permits from Public Works. They are changing the use and if they are putting that third space in, they might need a street opening so we just have a condition that they get permits from them. One thing Mr. Kivler could clarify is where they landed with that parking, where they wanted to put the aisle width but they need the space to do the three parking stalls across it 9' wide.

Mr. Kivler explained the aisle opening is for a wheelchair is recommended but is not required. They want to make it as accessible as they can make it. There is 32 feet there from the existing side of the driveway. Ms. Pelletier added that if the Board is okay with the adjustment, it would be good to put a condition there unless you want to have them come back. She mentioned they are proposing to pave that third space and there is a small retaining wall inside of it. The applicant may modify the parking stalls to include an accessible aisle width as space allows. They are really looking to see if they have a couple of feet. There are two spaces existing there so we are talking about adding that space towards Main Street. They did have a survey done and luckily that is not the part they are proposing any changes.

Ms. Pelletier explained that because it is in Design Review, otherwise with the square footage, this could have been Town Planner Approval. If they didn't want to put in the parking or the railroad came to them and they

had to remove existing parking in the VC-I, they could participate in the leased parking pool. They are proposing some fencing and vegetation because there are residents living there.

Mr. Madeira mentioned the three bays. He asked if the two spots would be enough for the customers and everybody working there? Mr. Kivler explained it will be a three-booth salon and the parking will be adequate. He asked if the shed would be visible from the street. Mr. Kivler did not believe it would be visible with the fencing and deck. Mr. Yankee asked about viewing from the railroad. Chair Reiche advised that railroads have public rights-of-way. They have their own impossible rules and their own impossible police.

### **Design Review Ordinance: Chapter 22 Section VII.C.**

#### Proposed Finding of Fact:

##### A. Design Guidelines for All Buildings Within the Districts

Newly constructed or reconstructed buildings as well as existing buildings and their appurtenances, which have been altered, repaired or moved, shall be visually compatible with nearby buildings. When determining visual compatibility, the Board shall consider the following factors:

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 and shapes of its doors, windows, roofs, 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 nearby buildings, orientation on the lot, and topographical location.

*The building is existing and exterior alterations are proposed to the façade of the existing garage and storage area. The garage door will be removed, and an entrance door will be added. Windows and siding will also be added and/or replaced. The overall scale of the structure will not be significantly altered by the proposed changes. 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 nearby buildings.

*The height of the overall structure will not be altered with the proposed changes. Based upon this information, the Board finds that this standard has been met.*

3. **Proportion of Building's Primary Façade(s).** The "first impression" a building gives is that of its primary façade(s). The relationship of the width to the height of the primary façade(s) should be visually compatible with nearby A and B buildings.

*The building is existing and exterior alterations are proposed to the façade of the existing garage and storage area. The garage door will be removed, and an entrance door will be added. Windows and siding will also be added and/or replaced. The proportions of the building's primary façade will not be significantly altered by the proposed changes. Based upon this information, the Board finds that this standard has been met.*

4. **Rhythm of Solids to Voids in Primary Façade(s).** Door and window openings appear as (voids) in a wall surface (solid). The sizes and positioning of voids in a solid surface creates a pattern or rhythm that helps to define a building's character. The pattern of solids and voids in the primary façade(s) of a new or altered building should be visually compatible with that of nearby A and B buildings.

*The building is existing and exterior alterations are proposed to the façade of the existing garage and storage area. The garage door will be removed, and an entrance door will be added. Windows and siding will also be added and/or replaced all while maintaining a rhythm of solids to voids as found on the remainder of the structure and on other nearby buildings. Based upon this information, the Board finds that this standard has been met.*

5. **Proportions of Opening within the Façade(s).** 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 compatible with the architectural style of the building and visually compatible with nearby A and B buildings.

*All new/replacement doors and windows will be rectangular in shaped and sized to fit with the scale of the building and the overall structure. 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 nearby A and B buildings.

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

7. **Relationship of Façade Materials.** A building's character varies with its materials and their textures. In Freeport, many different materials are used depending on the architectural style of the building. A building's materials contribute to its architectural significance and should be visually compatible with nearby A and B buildings. Finishes of siding, roofing, windows and other architectural features should be visually compatible with nearby A and B buildings.

*The existing garage door will be removed, and the area will be filled in with siding and a new vinyl door (with four panels) to match the door of the main house. The garage will be resided with cedar shingles (7 inch reveal). The cedar shingles will be gray, and trim will be white wood as it exists. A new vinyl window will be added to the southern façade of the converted space. The window will be a vinyl double-hung to match the remainder of the windows currently on the building. On the east façade, existing windows and doors will be replaced with new vinyl windows and doors, with the details to match the existing with the exception of the large window which will now be a double window. The deck will be re-stained and existing skirting will be repaired/replaced with like-kind as needed for repairs. The northern façade will have one small set of transom windows added to allow light into the building. Based upon this information, the Board finds that this standard has been met.*

8. **Rhythm of Spaces to Building on Streets.** Open spaces in front of or between nearby buildings can have dramatic impacts on the streetscape. Looking along a street, the nearby existing

buildings and open spaces set up a rhythm. The rhythm of spaces to nearby buildings should be considered when determining visual compatibility, whether it is between nearby buildings or between nearby buildings and the street (setback). These features should be visually compatible with nearby buildings.

*The building is existing and developed areas will remain in the same location. A third paved parking space will be added to the site and some areas of fencing and supplemental vegetation are proposed for the grass area. 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 building is existing and developed areas will remain in the same location. A third paved parking space will be added to the site and some areas of fencing and supplemental vegetation are proposed for the grass area. A shed will be added to the rear of the property in the northeast corner. Based upon this information, the Board finds that this standard has been met.*

10. **Signs.** In addition to the requirements of the Freeport Sign Ordinance, signs in the Districts shall be reviewed for visual compatibility with nearby buildings with respect to materials, illumination, colors, lettering style, location on site or building, size and scale.

*One roof mounted sign is proposed. The sign will be made of wood with metal trim and be 42"x102" in size. Based upon this information, the Board finds that this standard has been met.*

**Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Town of Freeport Design 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. Minimal new landscaping is proposed as existing landscaping will be retained. Changes to the building façade are minimal however 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. 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

*The only change to vehicular access will be the addition of a third parking space in the parking areas that is accessed off of Depot Street. Based upon this information, the Board finds that this standard has been met.*

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

*Parking for the existing residential unit will require two spaces for which the existing driveway will be used. There are two additional paved parking spaces on site and the applicant is proposing to add a third space. Based upon this information, the Board finds that this standard has been met.*

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm

frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

*Based upon the size and nature of the development, stormwater management and erosion control plans were not submitted (see email from Town Engineer dated 01/02/24). Based upon this information, the Board finds that this standard has been met.*

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

*The building is connected to public utilities. Capacity letters from MaineWater (dated March 2023) and the Freeport Sewer District (dated February 2023) have been included in the submission. 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.

*One roof mounted sign is proposed. The sign will be made of wood with metal trim and be 42"x102" in size. 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.

*There are no special features associated with this application. Based upon this information, the Board finds that this standard has been met.*

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

sidewalks shall also be provided.

*The applicant is proposed full cut-off building mounted light fixtures to comply with Section 521.A Exterior Lighting of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.*

- o. **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.*

- p. **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.

*Existing landscaping on the site will be retained however, some areas of fencing and supplemental vegetation are proposed for the grass area. Based upon this information, the Board finds that this standard has been met.*

- q. **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 no 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.*

- r. **Erosion and Sedimentation:** The proposed site shall be constructed in accordance with the Maine Department of Environmental Protection's Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

*No changes to erosion and sedimentation control plan are proposed with this project due to the small size and nature of the proposal. 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:** that the Freeport Project Review Board approve a Design Review Certificate and Site Plan Approval for Colleen Brink and Thomas Kivler for a building to be used as a mixed use development (residential and office), at 59 Depot Street (Tax Assessor Map 11, Lot 142), to be built substantially as proposed, application dated 09/07/2023, finding that it meets the standards of the Freeport Design Review Ordinance and Section 602 of the Freeport Zoning Ordinance, with the following conditions of approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Department of Public Works for any work in the public right-of-way.
- 3) Prior to the start of any construction on the building, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant may modify the three parking spots to create an accessible aisle if space permits. (Reiche & Madeira) **VOTE:** (6 Yes) (1 Excused: Hamlen) (0 No)

**ITEM V. New:** Ms. Pelletier asked if any Board members know they can't be here next month? Mr. Donahue advised that he would be away.

Mr. Yankee wanted to correct his earlier statement. He meant the East End of Portland, not the West End.

#### **ITEM VI. Adjourn**

**MOVED AND SECONDED:** To adjourn at 7:55 p.m. (Berger & Yankee) **VOTE:** (6 Yes) (1 Excused: Hamlen) (0 No)

Recorded by Sharon Coffin