

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

Attending in person: Chair Guy Blanchard, Linda Berger, Lynn Hamlen, James Monteleone, Ford Reiche, Tod Yankee & Caroline Pelletier, Town Planner
On Zoom: Jason Donahue

Chair Blanchard called the meeting to order at 6:06 p.m.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that there were no Staff Approvals for this month.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier explained that the Planning Board started to talk about Accessory Dwelling Units and possibly looking to amend some of our existing standards for that and how to incorporate some of the changes in the pipeline as a result of State law changes for LD 2003. They had a recommendation last month to the Town Council for a change in the VC-1 to allow stand-alone parking lots. They are not a permitted use in the VC-1 so we have a lot of non-conforming situations. As people seek to redevelop large parking lots or redevelop parking lot properties because they have excess parking, it was flagged as a limiting factor so they made recommendations on that.

3) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier mentioned that this Task Force has been active at the Council level presenting charters and outlining how they are going to complete projects and what kind of funding. They did not meet last month. She will probably have an update for the Board next month.

4) Update on the Town of Freeport Climate Action Plan

Ms. Pelletier pointed out that the Town of Freeport is starting a Climate Action Plan. The Town's website has a link to Freeport Climate Action. It is our new stand-alone website. The Board will be hearing about this monthly. GPCOG has been doing a lot of work behind the scenes on data collection and analysis. We will have a public workshop in May that will invite everybody to give some feedback so you can see where we are at and where the vulnerable areas in populations are. We can then start to develop some goals as a community to come up with strategies to reduce the impacts on climate change on Freeport and make us more resilient.

5) Update on the status of the Harraseeket Ridge Subdivision (US Route One North)

Ms. Pelletier wanted to give the Board an update due to a timing issue. This is an 80-unit subdivision on Route One North. It was 40 duplexes. They made it to preliminary approval.

There is a lot of wells and septic systems and the Board asked for a peer review. The peer review has been done and we have given them those comments. One of the other conditions is they get their Site Location. It has not yet been issued. They also wanted to see the peer reviewer's comments and the applicant's response. The applicant is supposed to come back within six months. In this case for timing, they still have not been able to do what they wanted to do. She wanted to make the Board aware of that and make sure there are no objections since the hold up is complying with those conditions. She noted it has been a while so that really is just an FYI.

Ms. Pelletier thanked Chair Blanchard for all his years of service to the Town of Freeport on the Conservation Commission and the Project Review Board. His term is up at the end of March so unless we have another meeting in the next couple of days this could be his last meeting. On behalf of the Town of Freeport, Ms. Pelletier thanked him for all he has done for us. He got a round of applause and jokingly asked if six years was enough?

ITEM II: Review of the minutes from the February 15, 2023 Project Review Board meeting.

Ms. Hamlen noted she was on zoom for the last meeting and mentioned she might have to step out. Mr. Reiche advised her that she couldn't but nowhere in the minutes does it say she didn't. She mentioned she stayed and saw the meeting to the end. Chair Blanchard explained that there was no need to make an amending motion since the vote that followed showed everyone was in attendance.

MOVED AND SECONDED: To approve the Minutes as printed. (Monteleone & Hamlen) **ROLL CALL VOTE:** (7 Yes) (0 No)

ITEM III: Tabled Items

L.L.Bean (95 Main Street)– Design Review Certificate

The applicant is seeking approval of a Design Review Certificate for building modifications (utility penthouse) at their building at 95 Main Street. Proposed changes are on the Justin's Way side of the building. *Note: The remainder of the project was approved at the February Project Review Board meeting and the applicant is now returning only for review and possible action on the proposed utility penthouse.* Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class B & Color Overlay District. Tax Assessor Map 11, Lot 64-ETC (95 Main Street). L.L. Bean, Inc, applicant & owner; Kylie Mason, RLA, Sebago Technics, representative.

Ms. Pelletier explained that the applicant was before the Board last month. The Board approved the Site Plan features and quite a few elements that required a Design Review Certificate. There were a lot of utility changes on this building's façade which are resulting in some changes to the exterior appearance. One of the things the Board was not ready to make a decision on was the utility penthouse on the third story. The Board scheduled a site walk on the last Monday in February. We went up and looked at the site. She will let Chair Blanchard provide a report on that. Based upon what the Board saw on the site walk and the feedback given at the meeting, the Board has revised drawings in front of you tonight. She heard from an abutter that was on the site walk that they had noted some concerns at the last meeting about the impacts on the project on dust, noise, etc. The abutter let her know that they approached the applicant and feel that those things have been resolved. Tonight, the Board is strictly looking at a Design Review Certificate for the utility penthouse. One of the other things we talked about at the last meeting was do they need an enclosure, do they need slats and a whole bunch of different options? The applicant consulted with the Code Officer and there are some

code requirements due to energy efficiency that require some utility features now be enclosed in a finished space. The applicant is here tonight. Katie Wise from L.L. Bean is here to represent the application and they have Kylie Mason from Sebago Technics on zoom.

Katie Wise introduced herself and noted that they really do appreciate the care and due diligence the Board has given their application thus far. Since they were here last month, they have made some changes. Based on the feedback, they changed the façade materials to horizontal metal panel in a color to better match the existing structure. The panel consists of a smooth panel with a reveal every 8" to mimic the clapboard siding. Further decorative trim and roof edge have been added to coordinate with the existing Justin's Way elevation façade. They studied the impact of moving the mechanical penthouse and this is not achievable due to the existing steel structure, the existing electrical service and the location of the existing mechanical equipment. Following the Project Review Board meeting, the team also investigated shifting the penthouse back 2 feet from the edge and found that this shift impacted the existing structure, the chillers and the previously mentioned electrical system. She turned the meeting over to Kylie Mason to field technical questions. She thanked the Board for its consideration.

Kylie Mason of Sebago Technics apologized for not wanting to share her germs with the Board so she is on zoom. She thanked the Board for the site walk. She offered to share her screen but since it didn't work, she offered to talk until her screen appeared. She hoped the Board noticed that the utility penthouse is appropriately placed right next to L.L. Bean's Service and Loading facilities. It is on the furthest corner back that it could possibly be from Justin's Way. It is placed with other equipment within scale of surrounding roof areas. It directly faces other service utility yards or large parking areas. She displayed a graphic that shows where Design Review District buildings might be in relationship to the utility building itself and possibly noted equivalent or higher structure heights. Since she was unable to share her screen, she pointed out that in the Board's packets you have the same actual things she has on her screen.

Her screen became available. Ms. Mason advised that she took the Board's advisement and was able to find an appropriate material to mimic the clapboard siding as requested by the Board. It is a similar color and they added trim to match.

Chair Blanchard asked if the Board had any questions or comments.

Mr. Yankee mentioned he is looking at the map with a lot of RGs and SGs. Ms. Mason explained that the RGs represent the roof grade and the SGs represent the street grade. She also explained the numbers that are shown.

Ms. Berger noted that where the applicant is showing on this same map, the legend, where the new penthouse is going to be on that corner, it says 45' but in Ms. Mason's documentation it says 40'. Ms. Mason clarified that it is 44' 7 1/2" so she rounded it off to 45'.

Chair Blanchard offered to open the meeting up for public comment but suggested limiting the comments to 2 minutes since the Board has a lot to get through. He suggested taking a vote to limit public comments to 2 minutes this evening.

There was no opposition voiced. **ROLL CALL VOTE:** (7 Yes) (0 No)

Since there were no public comments provided. Chair Blanchard called for a motion.

Findings of Fact: Design Review Ordinance: Chapter 22 Section VII.C.

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

The building is existing. The applicant is proposing an enclosed utility penthouse which would create a third story and has been designed to comply with the height of the underlying zoning district. The location has been purposefully set back from Main Street and set back from the edge of the existing building façade. The color and style have been updated to blend with the existing structure. Based upon this information, the Board finds that this standard has been met.

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

The height of the overall structure will not change. A third story penthouse will be added for utilities; the height of this roof will be 44' 7 /12". Based upon this information, the Board finds that this standard has been met.

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

The building is existing. The applicant is proposing an enclosed utility penthouse which would create a third story. The location has been purposefully set back from Main Street and set back from the edge of the existing building façade. The color and style have been updated to blend with the existing structure. The length and height of the penthouse will be smaller and shorter than other portions of the existing structure. 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 utility penthouse façade has been updated to still be metal however replicate the appearance of clapboard style with addition trim detail also being added. There will be no openings in the exterior façade. Based upon this information, the Board finds that this standard has been met.

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

No openings are shown on the penthouse façade. Based upon this information, the Board finds that this standard has been met.

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

The main roof is flat. The new roof on the utility penthouse will also be flat. Based upon this information, the Board finds that this standard has been met.

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

The color of the utility penthouse has been updated to match that of the existing building and the material of the façade has been updated to still be metal however replicate the appearance of clapboard style with addition trim detail also being added. Based upon this information, the Board finds that this standard has been met.

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

The footprint of the existing structure and areas of open space around it will not be altered with this change. Based upon this information, the Board finds that this standard has been met.

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

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

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

No signage is proposed. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for LL Bean, Inc for exterior alterations including a utility penthouse at the Flagship Store at 95 Main Street, (Tax Assessor Map 11 Lot 64-ETC), to be built substantially as proposed, with the supplemental submission dated 03/09/2023, finding that it meets the standards of the Freeport Design Review Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to the start of construction of the utility penthouse, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) At the last meeting the Board took action on some additional site and building alterations that are associated with this project. The conditions of the approval from the February 15, 2023 Project Review Board meeting are still applicable. (Hamlen & Reiche) **ROLL CALL VOTE:** (7 Yes) (0 No)

Freeport Village Apartments – Multiple-Family Dwelling

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

Ms. Pelletier advised that this is a continuation from the last meeting. The applicant submitted their final submission to the Board in February. The Board had a lot of public comment and a lot of discussion but they asked the applicant for a few more things that they thought they needed to be able to make a decision. One of those things was an updated landscaping plan. The Board wanted to see some additional plantings and that was provided to the Board along with a letter from the Landscape Architect explaining why they went with certain caliper trees and why they chose certain species. The second thing the Board asked for was some additional details on the building. The applicant has provided some cut sheets. Another thing the Board wanted to see was a close-up to really see how some of those materials are going to look when they are actually physically on the face of the earth and on the structure. They did provide the Board that in their submission. There were updated renderings and most of them now include trees. There was one view that

didn't have the trees on the front but again, you have the updated landscaping plan so you know there will be trees there. There were a couple of tweaks to the building and the applicant can cover that. They can go over the landscaping. Otherwise, there haven't been any changes. You did have before you tonight an updated recording plat. Staff requested that and Note 12 be added. There was a question that Ms. Berger brought up at the last meeting if these are condos or apartments. They are coming forward with them being apartments in which case we wouldn't normally see any association documents. They are not required. If at some time in the future they were to change to condo style, there is a proposed condition of approval that the applicant will be required to submit legal documents at that time subject to review and approval by the Town Attorney. This is something we have done in other cases but it is a proposed condition and we asked them to put it on the plat. Otherwise, everything remains unchanged since the last meeting.

Paul Peck mentioned he explained a lot of these things before but will go over them again. He lives in North Yarmouth. He is an attorney and a real estate developer. He loves the Freeport Village and saw the Visioning Plan. The land next door became available and he reviewed the zoning and the ordinances and felt it was something he could do. The zoning called out for high density because there was no land limit per unit and the height limit was 45 feet. He put the land under contract to purchase it a year ago. He has gotten a lot of feedback from the Board and citizens over the last year or so and every time he has come back, he has made responsive changes to what he heard from the Board. He feels they have come a long way with their design. During the last meeting there were questions about the landscaping. The Board wanted to see more street trees and they have accomplished that. Their landscape architect will go over the changes. They increased the caliper of the trees along West Street which will form a better tree wall as requested. They have provided cut sheets, pictures and blow ups of the buildings to show the materials better and their architect will explain what those changes are. He feels they have been responsive again to what they were asked for and look forward to being approved tonight. He is looking forward to the building next door.

Tony Cowles, Landscape Architect explained that the major changes the Board will see in the plan is that they up-sized all the red maples along West Street. They had 2 ½ caliper trees but they have been upsized by a full inch. That will realize a bump-up of 3-5 years in accelerating their growth. He feels it establishes a rhythm along the street that he thinks works well at the street level and helps to scale the buildings and ground them in the landscape. They did add some trees along Main Street that were not in the previous iteration of the plan. There are now five honey locust trees which is a hardy street tree found quite a bit in Maine. They are aligned so they fall between the pockets on the building and are equally spaced in an effort to create a rhythm as you are walking down the street. These trees are a bit narrower than the red maples but create a nice edge along the street and helps to ground the buildings and the landscape a bit more and also obscure that white space the Board is seeing. Those are the two major differences to the plan. In order to accommodate those trees along Main Street, they made some interruptions in the stone wall to accommodate them. They are on their property but they think it makes a nice presentation for the street.

Patrick Boothe, Architect noted he had updated images to share with the Board. The top middle shows the trees along West Street that have been added to show how they affect as you are approaching into town. Working with Mr. Cowles he mentioned the flowering hawthorn tree species at the pocket park and the honey locusts along Main Street. He had a photograph showing the trees slightly larger as they will be in 1-3 years from now. He noted that the mature look of the trees will not be far in the future. He also had the elevations he provided to the Board. They have been updated since the last meeting and they have added color to them for clarity. He pointed out the railings, the doors and the siding. They also provided the Board with annotated cut sheets on all the materials from catalogs. The cut-outs show every element they perceive being used. The materials are all clapboard siding which is fiber cement. The railings are all aluminum and they are square balusters and they are flat anodized and do not fade. The windows are a product from Paradigm Windows.

They are vinyl but have a simulated divided light where the window pane bars are on both sides of the glass so it simulates a mullioned window of years past. The door specifications are of traditional but simple buildings that are more reflective of the federal style architecture that was prevalent around the village center. Otherwise, for durability is PVC for the trims and the corner boards and the bays for example. He displayed more images and noted that not too many changes have been made on the back sides. Most of the work was incorporating the trees. He had a view of the material details from the courtyard and a couple of blown up images to show the articulation of the different pieces of trim as they all work together. The Board can see how all the trim is working and also to clarify some other important details in his mind is that the windows themselves, the sashes are black but the window frame and window casing is white to match the window siding. It is an effort to give the correct reverence to the different materials coming together. He displayed an image showing a typical entry door for the units along Main Street. When you come in, there is a nice undercover and a small sidelight to allow privacy to the unit but still have an opportunity to get some natural light into the entry door and a 2-panel door and some articulation around the columns themselves. Because of the trees being on the property line, there will be a break in the stone wall but there will still be a nice rhythm of a street wall with that stone wall but it will allow for that tree to survive for the long term. He offered to respond to questions.

Mr. Yankee asked Ms. Pelletier about the trim details. If this gets approved and gets into construction, how do we hold them to what we are seeing here today? Ms. Pelletier noted it is Design Review and unless they come back to the Board, they have to build specifically what the Board is approving with the materials and details noted. If they don't, they would have to come back. The Code Officer will always make sure that they get the inspections. The way the current Design Review Ordinance is, the only way for them to change any material is to come back before this Board. She does not have any Staff Approval ability and that also minimizes people coming back to change material once they are approved. She added that Site Features are inspected by the Town Engineer to make sure they build per plan like any other project.

Ms. Hamlen mentioned she is the Board member that spoke a lot about landscaping. She appreciates the work that has been done and feels it goes a long way. She likes the fact that the applicant is putting some color in front of the building instead of just grasses with hydrangeas which will soften and make it a pretty site. She mentioned that the Board has renderings from West Street, Main Street and the back. In terms of the east elevation, there are some existing trees on the Town Hall property but based on what she sees, there is a 15' setback. She asked if there are proposed trees there?

Mr. Cowles advised that he is planning to install an oak tree and shadblow on the other side. It is a combination of two kinds of plantings and Ms. Hamlen is correct, they didn't show up in the elevation.

Ms. Berger noted that in the same way, the plantings didn't show on the courtyard elevation any of the landscaping.

Mr. Cowles agreed but noted it becomes problematic to do that because that is the middle of that space between two buildings. He agreed Ms. Berger is correct because it was not represented in the other drawings but Ms. Berger can see from the landscape plan that they have six trees in the courtyard that are of small size as well as large shrubs on the interior of the courtyard as well. It is a good number of plants that will provide some privacy and begins to create a welcome and comfortable environment.

Ms. Berger asked Ms. Pelletier just as the architectural items on the plan are being approved, she assumes that these drawings should be updated as they are saying. The drawings she is seeing have older dates on them and feels they should be updated with today's date. Mr. Cowles explained that this is an updated official planting plan telling which trees will go in and in what location. The plans Ms. Berger is referring to would not be typically used as a construction document. Mr. Boothe added that they know the emphasis is on Main

Steet and West Street and typically they don't put trees in front of a building for elevations. All the trees and landscaping are meant to be built from the landscaping plan.

Ms. Pelletier advised that most of the projects the Board takes action on and how this one is set up is part of it would be a suggested condition that they post a performance guarantee and that covers the cost of all site work. Paving, landscaping, stormwater, etc.. Our Town Engineer loves it when she tells him it is time to start counting trees and he takes this plan with him and counts trees and plants and makes sure they are well established. We usually give at least six months, depending on the time of the year to make sure they are in and growing. We do hold money for landscaping. She has cases where people just can't keep their plants live so she does keep holding their money to make sure at some point they get approval. We don't go off photo renderings, we always go off the engineered drawings because this specifies the plants and the quantity and the caliper. More discussion followed. Mr. Boothe wanted to be clear that they don't build buildings from just these five drawings. The drawings are up to 80 pages long and architecturally, there is still a lot of technical work ahead of them.

Ms. Hamlen mentioned there are a lot of deciduous trees on Main and West Street. She asked if there was any consideration given to include evergreen on the west side so there would be year-round screening? Mr. Cowles indicated that there was no consideration given because deciduous trees will allow some light into these units. There is not much space and when you start putting something like a spruce tree, it can grow up to 30' taller than these buildings will be. Those folks would never have light in their units. Those trees are weak wooded and the roots generally do not stay in place like a hard wood tree. On the other side, they have a combination of understory shrubs and evergreen trees that they think creates a healthy border along that edge.

Chair Blanchard welcomed public comments. He asked speakers to go to the podium and state their name and address and please limit their comments to two minutes.

Judith Burwell of 50 Pine Street displayed a large photograph and noted it is a building that the same applicant built in Yarmouth. It is kiddy-cornered from Pat's Pizza and there has been a lot of feedback from the community that they don't want this building here. She thinks it is because it does not fit. It is not in alignment with what people who live here want. She feels the buildings are bigger than what we can see from the renderings tonight. In the spirit of wanting to inform people about the actual physical manifestation of these buildings, she wanted to show these photographs.

Susan Nourse of Pleasant Hill Road would like the Board to consider the Design Review Ordinance and use that to make your decision. This is a big, bold project and she wants to know if you are ready as a Board member to be big and bold at your position on this project. This is a big decision to make these buildings on Main Street. This proposal was fundamentally flawed from the start. No amount of camouflage can hide the fact that the buildings are out of scale and out of character with Main Street in Freeport. She stated that the Board does not have to approve this and requested that the Board reject it.

Jim Reinertsen of 55 Durham Road wanted to speak in favor of this proposal. He feels we need more residential development downtown and he doesn't feel this seems out of scale. It feels reasonable to him and it would bring some life to the area. The design is articulated nicely and has some attractive features that respects the history of the area. He feels the Board should approve it.

Ken Murphy of Lower Flying Point Road noted he has been a property owner for 23 years and a full-time resident for 17 years. He visited a town market in Worcester, Massachusetts and it reminded him of a small

Quincy Market. When he returned, he sent a letter to someone heading up development but never heard back that that is what Freeport needs.

If you were to put a well-designed two-story building and opened it to outdoor dining in the off season and multiple shops, he believes it would be less expensive than two big apartment buildings. It would be a huge attraction to bring people to Freeport and he feels that is what we really want and need. He asked the Board to consider such a project.

Beth Edmonds of Hunter Road pointed out that it is a tough decision and appreciates the work the Board does. She was a founding member of the Freeport Housing Trust and tried to bring low-income housing to Freeport and this is not it. She feels this is housing for middle-income type folks. She is not in favor of it. She feels Ms. Nourse has articulated clearly what the Board's parameters are and she does not envy the Board. This is a hard decision. She feels it would be best to reject this and hopefully, the developer will come back with something different. Again, she appreciates the Board's hard work.

Gordon Hamlin of Chapel Street advised that according to Freeport's Design Review Ordinance it is clear that this is not compatible with neighboring properties. If constructed, the project would establish a precedent for additional projects to be constructed with similar designs. They would destroy the look and feel of downtown Freeport as a classic, walkable New England village that attracts thousands of visitors each year. What a shame! What a lost opportunity!

Jay Yilmaz of Holbrook Street advised that he is a friend of Paul Peck and has a lot of respect for him on this particular issue but as the project stands, he cannot agree with the details but he does support development in general and specifically on the site but not in the way it is being proposed. He was not here for the last two meetings. He was out of town but sent an e-mail with his concerns. He felt it was well written and had a lot of good points in it to be addressed. The long and the short of it, one person spoke to and a lot of others feel that if the project was a little smaller and did not have a flat roof but a peak roof with some dormers as does the project on the Desert Road, it would be a lot more acceptable. He doesn't think people living in Cumberland Center, North Yarmouth, Sugarloaf or Sunday River would like to see projects as modern as this even though there are federal hints of architecture. He thinks this is a tough decision for the Board and he suggested using this as the last opportunity to delay your vote for more consideration. He had a couple of points he wanted to add but his time was up. He asked if he could draw on other people's time? Chair Blanchard did not feel it was in the Board's procedures.

Tim Reed of 11 Windsor Post Road advised that he is a military retiree and feels this project does not fit Freeport and would not fit into a lot of small villages. He feels that Jay Yilmaz has a lot of important things to say so he gave him the rest of his time.

Jay Yilmaz pointed out that this is the entrance to an important town in New England. It is known for a main street that is filled with merchants. Because the developer has determined to maximize this project which is understandable but not always the right thing to do, we will have to cut down a tree that has been there before L.L. Bean and will be very full on this lot. He doesn't believe it is in keeping with the adjacent buildings. It is across the street from the When Pigs Fly building which is which one of the oldest buildings in our village and he feels it will clash. Many people have commented that the architecture doesn't fit with the surrounding buildings. He did talk about the flat roof and how the project would be advantaged if it had a peaked roof. It has come to his attention that a group of citizens have committed to entering into talks with the developer to reimburse him for expenses if it doesn't move forward. He feels this is something the Board should take into consideration. His time expired but he wanted to see on the record that for something as serious as this project is, he knows it is something that would have to be taken up at the Town Council, that 2 minutes is not

enough compared to what developers were afforded. Ms. Pelletier added that anything submitted for public comment is part of the record.

Anthony Quesada of Harraseeket Road in South Freeport advised that the developers have put a lot of work in as best they could but this is not the right property for that place. It would work in Falmouth or Portland with no offense to anyone that lives there, but he doesn't want this here and feels others don't as well. We need housing for low-income, middle-income people but our issue today is precedent and approving things that meet the Design Guidelines to move this town forward and continue with this town being one of the great places in New England. We don't need to make approvals based on needs. We need to make them on our long-term goals. He hopes the Board will make the hard decision and reject this proposal and push us towards what we need but within the guidelines.

John Egan of 38 Curtis Road noted he is a member of the Council's Housing Committee and he is here speaking on behalf of that committee. He is not speaking on behalf of the Town Council. He noted that the Board does not have an easy job and thanked the Board for the time and effort they put in. The Housing Committee is excited to be working on solutions to add more housing to our downtown. Nothing is more front and center in the Downtown Revision Plan than finding ways to do some dense housing. If the Board looks around, there are not many parcels available except for this lot that has been a dirt lot for over 25 years that he has lived here. There are not a lot of places where we can actually do this kind of stuff. He could have lots of discussions with folks about whether or not it is a gateway and how it affects our downtown but he thinks a big part of our Downtown Vision Plan is to look for change. He noted that we have to change and evolve. Our community has to get ready for some different things so that we can sustain ourselves into the future. Multi-family dense housing is one of those solutions. He is here to speak strongly in favor of your approval of this project. He watched the meeting in February and participated on zoom and it looked like it met all the specs and dimensional criteria. The subject of criteria we could probably have another couple of hours on but he thinks it fits. The appearance suits him just fine.

Tom Henninger advised that he and his partner Ken Sparta have the Freeport Oyster Bar and he is here to speak in favor of the project. They are excited about having more people living in town. They would like to see Freeport a busy New England town with people walking around and people who live here. He and Mr. Sparta both have children who want to work in their business and want to live here so they want to see more opportunities for that. He pointed out an irony that if you look at historical buildings between here and L.L. Bean, they were all original buildings shaped this way. In fact, the original L. L. Bean building was shaped exactly like this. As a local business person, he wanted to say he is in favor of this project.

Mary Davis, of 17 Kendall Lane noted that she has had a lot of interaction with the Downtown Visioning. This included hundreds and hundreds of people in an open process to help us decide what we wanted. Out of that has come some changes in the design ordinances but we have a set of ordinances today that our developers use when they come into Freeport to help align with what we are asking for. With this building they have complied with everything we have asked them to do. They complied with the changes and the look and feel of how other buildings have looked in Freeport over a period of time. She knows this is a difficult decision. It is difficult when we are not aligned as a community and everybody doesn't agree. It would be nice if we all did but that is probably not what is always going to happen. She encouraged the Board to use our Design Ordinances. This is great housing for downtown and we need housing.

Roy Driver of Lower Flying Point Road mentioned he was here at the last meeting and he believes there were 33 parking spaces approved. Unless everybody who lives in these places is single and has one vehicle, that is going to work. Most of us in this meeting he is sure, if we are a couple or a family, we have more vehicles. That

means they will be parking in spaces we are parking in tonight. When Town Hall is open until 7 o'clock, many people stop by Town Hall on their way home from work. When the parking lot is full of other cars that really don't belong there because it is public parking. He asked how that will work? He mentioned he agrees with Susan Nourse that this is not the right project for this space and from a practical position, parking is a really big issue. We all know that that is a very busy intersection and he just does not see it working.

Brett Richardson, Executive Director of FEDC advised that he has been involved in this process. He feels we are getting better all the time. The last questions at the last meeting were about softening the building, addressing the landscaping and the tree scaping. He thinks these guys have done a good job in responding and he appreciates that work. It has been a good process and he looks forward to working to implement the Downtown Vision.

Mary Lemer noted she lives in Freeport and attended the design meetings which she thought were fabulous. She would love having downtown housing for people that is affordable so she does not have a problem with the buildings. She does have a problem with where it is because under Design, we talked about having that lot be a park so when you came into Freeport you thought this is Freeport and it is so awesome and beautiful and welcoming. She wishes it isn't where it is and can be shoved back. She would love to have that space be a park so people would have something lovely and welcoming.

There were no additional comments provided by people in the room or on zoom.

Mr. Monteleone suggested to better understand the decision that went into having the trim and the roof structure mirror the color scheme of the rest of the building. More discussion followed. Mr. Monteleone added that he did not appreciate how white it is until the Board received the supplemental materials and he also did not appreciate how smooth the siding materials were going to be. He recognizes that it is not the place for this Board to say, do this color and not that color. It is not within our scope, but it is within our scope to ensure that the building satisfies the requirement of an adequate relationship between façade materials including the requirement that colors must be compatible with historic buildings and should not dominate the architectural features. When he looks at this, the Board has gotten lots of e-mails saying the buildings are ugly. We have been looking at the development of these buildings over many months now and he has wondered what are they talking about? This is all subjective and a matter of opinion, right? He has had a realization looking at the crown molding that is meant to blend with the bright white color on top that that may be where the perception that it is hyper modern is coming from. When looking at other buildings around Freeport the structure will show in contrasting colors. He has concern about the way the color scheme shown and whether it satisfies that relationship of façade materials. However, that when we go through our requirements, we have scale of the building. In his opinion, this project meets scale and is a scale he is comfortable with. The landscape plan adequately addresses some of the concerns he had about scale and he is comfortable on that point. Given that the height is almost 10 feet below what the Ordinance allows in this zone, he feels that we are good on height. The proportion of the building's front façade with this two-building system he thinks it works in his opinion. He thinks the rhythm to solids and voids given the windows and bay windows works in his subjective view. He thinks the proportions of openings in the facility work. He thinks the flat roof shape works and is consistent with a federal style where it tends to have more contrast than is just blended away. He thinks the rhythm of spaces on the street is satisfactory. He is coming back to the question about façade materials and whether or not that is something he is comfortable with and he is certainly interested in. Ms. Pelletier clarified that this is in the Color Overlay District so by right anyone in this district can use any color from any historic paint palette in any combination. Mr. Monteleone advised that he acknowledged that at the outset but color combinations fit into the category of relationship to façade materials and when a color combination is dominating the architectural features such as the crown molding accents, then it falls within

the category we have some say so in and he thinks that is happening here in his opinion.

Mr. Boothe explained this is a shadow and is emphasized by having the refinement of a thin 4" line. Here we will have shadow lines casting so it won't be white, white, white because you are going to see shadows changing white and different materials and allows each element to speak unto itself about painting it a different color for example. It allows for the materials to speak to the shadow and that versus just changing the paint color. What we are doing here is allowing for what they think is an appropriate use of materials in the right way. Façade materials that are all within the dimensions of what good architecture is and paint colors are less relevant. It is really the material itself that is creating the character of the building. Mr. Monteleone asked Mr. Boothe why he chose the smooth sided clapboards as opposed to the cedar milled version? Mr. Boothe noted it is about honesty in materials. It is not practical to put real wood siding on buildings today because it is too expensive. More discussion followed.

Ms. Berger mentioned that at the last meeting she brought up that the first-floor drawings were incorrect saying that they were 2-bedroom and was told that it was a typo. She wants to be sure that the first-floor plan will be corrected and will be technically correct saying they are one-bedroom units not two-bedroom units. Mr. Boothe assured her that a correction would be made before they reach the permit level. Ms. Pelletier pointed out that there was a discrepancy in the plan but it is noted in the record that there are 14 one-bedroom units and 16 two-bedroom units. She is comfortable with them being noted in the record and it is good to be clear.

Mr. Reiche felt that this project doesn't meet the requirements of the Design Review Ordinance since the first meeting. He thanked the Developer and noted it has not been an easy process for anybody. Those folks have been patient and cooperative and it is appreciated. He wanted to acknowledge that there are a lot of issues that came up in the public comments. We have a Design Review Ordinance which is the only lens by which we can look at this project. The Downtown Visioning Project is great but it is not the Ordinance of the Town. The desire to recharge the economic situation on Main Street is not part of what we are here for nor is housing. They are all important issues. We have to look at this under three ordinances, Site Plan, Subdivision and particularly the Design Review Ordinance. So, the public understands, the Design Review Ordinance is a really specialized ordinance that only applies in two very small parts of town. It is two parts of town where continuity is important. It is the Historic District that is not here on this section of Main Street and the nine requirements of the Design Review Ordinance all go to basically one thing and that is compatibility. You look at what is around the proposed building and review it or approve it in light of those nine different ways of saying it has to fit in. He does not feel it fits in. He does not feel it fits in because we made a historic district and also the scale of the building. It is a big building and his personal opinion making it a different color or having a lot of plantings around it does not take away from the fact that it will be a startling big building compared to what's further along Main Street. He is still opposed to the project under the Design Review Ordinance. He has never voted against a project after final review and he knows this Board has never turned down anything for final review but he feels it is our responsibility on this one.

Mr. Yankee thanked Mr. Reiche for acknowledging what this Design Team has done and also all the people that have provided comments over the past several months and spoke to us as well. It is an important process that we go through. He mentioned that there was a similar issue that came before the Town Council with a lot of pros and cons and in both issues, this one and that one, he honestly doesn't think anyone is wrong. Everybody is speaking with their passion and their view of what is good for Freeport. He agrees with Mr. Reiche and also Mr. Monteleone. Whether it complies with the Design Review Board or not, in his mind he believes that it does. He feels this will help this part of town and is consistent with the different types of styles we have here. He is satisfied that the architectural details and the landscaping does comply with Design

Review standards.

Ms. Hamlen advised that she has read all the letters and heard their comments and she has wrestled with this issue. She understands it is emotional for many. She takes this job seriously and feels it is her responsibility to take a minute and walk the public through her thinking. First, the site was for sale and did the Town buy it? No. Did a not-for-profit waiting for space to open up express interest? As far as she knows, no. If a developer wanted to put in more store fronts, would that have been well received? She thinks not. Here we are with a developer who is proposing a multi-family development. This proposal is both timely and relevant. The Downtown Vision Task Force has expressed a desire to build housing downtown for a more vibrant live, work center. It addresses the growing need for housing in Freeport overall and she is adding a third. It begins the greening of Freeport's Main Street. Now, as a member of the Project Review Board, she must be guided by whether the standards of the ordinances have been met by this developer. The site has been determined appropriate for this kind of development. There is adequate land for the proposed building and parking. In its initial proposal featuring one large building complex the applicant met all the standards. Based on concerns voiced by this Board they went back to the drawing board. The applicant returned with two smaller buildings studiously reflecting the architectural features including roofs of other buildings in town. They then brought back the street view by incorporating a garden courtyard, a benefit for tenants and passers by alike. This proposal too was sent back for further amendment with a focus on building materials and landscaping. As of this date tonight the key design review items from rhythm of space to buildings, height, solids to voids and facades to roofs have met ordinance standards. The main bone of contention appears to be the scale of the proposed structure, a subjective but legitimate concern. She believes this issue can be mitigated by the enhanced landscaping plan delivered tonight. The way she sees it, as you approach Freeport from the south, you pass a large shopping center, various banks and businesses of varying architectural styles and colors, think Pet Store and a new L.L. Bean headquarters with company parking lots. As you arrive at the corner of Main and West, the entry to Freeport, the Fire Station and the Police Station sit on the right, Sam's Italian Food, a colonial style business complex, the Ski and Surf Outlet and their abutting parking lot and a maze of electrical cables, lights and three telephone poles in close proximity are featured on the left. The proposed buildings in the corner location lies straight ahead on the right. In the last iteration, the proposed building with its scant screening indeed did not blend with the afore mentioned street scape. She believes, however, that the revised plan recommending larger trees, ground cover plants, flowering shrubs, benches stonewalls and the ultimate canopy will provide a park-like canopy visually reducing the scale of the building. With this welcoming green scape she believes it will, in fact, enhance the street, the neighborhood and the entry to Freeport while signifying the first step in the greening of Main Street.

Ms. Berger thanked the applicant for addressing many of the Board's concerns over these many meetings. What we are being asked to approve tonight is a great improvement on their initial presentation. She does have remaining concerns. Some are technical and some are based on the lack of clarity regarding Items 1-3 of the Design Review Ordinance for scale, height and proportion of the building façade. This is leading her to a no vote. In anticipation of a motion to move forward, she would like to make sure that the following three technical items are included. Some have already been discussed tonight and probably we are all in agreement that they be put in. The first one would be an assurance that the entrance and driveway exit is not changed from being a one-way out using the easement on the Town property. Allowing the possibility of a two-way drive in and out of West Street would likely cause a dangerous situation to pedestrians, vehicles and residents without making changes to the site, structures and parking areas. Here she refers to Section 602.1 of the Town's Zoning Ordinance, Item C and D. Such changes may not be feasible with the current plans. She would like to see the easement signed prior to the start of construction as a condition of approval under Subdivision Review. She does not believe that the applicant is planning to not use the easement but she would like to see it recorded in such a way that there is no opportunity for that change.

On a technical item, she feels we need the assurance that the complex is for rental units and not condominium units. We have not seen paperwork but she feels that has also been included. She feels we should also encourage plantings of native trees and plants. She hopes that it is how they are indicated in the list of plants.

Ms. Berger feels that this application does not officially define affordable units. Unfortunately, our regulations and ordinances do not require that they do and that is based on a lack of urgency and omission on the part of the Town Council and Planning Board. In of itself this cannot be a reason to deny the application in her understanding. A similar concern is that these apartments were not designed to be ADA compliant or particularly “accessible” other than the one-bedroom apartment with direct entry without steps. The lack of an elevator in a three-story building underscores these limitations. Again, the ADA accessible requirement is not part of our ordinance but it weighs heavily on her mind. As an aside, she urged the Housing Committee, Planning Board and Town Council to create as soon as possible additions to our Building and Zoning Ordinances.

We need more housing in Freeport but we need to prioritize the needs of lower income individuals, the workforce population, ADA requirements and Seniors in our Planning Process. She was glad to see that John Egan was here tonight and this goes toward some of the work they have been doing together. She feels the changes to our ordinances should be done as soon as possible. It has been a long time coming and it would have changed some of the items in this plan and probably many of the attitudes of people that are here opposing the application tonight.

Chair Blanchard explained that we have three motions before us tonight. We talked about this at the last meeting. We have one for Site Plan Review, one for Subdivision Review and one for Design Review. We will do each one individually. He suggested starting with Site Plan Review first. We will need to read all of the text for each one.

Mr. Monteleone wanted to move for a different than normal procedural approach. He suggested starting with Design Review and that before we make a motion, we consider that this Board needs to enter findings on each element of Design Review and that we vote on each element of Design Review. Ms. Pelletier added that procedurally for Design Review only it actually says that the Board acts on the application in its entirety, not each legal finding. Mr. Monteleone explained that he is proposing that the Board vote on whether we have sufficient findings as to each of these elements. Ultimately, we are submitting findings and if a member of the community appeals this, it is going to be based on our findings and so he proposed that we vote on each element. Ms. Pelletier advised that Design Review is not written for the Board to take separate action on each one but it is important that you go through each one to see if you have a consensus before you take action on the entire package. Subdivision and Site Plan are written differently.

Mr. Reiche suggested doing Design Review first because it is the one that has been controversial in our discussions. Design Review is like nothing else in the ordinance that he knows of. An application for a Design Review Certificate is approved unless the Board has four dissenting votes. Ms. Pelletier added that the Board acts on the application in its entirety and if it is a motion to approve, you need four votes. If it is a motion to deny, you would need four votes. It is not a majority.

Mr. Reiche read the language only under Design Review. An application is denied if only four members vote against a motion to approve in favor of a motion to deny. It takes four noes for it to pass. Chair Blanchard wanted to say that the energy that has been brought to this application from the Board and community is something that should be brought for many applications before us and perhaps for ordinance revisions in the future. If someone abstains and the motion ties 3 to 3, it will pass. Back to Mr. Monteleone’s question do we

want to go in roll call vote for each of the elements? Mr. Reiche is saying he doesn't think it is necessary. Ms. Pelletier added that it says the Board acts on the application under that motion. It is not like the other ones. You would still need to make the positive findings on the entire package. Mr. Monteleone asked why we have proposed findings of fact on each one of these elements then? Ms. Pelletier noted it is because the Board is looking at the whole package and you are not voting on each individual one but if you feel it doesn't meet one, the whole package doesn't meet it. Chair Blanchard added to be fair, at the last meeting each one of us said which element do you feel it does not meet and what information do you feel you do need from the applicant. That information is in the record from the last meeting but if Caroline is saying that is sufficient motion to make.

Mr. Monteleone mentioned that if we want to have an accurate record to defend the basis of findings which can appeal on a discretionary basis, it is his opinion that it is of value to be able to have specific findings for each element demonstrating that our vote is tied to the elements of the ordinance and not some other subjective and inapplicable basis.

Ms. Pelletier advised that the Board should go through and look at those and if you plan to vote affirmatively, you should find that they meet them. Design Review is very specific that you are voting on one motion. It is not ten motions for each finding. It is one motion on the whole application. By approving something in one motion, you need to be aware as to whether or not you think it is meeting all those standards or not so the exercise of going through them as long as you are voting on the whole thing at once meets how the ordinance is written. Mr. Monteleone mentioned that if we vote no on the overriding motion, then the application is dead and it can't be brought back? Ms. Pelletier advised that there is always an appeal process for any action that the Board takes. Again, you have three separate approvals here and three separate motions. To build the project as approved, you need all three of those approvals and three separate sets of standards with three separate appeals processes. The Board should take a vote on all of them because they are separate and they have their own standards and their own appeals process. If you approve the site plan and subdivision, they could design something on the exact same footprint. You would already be making the determination that subdivision and site plan standards have been met based on the footprint shown. If you don't approve the building, they cannot build what is before you tonight

Mr. Monteleone stated that he wanted to focus the attention as to Design Review with the idea that if we vote on the elements individually, rather than taking the ultimate motion, that leaves the applicant the option ultimately to withdraw rather than going the limited appeals process. If we find that one element is not satisfied, ultimately before we take the next motion that is a yes or no, there is an opportunity for the applicant. Chair Blanchard added that if you are voting in the affirmative, then you are saying it meets all of them so it would really be just those voting no that should say for the record and we had some statements. Mr. Yankee added that there is not necessarily an obligation to but it would be helpful.

Chair Blanchard offered to start with Design Review.

Findings of Fact: 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 applicant has updated the design from the original proposal and is now proposing two smaller three-story buildings that complies with the space and bulk requirements of the underlying zoning district. The building catalog included in the submission includes lengths and heights of nearby structures for comparison. The building design details incorporate design features such as bays, entrances, trim and variations in the façade setback through the incorporation of bays. Based upon this information, the Board finds that this standard has been met.

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

The height of the building complies with the space and bulk requirements of the underlying zoning district. The new building will be about 31 feet in height. The building catalog included in the submission includes heights of nearby structures for comparison. The submission demonstrates that many nearby structures have heights between 20 and 42 feet. 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 applicant is proposing two three-story buildings that have facades on two streets. The building catalog included in the submission includes heights and lengths of nearby structures for comparison. The submission demonstrates that many nearby structures have heights between 20 and 42 feet and façade lengths between 45 and 130 feet. The design incorporates features such as bays, entrances, trim in variations in the façade setback to help minimize the scale of the structure. 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 had been designed to incorporate the patterns seen on nearby Class A and B structures as shown on the building catalogs included in the submission. The locations of windows, doors and balconies with railings are depicted in the submission. The drawings note a relation of the larger building entries with trim and bays with pitched roofs as shown on nearby structures. 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.

All windows and doors will be rectangular in shape and have been designed to be an appropriate scale based upon the size and use of the building. The drawings note a relation of the larger building entries

with trim and bays in relation to window sizes. 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 overall roof of the building will be flat. In the submission, the building catalog depicts other buildings in the downtown that also have flat roofs. Also as depicted in the building catalog of nearby structures, the roofs of the bays are shown with a pitched roof. Based upon this information, the Board finds that this standard has been met.

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

The bay windows will be created with the use of cementitious panels. The areas of hipped roofs will have architectural asphalt shingles. The proposal includes: simulated divided lite windows with flat casing and sill; Hardie Plank siding in a clapboard style; fiberglass doors with paneling, glass and sidelites as shown; aluminum railings with square balusters; PVC trim and corner boards with details and dimensions as shown; and, PVC bay panels. Balconies will be divided with wood partitions screens for separations between the units. Based upon this information, the Board finds that this standard has been met.

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

The site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance and is similar in layout to other nearby properties. The site features incorporate a stonewall and trees in the open space, as shown in the building catalog included in the submission as also being features of other nearby properties. Based upon this information, the Board finds that this standard has been met.

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

The site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance and is similar in layout to other nearby commercial properties. The site features incorporate a stonewall and trees in the open space, as shown in the building catalog included in the submission as also being features of other nearby properties. Landscaping has been incorporated into the setbacks and has been update at the request of the Board and now includes additional trees and tress planting that will have a larger caliper at planting. Parking will be located in the rear of the site. Based upon this information, the Board finds that this standard has been met.

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

The location of a project sign is shown near the West Street entrance. 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 applicant is proposing two new, three-story, multiple-family dwellings (approximately 4,620 sf footprint each) with a total of 30 residential dwelling units and associated site improvements. The site has been designed to comply with the with the space and bulk requirements for the Village Commercial I Zoning District. The building has been designed to comply with the standards of the Freeport Design Review 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 applicant is proposing two new, three-story, multiple-family dwellings (approximately 4,620 sf footprint each) with a total of 30 residential dwelling units and associated site improvements. The building has been designed to comply with the standards of the Freeport Design Review District while providing pedestrian and vehicular connections to the nearby streets. 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 be off a new entrance on West Street and the existing vehicular access from Main Street will be removed. The access will be one-way and 16 feet in width, proposing to exit over the Town Hall site. There is an existing agreement in place that allows this, and the applicant went to the Town Council (02/07/2023) and was granted a conditional easement for exit over the Town Hall property. Based upon the use and the number of units, the project will not meet the threshold for a Maine Department of Transportation Traffic Movement Permit. A Traffic Impact Study, prepared by Barton & Loguidice (dated 01/23/23) was included in the packet. The Town Engineer has reviewed this information and his comments are included in an email dated 02/09/23 and conclude that "...traffic generated from the development has no measurable effect on the street and intersection."

A Driveway Entrance Permit from the Freeport Department of Public Works will be required. In addition, the Superintendent of Public Works has included some comments regarding maintenance of the easement area, snow removal, signage and striping in a memo dated 02/08/23; complying with the items noted in the memo will be a suggested condition of approval. 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.

The applicant is proposing 33 on-site parking spaces. Since the property is in the Village Commercial I Zoning District, they have the option to provide shared or non-shared parking. The parking calculation would be based upon which type of parking they choose to meet the parking requirement of Section 514. Off-street Parking of the Freeport Zoning Ordinance with; in this case they are proposing to meet the off-street parking requirement for non-shared parking on-site. 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 project is located in an Urban Impaired Watershed. Stormwater Management and Erosion Control Plans were included in the submission and there will be an increase in the amount of impervious area on the site. Stormwater will be detained and treated on-site with and above-ground system. There will also be underground storage chambers to hold and slowly release the water and there will be an outlet control structure. Review comments from the Town Engineer are included in a memo dated 02/09/23 and he feels the standards of the applicable ordinances have been met. No permits from the Maine Department of Environmental Protection are 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.

There are public utilities in this area and the applicant does intend to connect to the utilities. Capacity to serve letters from the applicable utilities are included in the submission; a letter from MaineWater (dated 01/24/23) and a letter from the Freeport Sewer District (dated 01/05/23). Per the Freeport Subdivision Ordinance, utilities serving subdivisions shall be installed underground; underground electrical service to the building is shown on Sheet C101. 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 location of a project sign is shown near the West Street entrance. 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.

In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, the owner will be required to contract with a private waste hauler for the disposal of solid waste. The location of proposed dumpsters is shown on the plan. 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.

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

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

All public safety departments heads have reviewed the plans. The applicant did submit a plan sheet to demonstrate that fire apparatus should be able to maneuver the site. 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.

The plan is to retain and repair much of the existing stone wall on the property. As requested by the Board, the submission did include a letter from Davey Tree Company regarding the large oak tree on the West Street side of the property. In the letter, it was noted that the tree could be pruned, but that would accelerate the loss of the crown. The suggestion was made that the tree should be removed prior to construction and a suggestion was made that a red maple be planted as that would do well in the site conditions (ie: road salt, does not attract Browntail Moth). A final landscaping plan was included in the submission. Landscaping has been incorporated into the setbacks and has been update at the request of the Board and now includes additional trees and tress planting that will have a larger caliper at planting. 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:
- a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
 - h. Will avoid problems associated with floodplain development and use; and
 - i. 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

public utilities. There are not areas of flood plain identified on the site. A stormwater management and erosion control plan has been submitted and reviewed and approved by the Town Engineer. 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.

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.

The parcel is located within the watershed of an Urban Impaired Stream. Wetlands were identified on the site and are shown on the recording plan. A wetlands report, dated 11/17/22, prepared by Mark Cenci Geologic, Inc. was included in the submission. No streams or vernal pools have been identified on the site. Due to the size and nature of the project, review and approval from the Maine Department of Environmental Protection (DEP) will not be required. Stormwater Management and Erosion Control Plans were included in the submission and there will be an increase in the amount of impervious area on the site. Stormwater will be detained and treated on-site with an above-ground system. There will also be underground storage chambers to hold and slowly release the water and there will be an outlet control structure. Review comments from the Town Engineer are included in a memo dated 02/09/23 and he feels the standards of the applicable ordinances have been met. The applicant has obtained a capacity letter from the Freeport Sewer District (dated 07/12/2022). 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.

Capacity to serve letters from the applicable utilities were included in the submission including a letter from MaineWater (dated 01/24/23). Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

A. State Standard

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

The development will be connected to the public water system. MaineWater did issue a capacity to serve letter dated 01/24/2023. 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 control plans have been included in the submission. Due to the size and nature of the project, a Site Location of Development (SLODA) Permit from the Maine Department of Environmental Protection (DEP) was not required. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regards to stormwater management and erosion control. His comments are included in a memo dated 02/09/23. A Maintenance Agreement for a Stormwater Management System is a suggested condition of approval. 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.

Vehicular access to the site will be off a new entrance on West Street and the existing vehicular access from Main Street will be removed. The access will be one-way and 16 feet in width, existing over the Town Hall site. The applicant went to the Town Council (02/07/2023) and was granted a conditional easement for exit over the Town Hall property. Based upon the use and the number of units, the project will not meet the threshold for a Maine Department of Transportation Traffic Movement Permit. A Traffic Impact Study, prepared by Barton & Loguidice (dated 01/23/23) was included in the packet. The Town Engineer has reviewed this information and his comments are included in an email dated 02/09/23 and conclude that "...traffic generated from the development has no measurable effect on the street and intersection."

A Driveway Entrance Permit from the Freeport Department of Public Works will be required. Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

A. State Standards

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

The project will utilize the public sewer system. The Freeport Sewer District did issue a capacity to serve letter dated 07/12/22. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

A. State Standard

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

In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, the owner will be required to contract with a private waste hauler for the disposal of solid waste. The location of dumpsters has been shown on the plan. Based upon this information, the Board finds that this standard has been met.

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

A. *State Standard*

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

A letter from the Maine Historic Preservation Commission (12/12/22) was included in the submission. In the letter, the Maine Historic Preservation Commission notes that “The proposed undertaking will have no effect upon historic properties...”

Wetlands were identified on the site and are shown on the recording plan. A wetlands report, dated 11/17/22, prepared by Mark Cenci Geologic, Inc. was included in the submission. 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 project requires a Design Review Certificate, Site Plan Review and Subdivision Review. The parcel is in the Village Commercial I (VC-1) Zoning District. The submission does include a net residential acreage calculation and there is 0.40 acres of net residential acreage. A total of 30 residential dwelling units are proposed. There is no land per dwelling unit requirement in this zoning district. This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance). The Board deemed the review of the Site Inventory Map, Site Analysis and Conceptual Plan complete at the September 2022 Project Review Board meeting. A public hearing was held and preliminary subdivision approval was granted on November 2022. 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 submission and recording plat were prepared by Trillium Engineering Group. A landscaping plan was prepared by Cowles Studio Landscape Architecture. Building renderings were developed by CJS – Caleb Johnson Studio.

A letter dated 06/22/22 was submitted from Robert C. Harville at Norway Savings Bank indicating that

he feels that applicant "...is financially capable of completing the subject purchase and construction project at 22 Main Street..."

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

11.11 Impact on Water Quality or Shoreline

A. State Standard

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

This parcel is not located within the watershed of a great pond or lake nor is it within the Shoreland Zone. 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.

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

11.13 Floodplain Management

A. State Standard

Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and 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 parcels are in Zone C, areas of minimal flooding, on the FEMA Flood Insurance Rate Maps (FIRM). Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

A. State Standard

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

A wetlands report, dated 11/17/22, prepared by Mark Cenci Geologic, Inc. was included in the submission. No streams or vernal pools have been identified on the site. 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 have been identified on the site. 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.

Due to the size and nature of the project, a Site Location of Development (SLODA) Permit from the Maine Department of Environmental Protection (DEP) was not required. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regards to stormwater management and erosion control. His comments are included in a memo dated 02/09/23. A Maintenance Agreement for a Stormwater Management System is a suggested condition of approval. 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.

Design Review:

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for LWS Development, LLC., for the proposed Freeport Village Apartments (Tax Assessor Map 11, Lot 132) for a 30-unit multi-family residential development in two structures, application dated 01/25/23, to be built substantially as proposed. (Yankee & Donahue). **ROLL CALL VOTE:** (5 Yes) (2 No Berger & Reiche)

Site Plan Review:

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan for LWS Development, LLC., for the proposed Freeport Village Apartments (Tax Assessor Map 11, Lot 132) for a 30-unit multi-family residential development in two structures, application dated 01/25/23, to be built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, 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.
 - C. Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.
 - D. The developer have a pre-construction meeting with the Town Engineer.
- 3) Pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at such time.
- 4) Prior to construction, the applicant obtain any applicable permits from the Freeport Department of Public Works and coordinate any proposed improvements in the public right of way with them.

- ~~5) Prior to the start of construction, the applicant execute and record the easement agreed to with the Town for vehicular access over the Town Hall property. (Yankee & Donahue)~~

Ms. Berger suggested changing No. 5 to read, prior to the start of construction, the applicant execute and record the easement agreed to with the Town for vehicular access over the Town Hall property. Mr. Yankee offered to amend No. 5.

- 5) Prior to the start of construction, the applicant execute and record the easement agreed to with the Town for vehicular access over the Town Hall property. (Yankee & Berger) **ROLL CALL VOTE:** (7 Yes) (0 No)

Subdivision Review:

Ms. Pelletier pointed out the TBD date is now 01-25-23 and the revision date is 03-09-23. Since No. 5 was changed, No. 8 needs to be changed to match Prior to the start of construction.

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and Subdivision Plan for LWS Development, LLC., for the proposed Freeport Village Apartments (Tax Assessor Map 11, Lot 132) for a 30-unit multi-family residential subdivision in two structures, recording plat dated 01-25-23 revised 03-09-23 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 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:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, in accordance with Article 12.9 of the Freeport Subdivision Ordinance, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - C. Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.
 - D. The developer have a pre-construction meeting with the Town Engineer.

- 3) Pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at such time.
- 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) The applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- 6) The applicant shall provide the Town with a digital file, in a format compatible with the Assessor's records, containing the information shown on the recording plan.
- 7) Prior to construction, the applicant obtain any applicable permits from the Freeport Department of Public Works and coordinate any proposed improvements in the public right of way with them.
- 8) Prior to the start of construction, the applicant shall execute and record the easement agreed to with the Town for vehicular access over the Town Hall property.
- 9) This application is approved to include two multiple-family dwellings and for the units to be operated as apartments. If in the future this ownership of the units is changed to a condominium, the applicant will be required to submit the required legal documents per the Freeport Subdivision Ordinance, to be reviewed and approved by the ~~Town Attorney and subject to Town Planner approval.~~ (Reiche & Berger)

Mr. Monteleone moved to amend No. 9 to have it come back for an amended Subdivision Review if there is a switch to condominiums rather than simply submitting documents to the Town Attorney. Ms. Pelletier explained that our practice is to send them to the Town Attorney for review and we have done it this way in the past. Staff does not have that expertise. Board members agreed to accept the amendment.

Mr. Reiche read the amended No. (9)

This application is approved to include two multiple-family dwellings and for the units to be operated as apartments. If in the future this ownership of the units is changed to a condominium, the applicant will be required to submit the required legal documents per the Freeport Subdivision Ordinance, to be reviewed and approved by the Project Review Board and the Town Attorney. (Reiche & Berger) **ROLL CALL VOTE:** (7 Yes) (0 No)

A break was taken

ITEM IV: New Items

Love Point Oysters, LLC – Site Plan Review

The applicant is seeking approval for a Change of Use and Site Plan Review from a residential use to Commercial Sales and Service at 43 Old South Freeport Road. Some existing structures (residence, garage and

shed) will be demolished. One of the existing structures will be retained and renovated for the new use. Some new areas of paving and gravel are proposed. Existing concrete pavers will be relocated. Outdoor storage is proposed. Zoning District: Commercial I (C-I). Tax Assessor Map 25, Lot 11 (43 Old South Freeport Road). Love Point Oysters, LLC, applicant; 43 Old South Freeport, LLC, owner; Donna Larson Kane, LK Planning, representative.

Ms. Pelletier explained that the applicant purchased a property that was used for a single family. They are proposing to change the use to commercial sales and service. They operate an oyster farm on the water and they do need some space on land to support their business operation. There are a couple of structures on the property that are going to come down. There is one main structure they plan to retain for the use of the business operation. They are proposing some reconfiguration of site features. Overall, on the site, one of the changes the Board had, they had submitted a plan showing the shifting around of some impervious areas but there are some concerns because of how they were shifting them, they would have to treat stormwater. They switched the material and the applicant's team will go into so that the actual results of the impervious area increase we would consider minimal under 500 sq. ft. There is a lot of gravel on the site and they are going to fill in foundations. They are proposing to pave a little area out front where they will have the required one van accessible parking space. They are proposing some outdoor storage. They show an area close to the road that they would use for boats and they do show an area of storage in the back that they would use for some of their equipment. That is something that will come back to the Board to talk about. There is quite a bit of existing vegetation on the site that they are proposing to retain. They will be using private utilities. They have an existing septic system and the Code Officer took an initial look at it. Once they finalize their building plans if he sees the details of the day-to-day operation, he will make sure it is adequate. This is in the commercial district so the standards of Section 527 are applicable. In this case, no new buildings or any signage or no new vehicular access is being proposed. They are planning to retain the vehicular access that is there but pave the aprons and they have talked to Public Works. There are a couple of things that are outstanding that have come up more recently that she thinks the Board would need to talk about tonight. 1) The applicant has asked for a waiver to not have to fence the outdoor storage. She got confirmation from the attorney that the way our Ordinance is written, it is not something the Board has the ability to waive so any areas of outdoor storage will need to be fenced. The applicant knew that was up in the air and we were getting confirmation so they can address the issue of fencing tonight. She thinks the Board will want to hear where they are going to put it and how they are going to screen any of those outdoor storage areas. The Town Engineer did look at the final revisions and he does have some general concerns about the area shown that they are going to use for cleaning the outdoor equipment. The response came in today that they would not be using solvents. They would just be using water. Because we really had not had a time to go into details, she thinks if the Board wanted to take action, the concerns noted in Adam's memo today about that cleaning area, getting some information to document what they will be exactly doing and using in that area and get a bit of clarification as to where that water is actually draining. The concern is that it is in the urban area where the Town has a municipal stormwater permit so we can't have anything draining into the municipal system. We want to keep stuff out of there. There was an issue with the ADA parking stall but they have since corrected that and it was on the plan before the Board today. It has come up that they included in their information some old survey information they had in a file that showed the meets and bounds of the property. When they actually went out there, they could not identify all the bearings and distances of the property lines so that would require a waiver because they have not been able to give the Board that information. It is short from one of the property lines. Honestly, the way they are doing the development and not doing new structures, she is not overly concerned since they had their plan stamped by a surveyor but a waiver is requested there. They also requested a waiver from a requirement that requires a 5' pedestrian connection with the abutting properties. When you look at the location of the property, you will see it is coming out of a fork in the road and there are two commercial properties near there. The Town Engineer did flag that there is the potential for the East

Coast Greenway to come through there in the future but it is not through there at this point so she doesn't know if a pedestrian connection with the abutting properties would work with it. In the future if something went through there, it could be of interest if they come back. Right now, personally and professionally with the standards in place, the abutting uses and location she is not overly concerned with the waiver request but it is up to the Board to decide. Our standards are vague on that. It doesn't say it has to be a 5' wide sidewalk in the right-of-way. It just says a 5' pedestrian connection with the abutting properties. In some cases, it is just a gravel path.

If the Board wants to take action tonight, you might want to look at adding a couple of conditions regarding the fencing, the screening, you would have to take action on granting a waiver on the pedestrian path and also act on a waiver request for not having the meets and bounds if the Board is comfortable not requiring a survey. That would be a waiver of Section 602.D.4.C.

Donna Larson introduced Ben Hamilton and Cameron Barner who are in the room tonight. She is zooming in from away and has a PowerPoint she would like to share. She advised that the applicants have been farming oysters in Freeport and Harpswell for a few years now. They recently purchased the property on the Old South Freeport Road and will be moving the land-based operation to that site. They looked at the site and had a 1992 survey that was done by Art Colvin who is a surveyor and does a lot of work in Freeport. He looked at it and why you don't have the bearings is that what was done in 1992 do not line up with some of the things he found on the site. She pointed out a setback and the only building they are talking about is in the middle of the site. That is why they are requesting a waiver of the property survey now. She hopes in the future the applicant is coming back to the Board and is maybe planning on building a new building or doing some different things. Right now, what they want to do is demolish the two buildings shown on the plan and focus on the Bakery Building which is the building they will be using. That is their justification for not providing a boundary survey now.

She displayed some pictures for the Board and explained them. A demolition permit has been issued for the house and garage. She showed the Bakery Building. The driveway will stay the way it is right now. The aprons will be paved that are within the right-of-way. She pointed out where parking will be added with some pavement as well as another parking space and a nice gravel area for trailer storage. She pointed out where the garage and house would have been located. She pointed out where the boat storage would be located as well as some parking spaces. The 15' concrete pad will be used for washing the cages. No detergents will be used for this, but they may have seaweed or barnacles. It is all organic material and can easily go into a compost pile. The water is intended to run off the concrete pad, go into the lawn and infiltrate so there is no piping of this. The power washing is not something that happens every day so it is not like it is happening constantly. It happens a few times per summer. In terms of anything getting into the ground water, it is just going to be water.

For a few things about the screening, what we have in the ordinance in Section D of the C-1 District there is a conflict. The first item says there can be no storage in the front setback and she pointed out the line on her plan. There will be no storage in that. When you get into Section 8 of that and it starts talking about outdoor storage but now it talks about a number of ways you can use it screening. In Item 1 it says you have to have a fence but in 8 when it talks about screening, fencing is an option and landscaping is an option and natural vegetation is an option so they would like to do is not fence this in but she is not sure how to come to terms with this conflict within the ordinance. She pointed out where the storage area is and it is where the cages will go. She showed the Board a picture of the cages and the boat and everyone can see that it is not 10' tall and so they are hoping to do minimal screening. The cages will probably be stacked 4 tall which would bring them up to 5' at the most and they would be in the back of the yard. She pointed out where the boats would be and

they would be able to be pulled in and backed into the boat storage area. She pointed out where they are proposing to install some flowering shrubs and all of them are expected to have a 6' height on them. There is some existing vegetation but this would add a bit more screening to it. She pointed out where a fence could be added if necessary but they hope to not have to put a fence in the back or all around it because there is substantial vegetation all the way around.

Ms. Larson advised that some cages will be there year-round. If a cage gets damaged, they will hold on to it and use it for parts. Other cages are not there during the winter months. The most storage will be in the winter months and in the summer, there is a lot less storage happening on the site. They have added pavers to get the amount of impervious area down and Caroline has talked about that. She pointed to a ditch and in terms of a walkway going through there are some gullies and wetlands and because there are no other sidewalks or pathways on this property, she thought that it would be something that would not get used. The applicants have contacted the property owners adjacent to this site to see if anyone had any concerns or if there is any interest in something like this and there wasn't. They are hoping to not have to put a pathway in. If at some point in the future a path system or if this is the site of the East Coast Greenway, they would be willing to look at it. She offered to take questions.

Mr. Reiche asked Ms. Larson to help explain the conflict on the screening or fencing requirement to mitigate the visual impact of the development on its surroundings. Ms. Larson explained that this is in the C-1 District so you have your permitted uses, setback requirements, space standards and then you have this other section which is D. Other Standards.

The first one says outdoor storage for non-residential uses is prohibited in the front setback but there is a second sentence that says outdoor storage areas shall be fenced. There is no wiggle room or flexibility. When you jump down to 8, it says for uses that require outdoor storage of materials and this is commercial sales and service with outdoor storage. There are two different types of commercial sales and service. One is with outdoor storage and one is without and this is specifically the use that requires outdoor storage so she thinks it meets that. It goes on to say the Project Review Board shall require screening so this is where we make the jump from fencing to screening. A new sentence says such screening may include plantings, retention of existing vegetation, berms, fences or other vegetated or constructed barriers to mitigate the visual impact of the development on the surroundings. She feels that is much more typical of a standard that would provide this flexibility. She mentioned that this is not a noisy operation. A power washer may be used a few hours a week. They are proposing to retain that natural vegetation along the front and augment it with some shrubs. For the boat, the Board saw a picture of it and it is not that tall so the shrubs and existing vegetation seem to be enough to provide the screening that is necessary. She does not know how to address the conflict. They are not really requesting a waiver but we are requesting that we follow the guidance in Section 8 on screening and not provide a fence. If a fence is required, just put a simple section of fence right in the front part of the building where the boat storage starts. If the Board does that, it will shade the shrubs and they won't grow. It seems that it would be a better project to just have the plants. Mr. Reiche noted it makes sense to him. Ms. Pelletier agreed there is a conflict and we have been struggling with that section of the ordinance. There are a lot of references that need to be updated. She mentioned the conflicts. She advised that she would personally have concerns for nothing because there is a hotel near there and there are people that live down there. The important thing here is that they provide some sort of buffer but the Board can probably have some discretion. She would leave it up to the decision of the Board. Mr. Yankee noted there is a house adjacent to it and there is the Y as well and he doesn't know if there are plans to provide pedestrian access down there and if we give a waiver on that do we box the Town out of providing pedestrian access to the Y in some way. Ms. Pelletier noted that the down side to the standard you have is that it is really vague so if someone comes before you and puts a 5' gravel path to the woods of the Inn, which is the abutting property, they probably meet the standard. If that pedestrian passage comes around to the Y, is this standard going to make it a useful

connection? She thinks it would really depend on what is on the other side and how it connects. You can't require them to put in a sidewalk in up front for example. Mr. Yankee advised that there were people living in the inn on a long-term basis in the past year or two but it is not inconceivable that it could be used again for that sort of thing and accessing the Y at different times of the day.

Ms. Berger mentioned she is confused about this because she does not have a clear vision about where or what we are talking about. On a site walk we could discuss it but if we get back to the screening or vegetation, she would like to understand what is the existing vegetation. Is it high or is it low? Ms. Pelletier asked Ms. Larson to put the pictures up.

Ms. Larson put pictures back up and explained them. There are no plans to take down any of the trees. Discussion followed. Ms. Pelletier pointed out that the applicants are planning to keep grass where the boat is parked so they will not be able to keep the boat there all the time because it would kill the grass. If that turns into other than grass, they will probably have to come back to the Board. Related to the boat, Mr. Yankee advised that there is nothing to preclude them from upsizing the boat and there are some pretty sizeable crafts. That might be related to screening and what kind of screening might be appropriate. With the cages and power washing the cages a few times a year, does it attract deer and other critters? Does the cages need to be fenced out because it is a high traffic area. Is that a concern?

Ben Hamilton advised that they have been operating in the house for five years and he washes in his driveway that is about 40 yards from his neighbor's house. In terms of deer and other vermin, to date he has never seen that activity. There is a pretty healthy herd in Bliss Woods so he sees them around the house but they stick to their trails. He doesn't think it is an issue. Ms. Berger asked if Mr. Hamilton had other boats used in the summer that would be stored at this site in the winter? Mr. Hamilton advised he has one other boat that he just received and is currently at Brewer's Marina. It will stay at Brewer's year-round. It is possible that they may need to haul it out of the water and bring it to this property to do a little work on it.

Chair Blanchard mentioned he is struggling with the whole boat thing because of all the boats you see driving along Route One South as well as boats in people's yards. He feels the screening in the right-of-way that is not being removed and the additional shrubbery being proposed is beyond adequate. Ms. Pelletier said that is fine but the Board needs to look at the standard and it is not the vegetation in the right-of-way, but their proposed front landscape buffer and the screening for the outdoor storage area. Mr. Monteleone asked how outdoor storage is defined? Mr. Reiche offered to read the definitions of outdoor storage found on Page 27. Since there is a conflict, Ms. Hamlen asked if the Board could choose which one we want? Ms. Pelletier advised that in this instance the Board probably can since it is not clear. She added that the applicants have to do the front landscape setbacks and asked if the three plants are adequate for the front landscape setback in Section 527 and for the outdoor storage screening, does the Board feel the existing vegetation for the rear section is adequate and what about for the area shown as boat storage? Mr. Monteleone asked if we could have a finding that this particular boat doesn't meet the definition of storage which addresses Mr. Yankee's concern that we could make a plan for one boat and then maybe it changes which would require at least an opportunity to revisit whether there might be an issue. Ms. Pelletier felt the Board could put in your finding under Preservation of Landscape or Special Features that as per the definition for outdoor storage, the Board finds that boats don't fall into that. We typically do not get into regulating vehicle types or boat types so if someone does really well and they get a big new boat and put it there, that is not something but if you are talking about something more general, she thinks the Board could make that conclusion. Mr. Reiche pointed out that the definition does not say anything about equipment. It is about goods and materials. Mr. Monteleone noted that is his point so if we have a finding that a particular category or item doesn't fit in that definition, we essentially do not need to make findings on anything else until we are at a point where you want to store something different. Ms. Pelletier added that they then have all that other outdoor storage that

you would want to address and just came to a conclusion on if you are exempting the boats from it essentially. In other zones it references vehicles used for a business but in this case, it doesn't do that. Ms. Hamlen asked if the neighbors were notified of this application and Ms. Pelletier advised that abutters within 500 feet were notified. Ms. Pelletier advised that in this zone we need clean-up of some of the language. It has gotten less clear as time has gone on. You can't universally apply it and again, you are going to have different things that are stored that could have different impacts. Mr. Yankee advised that it is goods and material but leaves out equipment and what is equipment. Is a boat a piece of equipment as opposed a backhoe?

Mr. Reiche noted this is a small operation and is not the type of company that typically gets monstrous. To him a common-sense approach would be to go with the vegetation and make sure that the vegetation works and go with the Section 8 definition of screening and call it acceptable. Do something that effectively screens the impact on abutters. It does not say obscure. Ms. Pelletier read the ordinance into the public record. Mr. Reiche asked her to read the last sentence: to mitigate the visual and auditory impact of the development on its surroundings noted that he feels it is met with this proposal.

Mr. Donohue explained that what he is hearing makes a lot of sense and something vegetated seems more naturalistic and keeping to the setting in that area than a fence along the road. Other Board members agreed. Ms. Berger asked if there is a picture of the proposed vegetation. Chair Blanchard noted it is on the plan. Mr. Monteleone asked the applicant to walk him through the vehicular equipment that is moving the equipment from the site to the water. Cameron Barner explained that they will use the boat that was pictured. They don't have a flatbed trailer so the easiest way to move gear from the property to the water is by trailering that boat. When they are on the water, they take the cages off the lines and put them in the boat. Rather than going to the marina, they leave them in the boat and trailer the boat and put it on the property. That is one of the main reasons that they need the smaller boat there. It is unlikely that that boat would be sized up because larger boats are inefficient for moving around and trailering back and forth. That is the primary use for that boat.

In terms of water quality and washing the gear including the boat, Mr. Yankee asked if there are any concerns about bottom paint? Mr. Barner advised that they do not bottom paint the boat that is hauled out of the water every day and their other boat is aluminum which does not require bottom paint. They want to stay as clean as possible.

Mr. Monteleone asked if a site walk is necessary? Ms. Berger advised that she cannot picture this but knows where the Y is.

Chair Blanchard noted he doesn't feel a site visit is needed but he will not be here. Ms. Larson pointed out where the site is located on her photographs. Mr. Yankee noted he does not feel a need to do a site walk. The next thing is the path.

Ms. Pelletier advised that the two waiver requests are on the bearings and distances and waiving the survey requirements and then the requirement for the pedestrian connection under Section 527. Mr. Reiche pointed out that the Board has danced around this pedestrian walkway on project after project on Route One when it was in an area that was actively going to be developed. Occasionally we have required in a different setting than this an easement so that if it is something we need in linkage, it is in place. If there is ever going to be a pedestrian walkway, he feels it would be on the YMCA side so he is not worried about it. Others agreed. Mr. Monteleone mentioned that the issue he has a concern on is the survey waiver. In his experience, when the field conditions do not line up with the deed, it is not a circumstance to go and invest more money in before figuring out what is what. Allowing that to be passed risks issues affecting abutters and a range of uncertainty and he feels it is important to stand by that requirement. Ms. Pelletier added that there are no new buildings going in and if you look at the plan, they do have some monumentation on the westerly property line. It is the

other side that has the discrepancy. If they were going to build a building, they would have to come back to the Board and get a Site Plan Amendment. Mr. Monteleone advised that this is not a survey where the surveyor said here is the one line I can't find. Everything else is good. It is just a survey that says it is not a survey because it conflicts with the meets and bounds which he found to be a red flag of potentially very big problems.

Ms. Larson advised that the one line they did find that was consistent was the front line, the line across Old South Freeport Road. The applicants are aware that they will need to do a boundary survey. They have talked about the need for that as they get up and running and they start thinking about maybe doing something additional on the site, they would have to do that but they were hoping for this phase where there is no new construction in terms of buildings that they would be able to get up and running and get the boundary survey done at a later date.

Mr. Reiche is comfortable because there are no buildings being proposed now and knowing that they have to come back to us and we would certainly require it when buildings are going up. Mr. Yankee asked the applicants that if the Board gives approval for this, and they make their site improvements and the meets and bounds change, they would be on the hook to undue those improvements or amend those improvements to fit within the meets and bounds? Is that correct? The applicants agreed. Mr. Monteleone mentioned he would not mind taking that approach if they understand that if they were to come back with a future development with that kind of contingency. Ms. Pelletier added that if they were proposing a new building, she would be very concerned. More discussion followed. Mr. Monteleone mentioned that if we limit it to a at your own risk standard, it doesn't bind anything else going forward.

Ms. Pelletier suggested reviewing this. The Board is doing a waiver of the pedestrian connection, a waiver of the survey with a finding to acknowledge Mr. Monteleone's concerns. If it is okay with the Board, Mr. Reiche would propose one waiver as written, one waiver we are adding for survey then the motion as typed but with one additional Finding of Fact that Caroline gave him. Mr. Monteleone is comfortable with doing it as set up in the motion. Ms. Pelletier wanted to have it clearly documented in the record where that water with the barnacles and seaweed is going. She wants something in writing what they are going to be doing in that area.

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 property was previously used as a residential use with a home occupation. There are existing structures on the property for which the existing residence, garage and shed will be demolished. The house foundation will be filled in; part to be grass and part to be a gravel pad. The area of the garage will be graded and graveled. One of the existing structures will be retained and renovated for the new use of Commercial Sales and Service. Interior alterations to that structure are proposed however exterior alterations will be limited to repair, such as the replacement of rotten shingles and trim. No new structures are proposed. Existing vegetation will be retained and supplemented. 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 of Chapter 22 - Design Review Ordinance in its Site Plan Review findings.

If the structure is located in a Commercial District (Commercial I, Commercial III and/or Commercial IV), the Staff Review and/or Project Review Board shall incorporate the findings of the standards of Section 527. Performance Standards for Commercial Districts in its Site Plan Review findings.

There are existing structures on the property for which the existing residence, garage and shed will be demolished. The house foundation will be filled in; part to be grass and part to be a gravel pad. The area of the garage will be graded and graveled. One of the existing structures will be retained and renovated for the new use of Commercial Sales and Service. Interior alterations to that structure are proposed however exterior alterations will be limited to repair, such as the replacement of rotten shingles and trim. No new structures are proposed. 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 any applicable State or municipal standards.

Other than paved driveway aprons and some directional signage, no changes to vehicular access are proposed. 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.

There are areas of gravel access and parking existing on the site. The access points will be retained and the applicant is proposing to pave the entrance aprons and install signage. The Superintendent of Public Work has reviewed the submission; his comments are included in a memo dated 03/07/23. A Driveway Entrance Permit for the Change of Use will be required to be issued from the Public Works Department. The proposed parking area will remain gravel and the location is shown on the plan. Five

parking spaces are proposed and it based upon the number of employees and expected customer needs. 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 of this Ordinance. 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.

Add one Finding of Fact as follows: The plan includes the use of Geo cell surface to minimize the amount of new impervious area. The overall increase of impervious area is less than 500 square feet and there will not be a significant increase in stormwater quantity. Based on 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 property is served by private utilities and the existing well and septic will be utilized. Trash will be stored inside the building and the applicant will contract with a private waste hauler for the disposal of solid waste. 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.

Outdoor storage is proposed including in some of the areas as shown as lawn. Storage includes oyster cages and bags and boat and motors. The outdoor storage area is proposed to be screened by

the existing vegetation and supplemental flowering shrubs. 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.

One full-cutoff LED lighting fixture is proposed and the location is shown on the plan. 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.

Emergency vehicle access to the site will not be altered. 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.

The applicant is proposing to retain the existing vegetation and supplement with some flowering shrubs for additional screening. 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. There are no known areas of floodplain, archaeological and historic resources, or wildlife habitat that will be impacted by the 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 Section 602. Site Plan Review of the Freeport Zoning Ordinance.

MOVED AND SECONDED:

Be it ordered that the Freeport Project Review Board waive the meets and boundary survey requirement as permitted by Section 602.D.4.C excepting that if a subsequent boundary survey determines encroachments, it will be the obligation of the applicant to remove those encroachments and they will have to have a boundary survey if they find themselves subject to Site Plan Review Ordinance in the future because of expansion.

Be it ordered that the Freeport Project Review Board waive the requirement of Section 527.D.1 of the Freeport Zoning Ordinance requiring a five-foot pedestrian access in that due to the location of the property, the last of existing connections on abutting properties, and the topography of the site, there is no reasonable access that should be provided to meet this standard.

Add one Finding of Fact as follows: The plan includes the use of Geo cell surface to minimize the amount of new impervious area. The overall increase of impervious area is less than 500 square feet and there will not be a significant increase in stormwater quantity. Based on this information, the Board finds that this standard has been met.

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Change of Use and Site Plan for 43 Old South Freeport, LLC, for a Change of Use from residential to Commercial Sales and Service and associated site improvements at 43 Old South Freeport Road (Tax Assessor Map 25, Lot 11), application dated 02/15/23, to be built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference 1) 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, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - A. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, 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.

- B. Establish an inspection account, in the amount to be determined by the Town Engineer, 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.
- D. Obtain any applicable permits from the Freeport Codes Enforcement Officer
- E. Obtain any applicable permits from the Freeport Department of Public Works
- F. The applicant shall submit to the Town Planner additional information as required regarding pressure washing of oyster cages to address the concerns of the Town Engineer memo. (Reiche & Yankee) **ROLL CALL VOTE:** (7 Yes) (0 No)

Maine Optometry – Site Plan Amendment

The applicant is seeking approval for a Site Plan Amendment at an existing business at 407 US Route One. The proposal includes adding a 4,500 s.f. parking lot expansion and associated stormwater improvements. Zoning District: Commercial I (C-I). Tax Assessor Map 23, Lot 66 (407 US Route One). 407 US Route 1, LLC, applicant and owner; Atlantic Resource Consultants, representative.

Ms. Pelletier explained that this is a pretty standard site plan but a little bit is after-the-fact. Maine Optometry got approval years ago for a business and professional office. They want to expand parking. They are connecting two new parking areas to their existing parking. They do have some areas of pervious pavement to slow down the water drainage that would then go into the wetlands so the water would be slowed and for treatment on the site. They are not proposing to remove additional vegetation. They are not getting into any of their previously approved buffers. The total change is about 4,500 square feet. She and the Town Engineer have reviewed it and it appears to conform to the parking lot dimensional requirements of the Ordinance. She added that they are doing a little restriping near the entrance because they are adding a second accessible space and there is a small area of pervious walkway that will connect some of the parking to the existing site. It is pretty straight forward. She is happy to answer questions and the applicant's team is here tonight.

Victoria Falkingham turned the display around so the camera could catch it. She explained that they are struggling with the existing parking. They have tried to combat that problem at some point in time by adding some gravel and they still have problems so they are going in and correcting their gravel fill and pointed to where additional parking would be added. Ms. Pelletier noted that they have a small area wetland impact but they are getting a permit from the DEP for that. Ms. Falkingham advised that they have filled out an application with the DEP for an Urban Tier 1.

There were no questions from the Board. Mr. Reiche stepped out for a minute but the Board did have a quorum.

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 it already developed with a use of business and professional office and associated site improvement. The installation of the additional parking lot area does not required the removal of existing landscaping or buffering and it will connect to the existing developed area. No new structures are proposed. 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 of Chapter 22 - Design Review Ordinance in its Site Plan Review findings.

If the structure is located in a Commercial District (Commercial I, Commercial III and/or Commercial IV), the Staff Review and/or Project Review Board shall incorporate the findings of the standards of Section 527. Performance Standards for Commercial Districts in its Site Plan Review findings.

No new structures are proposed. 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 any applicable State or municipal standards.

No changes to vehicular access are proposed. 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.

The proposal includes adding a 4,500 s.f. parking lot expansion and associated stormwater improvements. There are currently 17 spaces on site; 19 are proposed and one of the existing 17 will be converted to a second accessible space. The spaces have been designed to be dimensionally compliant with Section 514 of the Freeport Zoning Ordinance. The spaces will be paved (with some areas of pervious pavers in the stalls) and striped, and an area of pervious sidewalk will be added to connect some of the new parking spaces with the existing sidewalk system. 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 of this Ordinance. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

Stormwater will be managed through the use of pervious pavers in the areas as shown on the plan. This will help to slow the water which will go to the wetlands for further quality and quantity control. The Town Engineer has reviewed the stormwater management and erosion control plans; his comments are included in an email dated 03/08/23. 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 changes to utilities are 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.

No changes to utilities 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.

No special features are proposed 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.

No lighting is proposed with this 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.

Emergency vehicle access to the site will not be altered. 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.

Other than areas of grass, no vegetation removal is proposed. Existing landscaping and buffering will be retained as previously approved. 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. There are no known areas of floodplain, archaeological and historic resources, or wildlife habitat that will be impacted by the 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 Section 602. Site Plan Review of the Freeport Zoning Ordinance.

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan for 407 US Route 1, LLC., for a Site Plan Amendment for the expansion of a parking lot and associated site improvements at 407 US Route One (Tax Assessor Map 23, Lot 66), application dated 02/22/23, to be built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - A. Enter into an update Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, 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.
 - C. Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.

D. The developer have a pre-construction meeting with the Town Engineer. (Yankee & Reiche) **ROLLCALL VOTE:** (7 YES) (0 No)

ITEM V: Discussion on possible March workshop with the Freeport Town Council.

Ms. Pelletier did not have her notes but March 28th is the Town Council Workshop and it would give the Board 20 minutes to talk with the Council. She believes it will be 7:20-7:40 p.m. and we usually have the Chair and Vice Chair going. Anyone else can go but you have to set the agenda. If you don't have anything to talk to them about, you don't need to go. If you do have some things you want to talk to them about, this is your opportunity. She mentioned that there are some big planning projects on the horizon that this Board will not take the lead on but may want to be involved. If you need more time at a later date, that is also another option. Technically, Chair Blanchard will still be the Chair but his three terms are ending and two members have asked to be reappointed. The Appointments Committee will need to meet to make that confirmation. Guy is officially retiring so his seat is vacant but he is still Chair until the end of the month. The first thing you are going to want to do at the next meeting is vote in new officers.

Mr. Monteleone feels there would be value before going into a meeting with the Council to be able to set an agenda item that allows us to talk about those things so on the same page what we are asking for and obviously now is not the time to do that and it wasn't on the agenda in the first place. He feels it would be great to push it back but the risk with that is that we are going to miss the window for budgeting. We are talking about policy issues. Mr. Yankee mentioned supporting resources for the Planning Department. Ms. Pelletier feels that the Council is pretty supportive and has put in the budget request for additional ordinance work. Mr. Monteleone suggested setting an agenda item for next month to talk about those priority and future planning issues. Ms. Pelletier does not know when the Board can get in with the Council if you don't accept this one. Mr. Monteleone added that if we don't put it on the agenda and make a plan for it, we will just forget about it. He hopes that next month will have a smaller agenda and we can talk through the policy priorities and have a plan for how to schedule the next workshop. Mr. Donohue agreed and added that what he is hearing, makes sense. Chair Blanchard feels that this sounds like a plan. Ms. Hamlen mentioned that over the course of talking about this multi-housing development project, issues of condo, rental, one-bedroom, two-bedroom, ADA accessibility and affordability have all come up. It is not here in our purview. She asked which Board in Freeport addresses that?

Ms. Pelletier advised that accessible units would come under the Building Code. They have a requirement for elevators and accessible units and they have to design to that. She does not know the specifics. We don't have a municipal requirement. For affordability, there is a Housing Task Force looking at housing. They will be working with the Council. We don't have an ordinance that requires a certain amount of housing. There are some provisions in LD 2003 coming out of the state encouraging affordable housing but there are unknowns in that so we don't have anything on the books for that yet.

Ms. Hamlen noted that several people said they had children and wanted them to be able to live here. Ms. Pelletier added that we do not differ. Multi-family is multi-family. We don't differentiate between apartments and condos. As Ms. Berger said, if you are doing condos, you submit legal documents during the process because if you have a bunch of owners, we want to make sure that the access is maintained and who is taking out the trash, etc. With apartments we don't require it. We don't get into the number of bedrooms. Quite often the Board sees projects but you don't see inside. In this case she felt it was helpful to know the inside layout of the building because it shows you how you got to the outside. You are really not approving the inside layout. Ms. Hamlen mentioned if we approve a lot of 2 and 3-bedrooms, it could have an impact on our

schools because you would expect they have more children. She asked if there is some direction being given to developers or anybody else from some board or is there any way that the town can steer developers into what we feel the town needs? Ms. Pelletier noted that our zoning should always reflect our Comp Plan. They are always in harmony with each other but at some point, they get outdated but one drives the other and that is how she would see some additional policy decisions being made. Mr. Yankee feels this should lead into the discussion we should have and it is not just housing. It includes sustainability and he believes there are some other areas to task ourselves with. Mr. Reiche pointed out that all those things discussed in the last few minutes comes out of the Council. Ms. Berger understands that the Planning Board has to come up with anything that will be written into the Ordinance and approved then by the Council. Ms. Pelletier feels this Board has a great value to add because you are the ones hearing what those are. If you don't share your thoughts, people will not necessarily know what you are hearing. Ms. Berger feels the Board needs a workshop for ourselves to go through some of these points and then actually formulate where and who we need to bring these points to and have it get done. Ms. Pelletier mentioned that was one thing she was hoping to get scheduled was a workshop with this Board just to look at our current ordinances and review and flag any questions. Depending on what comes in next month, she could see us doing some combination of the two. Ms. Berger advised Caroline that she would not be here next month. Ms. Hamlen feels we are approaching these on a stand-alone basis. If somebody wants to build something here, okay apply here but who is looking at the big picture on what we are going to end up with in terms if it is going to meet the needs of all these multiple groups of retirees, young, handicapped, etc. Ms. Pelletier feels it is a future agenda item since we don't have it here to get an in-depth conversation.

Mr. Yankee wanted to go on the record thanking Guy for his time on the Board and also state that he has taught him a lot and he appreciates his great leadership. Others echoed those comments. Chair Blanchard noted that it has been a fun six years and also kind of crazy. Things he is happy he got accomplished are things like the re-review of Design Review A and B Buildings. It was really helpful for us getting that information. He is discouraged that we never got the Design Review Ordinance repaired during his six years so he really wants Ford to think about getting that done and focus on how we can really improve that ordinance. Clearly it has issues and has had issues for a long time. He suggested that the Board put that on the agenda for next time.

ITEM VI: Discussion of Rules of Order and Procedure of the Freeport Project Review Board. This was not taken up.

ITEM VII: Adjourn.

MOVED AND SECONDED: To adjourn at 9:50 p.m. (Hamlen & Berger) **ROLL CALL VOTE:** (7 Yes) (0 No)

Recorded by Sharon Coffin