

**MINUTES**  
**FREEPORT PROJECT REVIEW BOARD**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**WEDNESDAY, APRIL 27<sup>TH</sup>, 2022**  
**6:00 P.M.**

**HYBRID MEETING**

**PRESENT:** Linda Berger, Chair Guy Blanchard, Lynn Hines, James Monteleone, Tod Yankee and Caroline Pelletier, Town Planner. Ford Reiche had planned to attend on Zoom but because of technical problems drove to the Town Hall to participate.

Chair Blanchard called the meeting to order at 6:12 p.m.

**ITEM I: Information Exchange**

1) Update on Staff Approvals

Ms. Pelletier advised that MOFGA has some trees out front and a lot of grass. They wanted to put plantings in around the building so they are putting a garden in on either side of the stairs. This is a modification for Design Review and Site Plan. The next staff approval was replacement signs for the Freeport Oyster Bar going into the Freeport Historical Society property most recently known as Frosty's. They are matching the dimensions of the previously approved signs on the Main Street side. They have a replacement ground sign and one that is shaped a bit different but is still the same size for Freeport Oyster Bar in the back. The third one was not really Staff Approval but Freeport Crossing (Shaw's Plaza) came in and have done this in some other buildings. They had that glass aluminum storefront on all the buildings and have had some flip flop of windows and doors and this tenant wants to do the same thing. There is a new Emergency Vet going in there. It is set back from the road and is sheltered and you can't really see it. She showed where two single doors will be installed as well as a double door. She mentioned that they will have to do a bit of concrete expansion to fill in for a walkway. They will be having some operating rooms on the front which is why they had to alter the entrances. She also pointed out where they would have one in and one out. She mentioned that the Board will see some alterations on that property for a different tenant probably at the next meeting.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier advised that last month the Planning Board had a public hearing on Shoreland Zoning. They looked at a new stand-alone Shoreland Zoning Ordinance and all the clean up that needs to be done to the existing ordinance once we pull the Shoreland Zoning regulations out. They looked at a new Zoning Map and they also had a public hearing on changes for Coastal Waters. Coastal Waters does the permitting for piers, docks and wharves and they wanted to add a restriction regarding the length of docks if it was in an enclosed bay area and that there should be a limit that it could only take up so much of the water body there. While they were doing that, they also needed to clean up the Coastal Waters Ordinance to make that confine with Shoreland Zoning since piers, docks and wharves are regulated under Shoreland Zoning. The Planning Board had a public hearing on that and made a recommendation to the Council. The Council will be having a public hearing on that next week. If all of that gets recommended, it will go to DEP and they have 45 days to review but essentially anything that comes in will be reviewed under the new Ordinance. The Board will be getting new ordinances again. It did impact Section 602, the Environmental considerations. There are like 8 or 10 standards in bullets. They are actually out of Shoreland Zoning and they were not current so they had to be updated. Mr. Yankee wanted to go back to Shoreland Zoning. He noted he is also on the Coastal Waters Commission and asked if there are ordinance changes or zoning changes that affect other committees, he requested that those be brought to those other committees before there is coordination and discussion. Ms. Pelletier agreed and explained what happened in this instance. She offered to touch base with Mr. Yankee after this meeting. Mr. Yankee feels over communication would be good.

3) Update on upcoming legal workshop with the Town Attorney

Mr. Pelletier noted that Jim is our newest Board member and Lynn joined a couple of months ago. She thought it would be good to have our Annual Workshop with the Town Attorney. The Town Attorney has offered to come in next month. It is a time for her to cover basic things like Site Walks, exparte communication like what is a reasonable condition and

how can the Board attach that or any other questions the Board has. She mentioned looking at the schedule at the end but asked the Board to be thinking about legal questions if it has any.

4) Update on Downtown Vision & discussion of a representative for a Downtown Task Force

Ms. Pelletier pointed out that the Downtown Vision had an Open House and the draft plan is getting formatted as we speak. They took all the input and ideas from the community from Design Week, the initial surveys and the open houses and is putting it into a lot of composites and a lot of renderings as you can see in the hallway. That presentation to the Council will be next Tuesday at the Council meeting. The meeting starts at six o'clock if you would like to attend that. You are more than welcome. You can watch it on zoom or the recording after but that will be the official roll out presentation to the Town Council. In addition, there has been some talk and the Board got e-mails about a possible Task Force working on the implementation for some of the downtown vision prioritizing. Her understanding is that Mr. Yankee will be representing the Project Review Board. If he can't make it, Lynn is actually interested so maybe between the two, one can always be there and then can always report back every month.

5) Review (and possible concurrence) of Temporary Activity Permit for the Town of Freeport for a Skate Park in a Town-owned parking lot on Depot Street

Ms. Pelletier explained that we have these a couple a year. If somebody applies for a Temporary Activity and they want to go more than three weeks, the Ordinance says they need concurrence with the Project Review Board in order for the Code Officer to issue them. She noted that the Board had in their packet a Temporary Activity for the Pop-up Skate Park that popped up last year. It was on Depot Street. They want to have it up for six months and they want to bring back the Skate Park. She thinks they still have the barricades down there. If there are no objections to that, she will let the Codes Officer know. If there are objections, she will let him know that. The Board really doesn't have to take any formal action. They need to know whether or not they concur if they have any objections with the temporary skate park going back up on Depot Street. No objections were raised.

**NOTE:** Mr. Reiche arrived at 6:20 p.m.

**ITEM II:** Review of the minutes from the March 16<sup>th</sup>, 2022 Project Review Board meeting.

**MOVED AND SECONDED:** To accept the minutes as printed. (Hines & Berger). **VOTE:** (5 Yes) (1 Abstention-Monteleone) (0 No)

**ITEM III:** Reviews

**198 Main Street - Design Review Certificate**

The applicant is seeking approval of a Design Review Certificate for exterior building alterations at their residential property on Main Street. Zoning Districts: Village I (V-I); Freeport Village Overlay District (FVOD); Design Review District 1 – Class B & Color Overlay District. Tax Assessor Map 15, Lot 19 (198 Main Street). Samuel and Christina Kapala, applicants and owners.

Ms. Pelletier explained that Sam Kapala is here tonight. He is in the Design Review District I and has a Class B Building. He has a series of improvements that he wants to make to his existing house that has an ell and garage on the back and he wants to add a little shed for some space on the rear. He wants to replace the front door, they might remove the existing storm door, they want to rebuild and enlarge the front steps, there would be a material change and we will need to watch the setback there, the roof over the entry may remain. He might do a repair but will keep all the detail. She knows the Board pays careful consideration and thought it was worth noting. She explained all the window replacements being planned. They will be replacing trim. The biggest component of this project is the reconstruction of the barn. They will be taking all the siding, windows and trim off. They will keep the framing. They will alter it for a new garage door and then will put new siding, windows and a corner board. They will also add a small roof over the garage door which is reflected in the rendering. She noted they do want to add a flat roof shed to the rear of the structure and will add a deck on top. The railing detail was included. The windows will be fiber cloth SDL and any trim will be wood. The Board also has the historical inventory sheet attached to the Staff Report to give additional details. You also had some hand drawings in the submission. They were hand drawn but they are accurate. Mr. Kapala is skilled enough to accurately draw the window and door details which is why the Board does not have cut sheets. The applicant is here if the Board has any questions.

Mr. Kapala noted he is the lesser half of the ownership at 198 Main Street. He feels that Ms. Pelletier has summarized their plan pretty well. They have lived in the house long enough for him to realize what they want to seriously do. He tried to capsule the highest priority items into one application which is why it is kind of a hodgepodge. They think of the front door and the rebuilt entry steps as probably the highest priority right now. The door that is there is a really ugly flat panel plywood door probably from the 70s so they want to replace it with something more historically accurate to let more light into the house. They have already done some work to the house and he thinks everything they have done reflects their care of the house and they have restored details rather than replacing them. They have tried to respect the details of the house and have repainted in a similar color. They would not have bought it if they didn't like it.

Where they can't restore windows and they will need new windows, he plans to use Marvin Elevate which is their fiberglass line of windows. They last longer than wood. They are not vinyl and they look great. They are an SDL window and there is a grill between the glass but that is not the only part to make it look more authentic. 2 over 2s are the style that are on the house now and they will stick with that. There is one spot on the bathroom in the rendering on the north side of the house that is a half lite, which is narrower. The barn, if he were smarter, he would tear it down and rebuild it, but he cares about retaining the character of the house and reusing materials where he can and put a foundation under it. The shed on the back is the addition that is proposed. He is showing a 3-foot bump out on the side in the rendering. He hasn't placed it on the survey yet so it may have to be less than 3 feet. It could be 2 or 3 feet depending on where the setback is. He will respect the setback. The materials will be cedar all around. It will have a more modern touch but will not be very visible from the street.

Ms. Hines asked if the deck over the shed would be accessed from the second floor of the barn? Mr. Kapala advised that it would be accessed from the barn. She hopes the new door will be weather tight enough that he won't have to use a storm. Mr. Kapala noted that is the intent. Chair Blanchard pointed out that he is glad that Mr. Kapala is keeping the barn since the house is an in-town example of a connected farm. The Board is often seeing that these barns are being torn down and is glad that he is keeping this one. It is important for recognizing the time from when this was built.

Mr. Monteleone asked what is a PDC Historical sill? Mr. Kapala explained that the major PDC trim manufacturers make a historical sill profile but basically it is made to look like a standard wood sill you would find on a house like this. He works in construction and this has always been his go to sill. They last forever and look the same once they are painted as wood. It is a concession to durability where wood might not last as long.

Mr. Yankee asked about the railing on the proposed deck. Mr. Kapala explained that there are two parts to that. On the north elevation which is the side of the house that is close to the neighbors, he would bring the cladding all the way up to eye level on the back and that would serve as a privacy screen and also the railing. On the south side, which is their driveway side, he will use a cable rail which is similar to what he will use on the front which would be cedar posts and a standard cable rail detail and a cedar wood cap. Mr. Yankee noted that the renderings are very nice.

There were no public comments provided. Mr. Reiche added that he likes the proposed windows.

#### **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.**

*Exterior alterations are proposed for the existing structure and a small shed will be added to the rear. Overall, the scale of the building will remain unchanged. Based upon this information, the Board finds that this standard has been met.*

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

be visually compatible with the heights of the buildings in the neighborhood.

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

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

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

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

*Replacement windows are proposed on many sections of the side facades, however the rhythm of solids to voids will be maintained. Additional windows will be added to the barn, however the rhythm of solids to voids will be maintained. 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 new and replacement openings will be proportional to existing openings and rectangular in shape. Based upon this information, the Board finds that this standard has been met.*

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

*The roof shape of the main structure will not be altered. The shed on the rear of the garage will have a flat roof with a deck on top. 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 New front door will be wood, 2 panels, with etched glass lite, painted with a color from a historical color palette. The existing storm door may be removed and not replaced. Current front steps will be rebuilt with wood (cedar). A railing will be installed on the left side of the steps, and consist of cedar posts, cedar top rail, and cable balusters. Replacement trim will match existing as closely as possible (including moldings) and will be wood. The siding on the barn will be replaced with vertical rough-sawn "barn boards" (color TBD). Casing for the garage door and all windows will be flat stock pine, with 1x4 legs, a 5/4x5 head, and a PVC historical sill. The shed behind the garage will have cedar posts, open white cedar cladding, and flat trim. On the upper level on the north side, the open cedar cladding will extend all the way to the height of the barn eave. The south side will have a cedar/cable railing system. Any new windows will be fiberglass exterior, simulated divided lites and all trim will be wood. Based upon this information, the Board finds that this standard has been met.*

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

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

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

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

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

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

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Sam and Christina Kapala at 198 Main Street (Tax Assessor Map 15, Lot 19), to be substantially as proposed, application dated 03/29/22, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Reiche & Yankee) **VOTE:** (6 Yes) (0 No)

Chair Blanchard explained that since the Board is not split on zoom, we do not need to read the motion in full and Ms. Pelletier agreed.

### **19 Maple Ave Fence - Design Review Certificate**

The applicant is seeking approval of a Design Review Certificate for a new fence at their property on Maple Avenue. No other changes are proposed. Zoning Districts: Village I (V-I); Design Review 1 – Class C; and Freeport Village Overlay District (FVOD). Tax Assessor Map 12, Lot 34 (19 Maple Avenue). The First Baptist Church Society, applicant and owner; John Schwanda, representative.

Ms. Pelletier explained that this is a single-family residential property associated with the church and they want to add a fence. There is an abutter that has a similar picket-style fence 5 feet in height with a clear sealant and natural finish. There was a plot plan included in the Board's packet by John Schwanda. It will be partially screened by the building and will go around the side and stick out a little bit. It will be visible from the right-of-way. This is something we have talked a

lot about that we could look at having the prescriptive standard in the future but not today. Mr. Schwanda made application which is before the Board tonight and he is here if there are any questions.

There were no public comments provided.

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

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

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

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

*No new buildings are proposed. 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.

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

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

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

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

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

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

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

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

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

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

*No new buildings are proposed. 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 fence will be wood, spaced-picket style and five (5) feet in height. The fence will have a natural or clear sealant finish. A survey of the property was included in the submission and shows the location of the fence to the rear of the property and partially behind the existing dwelling. Since the parcel is in the Design Review District, per Section V.A.5, a Design Review Certificate is required for the new fence. 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 has been included with the submission. Based upon this information, the Board finds that this standard has been met.*

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for The First Baptist Church Society for a new 5 (five) foot high wood, picket fence, to be installed at the at 19 Maple Avenue (Tax Assessor Map 12, Lot 34), to be substantially as proposed, application dated 04/11/22, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions. (Hines & Berger) **VOTE:** (6 Yes) (0 No)

**LL Bean Flying Point Grass Extension Area - Site Plan Application** The applicant is seeking approval of a Site Plan Amendment for site alterations at their Flying Point Paddling Center. Changes include clearing 6,695 square feet of trees for grassed area and improvements to the gravel parking areas. Zoning District: Rural Residential 1 (RR-1) and Shoreland Area (SA). Tax Assessor Map 19, Lot 35 & 35B (14 and 17 Marietta Lane). L.L. Bean/ Dan Clifford applicant; Henry Hess, Sebago Technics, representative; L.L. Bean, INC, owner.

Ms. Pelletier explained that this project was not before the Board in 2013. At that time L.L. Bean took down some existing structures and an existing ell building. They put up a new building and made some site modifications but actually decreased the amount of impervious area on the site. They have added a couple of tent platforms over the years but that came under Staff Approval but otherwise have not done much else. They are proposing a grass expansion which will give them flexible space to do different activities associated with the use to the left side of the driveway as you go in.

They are taking down quite a bit of tree canopy along 7,000 sq. ft. in looking at the plan there but still retaining a tree canopy along side of the abutting property. What they are doing in the area is kind of putting in a reinforced grass area with some drainage underneath. The Town Engineer did have some comments and gave them preliminary comments. They submitted some revisions which were in the Board's packets. Today the Town Engineer did provide an e-mail which is in front of the Board asking how are they planning to use the multi-use space. There were some concerns that if they were going to use this space for parking, they might need to look at something for water quality treatment. He wanted additional information on that before he did final sign-off. The applicant is here and they can answer questions and address the use of the area. She is not overly concerned but if the Board wanted to take action, they could add a condition that they get final sign-off from the Town Engineer. She noted the applicant's team is here tonight.

Henry Hess, Landscape Architect with Sebago Technics representing the applicants. He didn't have anything to add and felt Ms. Pelletier covered the proposal really well. He would be happy to answer any questions the Board may have.

Ms. Berger asked Mr. Hess if he answered the Town Engineer's question about the use? Mr. Hess advised that they followed up with Mr. Bliss on the uses being proposed there. It is a multi-purpose grassed space. It could be storage of equipment in the winter or overflow for any outdoor activities in that seasonal space or due to COVID using that outdoor space. It is just grassed space similar to other grassed uses on the site. Chair Blanchard asked if parking will be permitted there? He is sure that is the questions Mr. Bliss was getting at. Mr. Hess noted that there could be some parking allowed there.

Ms. Berger referred to the question that Mr. Bliss asked related to whether there should be other studies if it is used for parking. If in the future or maybe not, maybe we need to put a restriction at this time and they could come back. She does not know how that would work but she would be more concerned that if there is going to be parking allowed for overflow or whatever, but parking allowed, then we need to address the stormwater.

Ms. Pelletier mentioned that she asked Adam and was told that if they plan to only park there a couple of times a year or sporadically, he would not be overly concerned but if they are going to park there every other week on a regular basis, he feels that it does warrant additional review for water quality treatment. He wanted additional information on that before he did final sign-off. Mr. Hess noted that the main purpose of this multi-purpose space is for winter lay down for Flying Point equipment so right now they actually have space in other grassed areas. It is essentially for non-motorized equipment that house bicycles, kayaks, etc. The intent is not to limit the ability of the use there.

Ms. Berger mentioned she finds it sad to take down so many trees to allow just a storage area at certain times of the year. It does not seem to be an appropriate reason to take down trees but she does not think it is a reason to say no at this time as far as she is concerned. Ms. Hines asked if the removal of the trees will run the length of this proposed green space? Mr. Hess advised that it will. Ms. Hines asked Mr. Hess what he sees as the visual impact of that being? Mr. Hess noted he believes it will be in character of the surrounding site. It will preserve a large buffer to the adjacent properties. He does not see it as affecting the scenic vistas or any sort of visual characteristics there but certainly there will be a handful of less trees. The applicant is looking to relocate some of the trees that are currently in the proposed project area and will be used elsewhere. They are also open to the idea of planting one or two if it becomes a Board requirement. They will also provide one or two extra trees along that access road. There are four trees currently in the project site and he displayed a plan showing where they are. The trees are not all full-grown trees but there are some mature trees there. There are some pines that will be coming out along with deciduous trees.

Ms. Berger asked if the area is fairly flat and Mr. Hess advised that it is a 2% or 3% grade through there. It is sloping and he pointed out the gradual slope. Ms. Berger mentioned that the runoff with all the trees is currently whatever speed and velocity it is doing naturally but once you take out all those trees and make it grass, she assumes that will increase the velocity and speed of runoff. She asked if that has been taken into account and where this is going into the stream areas? Mr. Hess advised that they have not dived too deeply into the stormwater. They are not providing any stormwater treatment but can tell the Board that they are not increasing the runoff rates. In the plans there is a provision for some under drains to help water, not necessarily run off, but help percolate down through the grass and improve the drainage.



Ms. Berger asked Ms. Pelletier about Adam's comments that he made and if she has seen him have any further answers other than what he sent? Ms. Pelletier advised that no, he looked over the revisions and she asked him for his final comments. The outstanding thing was just really clarifying the use of that space. She was under the impression that if it is not going to be used for parking, he would not have any issues. He would need to do final review and sign off. In 2013 the site and the impervious area was approved. With the improvements around the building, they took a low development approach to treating drip edge and they had some drainage and any water from this will tie into the existing system and the existing structures they have on the site.

Mr. Reiche advised that before the Board votes, he always discloses when L.L. Bean is an applicant, he has a landlord/tenant relationship with them. He does not believe it presents a conflict of interest but he discloses it under the policy of the Board.

Mr. Yankee went back to the parking and staging. There are quite a few trailers down there that support the operations. They probably are not placed in the best places right now in grassy areas. Is it part of the plan to relocate them to the drier area and in terms of parking, there are some vans down there that hang out over the winter and as those outdoor programs continue to grow, is it likely the vans will likely increase in number down there over the winter or weekends?

Mr. Hess advised that he can't speak too much to the operational expansion there. He doesn't think that the anticipation is that there are large expansions of use per say in terms of that but he is sure there will be some over time in general. It does make sense that some of those areas that are very wet and are currently being used for storage over the winter that some of that will be placed in this location.

Mr. Monteleone asked if there is any storage that is happening here is unaffiliated with the Paddling Center such as items being moved from other parts of the campus to this storage location? Dan Clifford, Project Manager at L.L. Bean Advised that the trailers that they park there now are in a very wet spot. It is all original ground that has never been touched. It is an old field that they mow in the summer and they park their equipment trailers for bikes and kayaks. These are the trailers that go around the country to their retail stores and come back here throughout the winter. They have had to have wreckers pull them out in the spring once the frost drops. They would be looking to place these 24-foot enclosed trailers in that spot for the winter months. The parking of vans out there for the winter would stay in an area he pointed out that they currently park. He showed where the 24-foot trailers would be lined up and that they would take up maybe one-third of this space. There is also an enclosed very large trailer that was built specifically for the display of the locked moose that are in their retail store. When those moose come out of the store for some reason to go on display, they are stored in this trailer. When the moose are back there, they have to have a place to put that trailer. They used to have it on other properties that they sold so that trailer would most likely go there as well for the winter. Mr. Monteleone asked if the problem is that the existing grass areas are too wet, why not first focus on creating drainage that can fix that wetness rather than clearing a new area. Mr. Clifford advised that they did look at that area that is above but they didn't want to disturb the area that is already wet. Ms. Berger does not feel taking down the trees for this type of use is the correct way. She thinks it would be better to find another way to do this but truly believes this is not the correct thing. We are talking about we will move trailers there during the winter and we will do this during the winter. That is using that area for parking. It is still putting equipment that could possibly have oil and gas leaks and something like that. She thinks the Board needs to put some restriction on what the use is and as she said she doesn't know if the Board is allowed to do that under what we can do and what we shouldn't be doing.

Mr. Reiche asked if the parking would be for non-motorized vehicles? Mr. Clifford advised that the trailers themselves that might go there are non-motorized. Mr. Yankee pointed out that this is an improvement over what is being done today just out of default. Ms. Berger shared her experience dropping her grandchild off and personally viewed cars parking everywhere. She is confident that there will be cars looking to move into whatever grassy areas so maybe the applicant should consider adding some signage or something to keep that area free from cars. Mr. Hess felt that was thoughtful and appreciated her suggestion. Mr. Yankee asked how the Board can put a condition on the parking? Ms. Pelletier pointed out that the Board still does not have Adam's final signoff on the project so the Board can put a condition of approval that they get final signoff from the Town Engineer. The Board has the ability to attach reasonable

conditions. It would be reasonable if you would do the same thing for someone else and you can tie it to a standard. If you have concerns under the standards that you are reviewing based upon the input of the Town Engineer, you can attach a reasonable condition as stated. If they use it a couple of times for parking, it is not a big deal but if they are using it on a regular basis, they need to demonstrate that they met the standards for water quality treatment there. She thinks the Board could include, as stated at the meeting, vehicles parked there will be non-motorized with the exception of occasionally used spaces. If the applicant wants to use that area for parking, they would need a Site Plan Amendment because then if we can do it as a Staff Approval for the Staff Review Board. If they are going to do something good for the environment and it is not a minor disruption on the site that is already cleared, we might want to offer that in the easiest way possible. She asked what the Board wants to do about the Town Engineer? Does the Board want to add a condition for the final sign off? Chair Blanchard and others replied yes and Chair Blanchard asked if the Board could add to 2-C. The developer have a final sign off and a preconstruction meeting with the Town Engineer? Ms. Pelletier agreed and suggested adding 3. As presented at the meeting, the new grass area will be used for non-motorized vehicles except for an occasional basis. If the applicant wants to use this area for parking, they will have to demonstrate they can meet the standards of the ordinance for water quality treatment and return for Site Plan Amendment as required by the ordinance.

Sam Kapala asked what is occasional? Is it once a month? Ms. Pelletier advised that the Board could define occasional for clarification or if it is really not a big deal, and they are not planning to park cars there, they do have a parking lot. They could just say they are not going to park cars there. It is up to them because they know how they will operate their business. They could work with Adam to look at the water quality concerns that he raised. Mr. Hess asked if they receive final sign off from the Engineer, would that certainly help the Board's decision there? Mr. Reiche noted that is the exact question the Town Engineer raised in his letter so as long as we say we got the sign off consistent with the concerns he expressed in his e-mail with today's date. Mr. Yankee noted that the Board doesn't need anything else and should just leave it at that. Chair Blanchard added amend 2-C and be done and Mr. Yankee agreed. Chair Blanchard mentioned he is comfortable with that. Ms. Pelletier added that in that case we would want the applicant to respond and clarify how they are going to use that space. If they want the ability to park cars there, they will have to work with Adam on the water quality treatment and clarify it for the record.

There were no further public comments provided.

**Proposed Findings of Fact: (Section 602.F. of the 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.

*No new structures are proposed. The new multi-use grass area will provide a flexible space for activities associated with the existing use. Due to the soil types, underdrains will be installed in this area to provide better drainage and more stability for this grass area. The creation of this grass area will result in the removal of 6,695 sf of tree canopy. A portion of the area is currently a grassed island with four trees; the four trees within this area that will be preserved and relocated. Additional trees removal is proposed with the limits of clearing being noted on the plan and vegetative buffer still being retained on the property. 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 parcel is not within the Design Review District. No new buildings 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 to MDOT standards to the greatest extent possible.

*Vehicular access to the site will not change. Based upon this information, the Board finds that this standard has been met.*

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

*Parking is existing on site. For the existing parking areas, the drive aisles will be regraded which will improve drainage. The edges of the drive aisles, edges of the landscaped area, and existing edges of existing parking aisles will all be more well defined. 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.

*Plans for the site were last approved in 2013. Those plans were designed for 80,905 sf of impervious area using Department of Environmental Protection (DEP) accepted Low Impact Design measures for stormwater management. Upon completion of this project, total disturbed areas on the parcel will be 80,480, still less than what the original impervious area on the site. The proposed improvements have been designed to maintain the flow path of run-off and follow existing drainage and treatment patterns. The applicant feels that stormwater from the proposed changes should be adequately managed with the existing features on the site and no additional improvements for stormwater quality or quantity are proposed. Erosion control plans are included on Sheet 6 (six) of the plan set.*

*The Town Engineer provided some comments to the applicant (emails dated 04/04/2022 and 04/20/2022 and included in the packet). Revisions were made to the initial submission and have been included in the packet. Final review comments from the Town Engineer will be forthcoming. Based upon this information, the Board finds that this standard.*

- 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 new utility connections 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 new signs are proposed. Based upon this information, the Board finds that this standard has been met.*

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

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

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

*No lighting is proposed. 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 department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.*

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

*The creation of this grass area will result in the removal of 6,695 sf of tree canopy. A portion of the area is currently a grassed island with four trees; the four trees within this area that will be preserved and relocated. Additional trees removal is proposed with the limits of clearing being noted on the plan and vegetative buffer still being retained on the property. Based upon this information, the Board finds that this standard has been met.*

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

- (1) The project will not result in water pollution, erosion or sedimentation to surfacewaters;**
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**
- (3) The project will conserve shoreland vegetation;**
- (4) The project will conserve points of public access to waters;**
- (5) The project will adequately provide for the disposal of all wastewater;**
- (6) The project will protect archaeological and historic resources;**
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

*This parcel is not within the Marine Waterfront District. All of the proposed changes are on a portion of the property outside of the Shoreland Area. No known archaeological or historic resources will be negatively impacted. Based upon this information, the Board finds that this standard has been met.*

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and a Site Plan for LL Bean, for a Site Plan Amendment at their Paddling Center, at their property on 14 & 17 Marietta Lane (Tax Assessor Map 19, Lot 35 & 35B), to be built substantially as proposed, site plan set dated 01/28/2022, revised through 03/08/2022, 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 associated with this approval, and prior to the issuance of any building permits, the applicant do the following:
  - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount to be reviewed and approved by the Town Engineer, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
  - b) Establish an escrow account, in the amount of \$TBD to cover the cost of plan review and inspections of the site improvements by the Town Engineer.
  - c) The applicant will have final sign off by the Town Engineer and the developer will have a pre-construction meeting with the Town Engineer. (Yankee and Hines)

Ms. Pelletier clarified that if the Town Engineer does not sign off, they can't get any permits to do anything.

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

**Contractor Suites- Site Plan Application**

The applicant is presenting conceptual site plans to construct three new buildings on U.S. Route One. One of the buildings will serve as office and storage for James and Whitney Company and the other two buildings will be divided into units to be used by contractors. Changes to site access, landscaping and stormwater management plans are

proposed. Zoning District: Medium Density District B (MDB). Tax Assessor Map 21, Lot 29 (1285 Main Street). James & Whitney Company, Eric James, applicant; A.E. Hodsdon Consulting Engineers, Jeffrey Allen PE, representatives; 220 Main Street Freeport, LLC, owner.

Ms. Pelletier explained that this is a new application for a project on U.S. Route One. The applicants are here and joining us on zoom tonight. Conceptual plans are for a site with an existing dwelling shown on the plan. She understands that it needs quite a bit of work but the applicant is proposing to retain it. They will be adding three structures. One will be an office/storage building for James & Whitney Construction that was previously on another site on U.S. Route One. They are proposing to divide the other two buildings into less than 1,000 sq. ft. units that contractors could rent while they are working in town. It will be space to store equipment or a desk while they are here working on projects. It is in the MD-B District and as many of you are aware there are some buffering and visual requirements pertaining to overhead doors which we can get into. The two doors for the contractors' storage units will be metal. Vehicular access is existing off of Route One but they will need to make some improvements. It is a State road so they will need to talk to the DOT to see if an entrance permit is required for a change of use. They are proposing 26 parking spaces. They will need to update their parking layout a little bit to meet the dimensional standards and to provide accessible parking on the site. They did include some stormwater plans. Adam gave them a lot of comments so they are pretty clear on what they would need to do for review, consideration and revisions to address stormwater. The location of wetlands and a stream are shown on the plan and they would need a permit from DEP due to the work near the stream. They did not include information on utilities so that information will be forthcoming. The same with information on signage. They will have a dumpster since they are commercial. They will have to sort their waste and screen it. We will need information on that. There is no information on lighting, landscaping or buffering and that is something the Board will want to see.

There are a couple of other issues that have come up. It appears that based upon what was submitted, this is two deeded parcels. If that is the case, they will need to merge them because there will be property lines. If they don't merge them, they would need to meet standards on each lot and meet the setbacks. This happens every now and then and can be done as a condition of approval. The other thing is that the Code Officer flagged the issue of whether the three buildings are triggering the definition of subdivision under State law although it is not units, it is three separate structures. That has been flagged and we can ask the applicant to give some information on that or their legal guidance as to whether or not that is being triggered. If it were to be triggered, they would also trigger subdivision review and they would have to start that process. She thinks that is something to be resolved and this is the first time they are introducing it so the other question is with all the buffering, the environmental constraints on the site, landscaping and visual appearance, does the Board feel the need to set a site walk? The owner is here as well as Jeff Allen to represent them.

Mr. Allen felt that Ms. Pelletier did a great job describing what they want to do. This is a conceptual review for them and they are looking forward to working with this Board and the Planning Board. Ms. Pelletier has given them great feedback as has the Town Engineer. They are going forward with a lot of the comments the Town Engineer provided and have addressed. They have not yet provided the information but they do have a hydro model developed so they will be able to go ahead with that pretty soon. One thing that was brought up is the subdivision idea. He checked with a professional land surveyor that has been on site and has worked with their firm and with James Wooden and he confirmed that the language does include buildings being three or more so he feels they may trigger that unless they can combine the two buildings so they wouldn't have three buildings and they could get down to two. He does not know if the existing home is on there and would count as one of those buildings and they would have four buildings. This is all stuff they need to explore a little bit more but the feedback they have received from the Town has been very valuable and gives them a clear path to move forward. He offered to answer questions from the Board.

Mr. Reiche pointed out that as soon as he read the application, he was thinking it would be nice to have a site walk because it is adjacent to the Interstate and there is a pond there and existing buildings. Another thing that does not relate to what you folks are proposing to do but he wanted to share with others on this Board. He asked if he is correct if there is a cape with an attached barn from 1840 or something like that is the right property? Mr. Allen feels it probably is and it hasn't been worked on since the 1840s. Mr. Reiche mentioned that some towns have an ordinance that requires an applicant to come to the town even if they are just getting a building permit. If they are going to raze a

historic building, they need to give the Town 30 days' notice and let the Historical Society or others go in and measure it and photograph it for the sake of posterity before it is torn down. He loves that ordinance and wishes we had it. It would not have affected you folks at all nor is he proposing that we have an ordinance that would stop you from doing that but just to record things instead of tearing them down. It has been abused in some other towns. That is his two cents worth in case it comes up again. Ms. Pelletier added that she believes they are planning to retain that structure and rehabilitate it. Mr. Allen added that at this point they are planning on retaining it. He mentioned that the Site Location of Development Permit would require a review by a Historic Preservation. This does not require a Stormwater or Site Location from the DEP. It would simply be a Natural Resource Protection Act Permit by Rule needed by DEP. Just the Permit by Rule does not include the component of the Historic Preservation Review. That is how they would deal with that. Mr. Reiche added that in the bigger picture there are times when you don't have a Maine Historic Preservation Commission reviewing it and your option is to tear down buildings.

Ms. Hines mentioned that there is a section of buffered trees headed towards the entrance to 295 north. Is that going to remain untouched? Mr. Allen advised that they are not planning on the removal of any additional trees. What is there they will be able to work around and will all be retained. The area is wetland so there is not much they can do without creating additional disturbance there.

Ms. Berger referred to Page C 1.0 which is Existing Conditions and Demo Plan and explained that it has an existing road that will be de-constructed or become gravel. It eventually will become the entrance roadway so there is an entrance on the northern side above the house. Below the house it says there are other areas that will be removed and replanted with seed. South of that house there is also a gravel drive that is not being shown to be removed and she is wondering if this is now going to show two entrances on U.S. Route One and will that require any other types of permits? If the southern drive into the property is remaining, does it mean you have two entrances from U.S. Route One and based on a prior application we had, there was some question that you might need something from DOT about the two entrances. Ms. Pelletier advised that the municipality would require a Change of Use Permit. She doesn't know what the State does. That is something they would have to look into as part of their due diligence. Ms. Berger did not understand why that gravel driveway is being removed. Maybe there is a reason that they want to keep access to the house. Mr. Allen agreed that is the reason. If at some point the house would go away, that driveway would go away. The existing entrance to the property they are showing north to the house is almost the existing road. What they are using as their driveway was at one time a Town road pre-Interstate times. The driveway around the other side of the house has been there forever or as long as the house has been there. It dates back to the 1820s so it is an ancient road. Right now, when they want to retain use of that property, it would be used as a driveway for residents of that home. He noted they will need a DOT permit.

Mr. Yankee feels it would be nice to retain a visual tree barrier from 2-95 because right now that whole stretch between the northern exit of 2-95 all the way up to Brunswick is pretty much a nice quarter going all the way and he would hope we would be able to maintain that going forward so that from 2-95 we wouldn't be seeing the back of some of the housework going on. That would also keep the noise down from 2-95 and would provide a meaningful noise barrier somewhat if there is a way to maintain trees between your lot and 2-95. It would be great.

Mr. Allen is not sure how they would be able to do that. There is a 50' building setback with grass on the back of their building but he thinks they are going to use that as a stormwater retention area so they may be able to plant some vegetation on the far side of the pond but they want to be able to have stormwater runoff from the parking lot sheet into this. They are proposing hydro drain storm filters which are similar to the bio retention cell Adam talked about. Again, they may revise that based on soils condition. Mr. Yankee noted he saw that but hopes they will be able to find another location for that because he feels it will be a shame if driving from 2-95 now, we will start seeing the back of operations whereas right now it is kind of a nice drive all the way up there. It is all trees all the way up there. Mr. Allen added that they will do as much as they can. They have come to realize they can't put a pond in next to their septic system. This is a very tight site due to the setbacks and they do not want to disturb any wetlands but also, they are trying to maintain a 25-foot buffer from the wetlands so that it is easier for a Permit by Rule designation. Trying to maintain all those setbacks from drainage ways through there and wetlands, it has left them with very little area to develop. They are trying to maximize where they can but they will take a look at that and instead of a wide pond, they

could make it into a wide ditch and have an area where they could maintain trees or even plant additional trees along the back of the building. There are some small trees that could be planted on the back and allow them to grow.

Mr. Yankee added that there is a big difference between 2-95 south of the village and 2-95 north of the village and it would be nice if we can maintain what we have going north. Mr. Allen assured him that he would do what he can and that is all he can promise.

Ms. Hines asked if the Board is able to see an elevation of the storage units and the buildings? Mr. Allen advised that they have not submitted that yet. They are still in conceptual at this point and they are working with an architect. They hope to develop an elevation but it will be part of the package they will submit later.

Mr. Reiche feels it would be nice to have the elevations when we have a site walk and Chair Blanchard agreed because the way the parcel is sort of funky against the Interstate. He thinks it creates challenges for the applicant. He requested that the applicant please have a path cleared so the Board can walk the lot. It would be nice to avoid mud and much if possible. Mr. Allen noted there is a stream there so he encouraged the Board to bring boots. Chair Blanchard asked that the locations be flagged of where these buildings are proposed to be located, the parking layout and anything like that that can be marked. He is certain that Mr. Pelletier will talk more about the site walk and expectations.

Ms. Pelletier clarified that the Board would like to hold off on the site walk until they have building elevations and a more robust package for the Board to look at. Mr. Reiche noted he would like the elevations provided when the Board walks. Chair Blanchard mentioned that the Board can't discuss the elevations there but could hold them in our hands. He asked the Board to keep this in mind if we do get that information. He advised that he would let Ms. Pelletier know as soon as the elevations are available. He asked if the site walk has to be scheduled at a Board meeting? Ms. Pelletier explained that if the Board would give her a directive to go ahead and schedule it, it will be fine but she does have to publicly notice it and invite all the abutters. We need seven attendees in advance. We need to get notice out for the walk. The Board often does site walks before meetings but if we can't, we can do it on a separate afternoon if she can get a quorum of Board members. Mr. Allen mentioned he would prefer to not do it on a weekend but can do it in the afternoon or evening since the days are longer. Ms. Pelletier advised that it is the preference of the Board to do them during the week as well.

There were no public comments provided.

#### **Harraseeket Ridge Subdivision – Preliminary Review– PUBLIC HEARING**

The applicant is presenting Preliminary Subdivision Plans for an 80-unit residential open space subdivision on a vacant parcel (approximately 90 acres) on US Route One North. Forty duplex structures and two new road entrances off US Route One are proposed. Approximately 43 acres of open space will be required. The Board may choose to take action on the preliminary plan. Zoning District: Medium Density A (MD-A). Tax Assessor Map 18, Lot 16 (0 US Route One). Beta Zeta Properties, LLC, applicant and owner; Thomas Perkins, representative.

Ms. Pelletier explained that this was before the Board for conceptual review close to six months ago. They had a site walk and came back for conceptual review. We do have some new members on the Board. Based on turnover and the fact that they have not dug into the detailed drawings, the applicant did submit and intended to return to the Board within six months but was willing to wait since we had a turnover of Board members. Board members have been given minutes; meeting recordings are on line so hopefully everybody is up to speed on the conceptual.

She noted it is a big project. There are 40 duplexes for a total of 80 units. The parcel is currently vacant. It is about 90 acres on U.S. Route One North. They are proposing duplexes of about 2,800 square feet. They mentioned previously that they would be middle-income style units. They did the net residential acreage calculation that allows 80 unit. There seems to be a little discrepancy in the open space calculation that she does not think they can't tweak. It was pretty minor. They do need Site Location of Development Permit from the Maine DEP. They are in a process but it has not yet been issued. This is a major subdivision so just to review the process, there is a conceptual phase which they have already done. The Board had a site walk. This is preliminary. This is typically when you have the advertised public hearing



and take public comment. This was advertised as a public hearing. The Board can take action on the plan tonight if you feel ready or you can table it until you get the information you need. If you take action on the plan tonight, it does not mean you will approve the final plan. They still need to demonstrate that they meet all the standards of the Subdivision Ordinance to comply with dead-end road standards and the number of units. They still two access points off of U.S. Route One. We previously talked about how that is a State road and entrance permits would have to come through the State. They still need to meet the site distance standards of the Subdivision Ordinance but the municipality does not issue the entrance permits. They also included a traffic memo in their submission. It was reviewed by the Town Engineer. They state that they will not trigger an MDOT Traffic Movement Permit and there are no high-crash locations within a mile of the project.

Public Safety will have to do a final sign-off on the plan. They usually want to see that the fire truck radiuses can fit on the final layout and they will have their sprinkler system and all that. One of the biggest challenges with this site is that there are no public utilities so they all have to have wells and septic up there. The Code Enforcement Officer today upon reviewing it, advised that he is not sure they meet the State required minimum lot sizes for the number of units on one lot and the type of units. He reached out to the State and the applicant did provide some information. She thinks there is a little clarification and additional due diligence needed there between the State of Maine Department of Health and Human Services that oversees waste water and drinking water programs, the applicant's team and the Codes Officer to make sure everything is going to work. They did give limited test pit information so that is something in preliminary we usually see all of the test pit information. There is only a handful. They need to make sure they have the passing test pits with the soil profile which is deeper. It is important to make sure they do the due diligence for the septic because subdivisions don't allow any first-time system variances so they need to meet the standards. There was some well and wastewater information contained in the Site Location of Development Permit which is included in the digital permit for the Board to review. They did have a hydrogeologic study but the Board typically sees a nitrate plume plan and that was not included. That is something that is highly encouraged by the Code Officer and Town Engineer. Ms. Pelletier believes after an initial talk with the DHHS it is also something we would want to see for review. On stormwater, again they have gotten some preliminary comments from the Town Engineer. They have about 44 acres of open space. There wasn't any information in the submission on how they are going to retain it or do the ownership. They are going to phase it but there is not a detailed phasing plan so that is something else that is outstanding. Again, this is an advertised public hearing and the applicants and their team are here tonight to answer any questions the Board may have.

Tom Perkins of Dirigo offered to display a few slides and mentioned they have 91 ½ acres. There has been pretty extensive tree cutting through there. What is left behind is some new growth trees and a lot of shrub brush. He advised that they are proposing to create a new neighborhood on that end of the project while preserving the whole upper section of the lot as open space. The Freeport Conservation Trust owns adjacent parcels with hiking areas. They have been in a couple of discussions with them about doing the same in the open space. The neighborhood will have connectivity to those trails as well. He explained the layout. They want to have first-time home buyers, young families or folks ready to move into something smaller and downsize and really have a micro-community up there. What they kind of envisioned is really a place where they can create some community in a neighborhood. They have a public area with a gazebo in the middle and cross streets. After doing their wetland delineation, they have been careful to lay out their crossings to minimize the impact. He pointed them out on the screen. Even though they are developing 30 something acres, they are still under a Tier One Wetland Impact with their wetland permitting. He referred to Sheet 2 in the Board's packets showing the phase line that bisects the site and explained the phases.

Ms. Berger advised that she reviewed the plans and was looking at one of the front pages with the color where the layout is and was trying to look at some other things through the pages and noticed that the layout on some of these are not the same as the conceptual plan. She was wondering if there is a reason why the layout on the house sites is different now than it was before. She kept the original plan and noticed there are differences in the southern most of the entrance where the two drives go in. They are laid out differently and some of that may affect wetlands nearby or the soils they will be building on. Mr. Perkins explained that the southern most entrance did get moved closer back to the northern end of the lot. It was brought up during their site walk and they agreed to make it safer. They started sliding the house lots around to combine 4 to 6 units onto single septic systems. Once they started laying those septic systems out avoiding the wetlands, laying wells out for required distances, they did have to massage things a little bit.

The general shape is still the same but that is the reason why they moved things. Ms. Berger pointed out that the Board approved the conceptual plan of the layout and while it is not terribly different, there are differences and some might be affected by the drilling, excavation and things like that.

Chair Blanchard explained that the applicant can change between conceptual and preliminary based on information on the ground, site visits, feedback from the Board, etc. It is pretty common actually for subdivision plans to come back to us in the next round a little bit altered. Ms. Pelletier agreed and mentioned that when they come in for concept, it is really do they have the general area for development and open space? As they go through and do their due diligence, stuff is going to be tweaked as they learn more about the land. Chair Blanchard is correct. We do expect it to tweak but overall, it is the same general area where they showed the structures and improvements before. Ms. Berger explained how she noticed this.

Mr. Perkins mentioned that there was a high-intensity soil survey that was performed and is part of the site walk permit package so he needs to make sure it gets to the right person. With that plume calculations were also provided and he wants to make sure the Board has both of these. That work has been done and they want to be sure the Board has it.

Ms. Berger asked if that is different than the soils survey? On the plan it says medium high density. Ms. Pelletier noted those are things that were raised by Adam. They do submit to DEP and they submit a packet to the Board and in this case the Board got the digital version of the Site Location but if they have that information, she thinks they can provide it. Adam did request the High-intensity Soils Survey so they can provide that. Adam also asked about a hydrogeologic assessment and flagged that as to whether or not the Board would want a peer review. She feels the Board should probably want to see what they have before you go ask for a peer review.

Ms. Hines mentioned that in looking at the layout, 31, 32, 29 and 30 are the two units that abut neighboring properties. She asked what kind of a buffer will be provided to these people who front Allen Ridge Drive? Mr. Perkins advised that they would not disturb any of the existing tree line. It is indigenous growth that has been there for at least 20-30 years ago. He feels there is a natural buffer that exists. Ms. Hines asked if they would be taking down trees to put the units in? Mr. Perkins showed where they would be leaving the trees for buffering. Ms. Hines referred to minutes indicating that Ms. Campanelli requested a detailed open space plan for the remaining acreage. She asked if it is available? Mr. Perkins advised that the Freeport Conservation Trust is wrapping their hands around what they would like to do for a trails system since they have avid hikers and need to figure it out. Mr. Perkins noted they have no planned development up there. There is a big vernal pool on that end which is one of the reasons they wanted to stay away from it. The trails would be made of natural materials such as wood chips. Mr. Reiche asked Mr. Perkins if he is in active discussions with the Freeport Conservation Trust and Mr. Perkins replied that they are. He advised that they definitely want the land. It is just finalizing what that transaction looks like. Mr. Reiche asked where the applicants are with DEP in their review? Mr. Perkins advised that they submitted in early February and they accepted the application. They have come back with a couple of comments so it is in review. Mr. Reiche mentioned the septs and wells and he thinks the Board is being asked to consider this for preliminary approval tonight. He will ask Ms. Pelletier if we have enough information to act on a project this big. Procedurally we don't want to act quicker than we should and it sounds like there is plenty of time because we can't do anything until DEP goes through. He feels it is really important to see that the applicant has test pits for everything as soon as possible. We also have to have a finding that there is portable water for 80 residences and fire protection. He asked if Mr. Perkins has done anything on water quantity yet? Mr. Perkins believes that that is information that has not made its way to the Board. He doesn't know what the numbers are from the top of his head but yes, not only do they need a domestic water supply to all of these but also for the Town's Ordinance they are going to need fire sprinklers. Mr. Reiche noted it would be good to get that information to the Board as soon as he can.

Mr. Reiche asked Ms. Pelletier what does the Board normally see for submissions to review before we issue preliminary approval? She advised that applicants have to submit everything that is required in the Ordinance. The Board has not seen a project of this scale. Recently you saw the Apartments but they were on public utilities. The Board has typically gone from 15 lots requiring a hydrogeologic assessment of plume plans but she doesn't know if the Board has always had them peer reviewed or not. You do have the ability and we would pick a peer reviewer at the expense of the applicant. If you feel that you don't have the information to know they meet the standards, you wouldn't want to take

action. The issue with the lot area and some of the septic just came up today so people have not had a chance to get together and talk and it sounds like some of the information the Board wants to see, the applicant has it but just did not include it in their submission to you so your actions are just to table, to take action with conditions. It is a public hearing and you have public here and on line. You have lots of options once you get through your deliberations but to go through and hear your concerns and give the applicant good feedback. If you were going to table it, what do you need for information to be comfortable to go to the next step? Obviously, even between preliminary and final, applicants still have a lot of work to do to get in HOA documents, open space documents and a whole wide variety of stuff. She would say that Staff shared the concern of the wells and septic and wanting to make sure it is done right and there is some due diligence to make sure they meet the standards of the Subdivision Ordinance for water quality and quantity. There was testing information lacking. We haven't seen enough information. The Plumbing Inspector did flag that some of the soil depths weren't deep enough to meet the Subdivision Ordinance. We would want to see the information to see that they can get all the septic systems in there and they have enough test pits that was lacking from the information that was submitted.

Mr. Yankee asked Ms. Pelletier what other things are outstanding here. She advised that Adam flagged the soil survey and Mr. Perkins said that they have it. They did have some water quality information in their site location but did not include it in the Board's packet so it sounds like they can get the Board that. They did have some hydrogeologic information but we have not seen the plume plan yet so it sounds like they can get the Board that. Information on all the test pits was missing. Some more details on the phasing plan but granted they still have a whole other phase but that is something the Board typically sees. At this point, she feels those were the bigger items flagged. The open space calculation was off by decimals so that is not a big concern. She asked Mr. Perkins if they have their DOT entrance permits and he replied that they received e-mails from the District Engineer who approved two entrances onto Route One close together back before they did their sketch plan and site walk so the driveway entrance permit is imminent at this point.

Ms. Pelletier mentioned another big thing is traffic. They did submit traffic information. They submitted a letter from DOT that there is no high crash location. She asked if the Board feels that information is enough to make them feel comfortable with the traffic? Mr. Yankee mentioned the fact that we have so many new Board members, is it appropriate to ask for another site walk? He has not seen it because he was not available when the site walk took place. Ms. Pelletier advised that we typically only do one site walk but we do have some new Board members. If they feel they need to see the site in order to understand it and take action on the application, she thinks that is what we would need to do. If we do a site walk, everyone is invited. Everybody has to go together, if new members felt they needed a site walk to understand the site, we can. She felt it was a tough site walk and would recommend that the Board not go on a 90-degree day in the summer during tick season. In fairness to the applicant, she feels the site walk should be scheduled soon. Ms. Berger mentioned that before going on the site walk the last time, she asked if they could mark house locations and a better road location. When we went on the site walk it was said at the meeting that that was excessive at the time but now that we are in this phase if we do have a site walk, she feels it would be helpful maybe not in each house location but flags that show where a house will go here and there. She felt it was pretty hard to tell where we were at every point in time relative to these house locations and the road location. It really needs to be easy for us to look at this. Mr. Perkins acknowledged that they did have every corner of the buildings marked for the site walk but that site is so thick, the Board had a hard time seeing the flags. Ms. Berger does not believe that each corner of a building was marked.

Chair Blanchard advised that he personally does not want to go on another site walk. He does not think the Board will get anything out of it based on the condition of the lot. He feels that it is challenging. Ms. Pelletier added that is a dense site and it was hard to see in there. She is sure the applicant could include some photos of existing conditions. Chair Blanchard felt the best part of the site walk was when it was connecting to Freeport Conservation Trust trails. It was the easiest part of the site walk.

Ms. Hines asked Ms. Pelletier if it is true that if one is on a septic and well, not town water that the fire suppression system cannot relay on well water but they must bring in tanks to have water dedicated to fire suppression. Ms. Pelletier advised that they typically have tanks and it is pretty common in subdivisions in Freeport. They are typically in the

basement of a house. Ms. Berger shared her personal experience with a 500-gallon tank but was told that the amount of water kept in those tanks is only for the first 15 minutes of a fire situation and it is only there so people can get out. It is not there to actually help suppress the fire in your house.

Ms. Berger mentioned that when she was looking at the test pit locations that the applicant included and the soils and the house sites, she was trying to look at those areas and also the addition that some of the soils that bedrock was going to create because of blasting so she was trying to which of these are on those kinds of soils. Some of them are apparent to her. At the first meeting she asked if the applicant could create an overlay or a set of overlay maps that the Board could look at that would have the house sites, the test pit locations and the soils of where they are and the wetlands around them, particularly in the section of buildings that are from the southern side of the Blue Heron Road that has ten houses. It would be easier to see where the excavation and blasting has to be done, the soils and the test pits. Mr. Perkins agreed.

Mr. Monteleone asked why the applicants favored the duplex-based development as opposed to single-family units? Mr. Perkins advised that they were trying to fill a market need. The market need is for middle-income families. He was not sure what the asking price would be listed in today's market. Mr. Monteleone asked if there is someone on their team that knows that number? Mr. Perkins is certain they could get it but feels it has probably changed ten times. Mr. Monteleone noted from his perspective, the applicant is asking for intense density and from the other side of the coin we are trying to lean toward addressing some of the growth goals of affordable housing. Without understanding how this is affordable housing, it is hard to weigh the other side of the coin of whether this density is offset by meaningful affordable housing or not. Mr. Perkins mentioned he would not use the term "affordable housing" but more entry level.

Ms. Pelletier added that this is a growth area and the applicants did bring it in under the current allowable density up there. It is one of our more dense zoning districts so they did bring it in under the existing standards. Everyone has been interested in the project all along and what the medium income means. It is not a standard the Board can use in our deliberation. She put it out there because there is a lot of interest but it is not a standard that the Board has for consideration. The Planning Board sets the zoning based upon the goals of the Comp Plan. Ms. Hines asked if Freeport has another development dedicated to moderate income now? Ms. Pelletier again advised that when it comes before the Board, it doesn't look at income. If someone were coming before the Planning Board and requesting a zone change, they might take into consideration what kind of housing and the density but in this case, it is not something that comes before the Board. There are ways in the Planning world that we define it and it might mean something to you and it might mean something different to her. It is somewhat subjective.

Mr. Yankee thinks he is hearing who is the target here and is what we are seeing here does it fit? For example, are these going to be walkable streets? Are there sidewalks? He is not seeing sidewalks. Mr. Perkins added that there will be paved shoulders 4' wide everywhere. Mr. Yankee asked if there will be adequate parking if homeowners have guests. If there are going to be three cars, will they be parking on the street or in the driveway? He assumes there will probably be an association so that parking boats can or can't stay in the driveway. He asked is this sort of design we are seeing here geared towards an active young family which he thinks he is hearing as well as empty nesters? Mr. Perkins advised that each unit will have a garage with it for two vehicles and a driveway for two vehicles. Mr. Yankee mentioned that what he is hearing from Ms. Pelletier is that it is not within this Board's purview as the Town has efforts going along for sustainability as well as the revisioning, those are off the table when we are looking at this. Ms. Pelletier advised that the Board has to look at the current standards we have in place and the current ordinance before you. She thinks all the things we are talking about and a lot of ideas in the community but there is stuff the Planning Board is going to have to deliberate as they go forward and make decisions on how to amend the ordinance. Of course, we have the bigger thing that we have to update our Comp Plan and once we do that, these ideas will be in there and we will see changes in the zoning. Today the Board has to review it under current zoning. It is all good discussion and all fair questions. There may be certain things the Board can't require such as in this case they are putting in room for pedestrian access which is a big topic right now.

Ms. Berger mentioned that she looks at this and what we are doing. They are allowed to build density based on total acreage minus wetlands and that gives them an amount of land divided by how many they can put in. In this case they

are allowed to have 80.2 units and they are doing 80 units. She is looking at this for equitable use and everything else but for the purposes of this group, she is looking at this on the density that the applicant is taking up every single possible space that they could squeeze in to get 80 units and she sees wetland areas, slopes and lots that will need lots of blasting. She sees a lot of other uses and a tremendous amount of grading in their Grading Plan. If she was looking at something that was more reasonable for this property, she would have reduced the density down and spread it out so they don't have to use some of these substandard lots for what they are trying to do. She is sure when it is finished, it will look like a lovely community but it is taking land here that is a bit suspect for 80 units. That is her feeling.

Ms. Pelletier wanted to clarify that she is right. The math says when they take the total 90 acres and deduct wetlands, steep slopes and area of the road, they can do 80 units but they have about 15 or 20 performance standards that they need to demonstrate that they meet. Quite often we see stuff that says you can have x number of units but when you put all the pieces of the puzzle together, there might be limiting factors. We want to see them protect the environmentally sensitive areas, the primary conservation areas, the wetlands of a certain category and the steep slopes so yes, but just keep in mind that it doesn't always mean that they are going to be able to max out that number. She is not saying they can or can't here. It is up to them to demonstrate the standards but if there are certain lots that you feel are impacting the wetlands or are too close, those are comments the Board can make. Of course, we will still have some questions on the wells and septic. They are going to have to demonstrate to the Board that they can do that to support the number of units they are proposing and meet the standards in the ordinance.

Ms. Berger mentioned that when the Board had the conceptual plan, she didn't know that we were talking about maybe we should reduce this or change this or whatever. It was looked at as a concept. She was not there at the meeting of the vote. She would have voted no. Of course, she voted conceptually on a plan she agrees with. Now we are in the preliminary stage and if we approve this, then when we go into the next phase, is there ever a point in time where we are saying, wait a minute, maybe you need to remove a few of these. When would that happen? Ms. Pelletier advised that if the Board has those concerns, they would say them now. If you don't like it because you don't like it, that is not a valid criteria. The Board needs to find a standard that you feel they are not meeting and tie it to that standard. Look at these units because they look like they are not meeting the distance from the wetland or they are impacting it. You need to give them constructive feedback tied to the ordinance with what your concerns are but in fairness to the applicant you would want to do it now. As Chair Blanchard said before, conceptual is conceptual. They haven't done all that due diligence but once you get passed preliminary, they are finalizing the engineering. Now you are having your public hearing and if there are concerns raised tonight or concerns raised by the public, you need to share those with the Board and tie them to the ordinance. Ms. Berger hopes that is what we are trying to do is tie our feelings about what is here to the rules we have to use. That is what she is trying to do.

Mr. Monteleone pointed out that in the context of an association sharing these responsibilities going forward, some of these unit have five units attached to a single septic system. How do you contemplate an association structure sharing the liabilities and maintenance expenses between the association as a whole and the individual unit owners when there are a lot of unpredictable costs associated with system failures? Mr. Perkins advised that it is a communal approach to that within the Condo Association Bylaws that even though he is living in this house and the system fails, there is a cost to do that and collectively the entire association is responsible for that cost. By having individual wells for each of the units, by that sense they are not sharing the water supply and they become the condo owners' responsibility but the septic are a holistic approach to it. One person's problem is everybody's problem.

Mr. Reiche asked Mr. Perkins if he has done enough soils work to know how he is configuring all the septic systems? Mr. Perkins replied that he has. Ms. Hines asked if there is enough space on the ground to have a septic and a well servicing an area she pointed to? Mr. Perkins replied that there is enough space.

**MOVED AND SECONDED:** To open the public hearing. (Reiche & Yankee) **VOTE:** (6 Yes) (0 No)

Christopher Roney of the Old Brunswick Road advised that he is not opposed to this project even though it is in his back yard. Because of the size of this project with 80 units and the fact that it is not on public water and sewer, raises some concerns in the neighborhood. There has been talk about water supply, water quality and traffic. He is not a hydrologist or a septic expert but he would like there to be a study that says not only will there be enough water for the units that

will be built there but also for the surrounding area that shares that aquifer. Secondly, he knows there are similar kinds of studies that shows that all of these septic systems will not affect the water quality in the subdivision but also in the neighboring area. Lastly, he brought up traffic and explained that he comes onto Route One from the Old Brunswick Road and he has seen some close calls. He would want there to be a traffic study to make sure there is appropriate traffic flow and would like a report indicating that it would meet that standard. He feels that all the things he has raised are covered in the intent of the Subdivision Ordinance but are rules to minimize the impact on the surrounding area but also specifically addressed by the Subdivision standards themselves to talk about water quantity, water quality and traffic.

Eric Smith advised that he is a trustee of a property that is not abutting but is adjacent to the proposed project. He has a number of concerns that are not directly related to the Board's work but are the basis for some things you will be considering. He shares the concern related to water and septic, particularly because the Freeport Conservation Trust land does feature a number of streams that flow from this property through that conservation land. His primary concern is not about automobile traffic. It is about pedestrian and bicycle traffic and he realizes that the Complete Streets Committee and DOT have very little control over what happens on Route One. These 80 units for presumably 80 young families will increase the number of pedestrians and cyclists. His concern about that is what that impacts the uses on Route One which already has an increasing number of cyclists and pedestrians where there is a paved shoulder but there is no bike lane and no sidewalk. He has talked with the Complete Streets Committee and learned that it is not a priority for them at this time. Route One North is lower on the list than a number of other parts of the town. All that said, he is in favor of introducing high-density housing and increasing the housing inventory in Freeport. He thinks that Route One North is a good place to do that and is pleased that this proposal provides for the open space and connects to the existing conservation space as well as potentially expanding that because it gives those children and families a place to be that isn't on Route One which he feels is a significant concern. He is raising that as the Board considers density in that area because of the impacts of the pedestrian/cyclist traffic on Route One.

Steven Taylor advised that he lives just south of where this is going in on the opposite side of the road. He was glad to see that the Town Engineer mentioned the wells and septic systems. That came to him this afternoon. There will be 80 homes and they will have to have wells and septic systems and he does not know which will be the lucky lot that has a septic system for 5 houses. He just had a duplex built next to him and he supposes the setbacks were right but knowing the topography of his property and their property, the surface water however it trickles out may head downhill where his well is located. If it is far enough away, he will probably be fine but he is glad the engineer brought it up because it needs to be considered. He knows that some of that land is pretty wet but the engineer mentioned that they have done the studies.

There were no other public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Reiche & Yankee) **VOTE:** (6 Yes) (0 No)

Mr. Reiche pointed out that this is a really large project for this town and procedurally we want to make sure we do it right. He doesn't feel the Board has enough information for him to feel comfortable voting for preliminary approval. Because you are a DEP, for us to table this and get more information from you, particularly with respect to water, probably would not upset your schedule and maybe get him to a higher comfort level.

Mr. Perkins wanted to say on behalf of the applicant, they want to get this done right. They are fine with continuing the discussion. Mr. Reiche asked on a project this size, what is the standard of hydrologic work he does to determine there is adequate water quality and capacity for that many homes and fire protection. You are not going to drill 80 wells before getting final approval, he understands that. Mr. Perkins did not have the answer to that question but offered to find out and will report back to the Board. Mr. Reiche noted that the issue has been raised here and it is a finding the Board has to make. Mr. Yankee clarified that each unit will have its own well and Mr. Perkins agreed it would be 80 wells.

Ms. Berger mentioned that on the plan, in each housing unit there are two little squares on the end of them. She is assuming the rectangular spot represents the septic for that unit and the two little squares on the end of the building will be for wells. That is how we can tell where the septic are proposed at the moment. The cul-de-sac that has five houses is the one that would have two septic. She felt it would be helpful if everyone looked at the pictures to get an idea what they are talking about. Mr. Perkins agreed. Ms. Hines noted we assume the developer has come up with 80 because the land will take it and that number of units will give him a return on his investment. We are also presuming that the market is there and they won't be sitting empty. Did the Planning Board look at 80 and said that works for Freeport? Ms. Pelletier advised that the Planning Board would not look at it because the zoning has been in place for years up there and allowed this density. They would only ever look at changing if someone came forward or they initiated some changes. They looked at it years ago back in 2011. This was an identified growth area and we might have made it more dense after the Comp Plan. She would have to go and research it. Ms. Hines clarified that this was driven by the developer to check off what he needs to make it happen? Ms. Pelletier added that under the existing zoning that Freeport had in place. Ms. Hines mentioned the presumption that people are coming here, they want to downsize and move in so with that as your base, we are then presented with this. Ms. Pelletier answered yes and added by them going through the exercise of seeing what Freeport's standards would allow them to do there. Ms. Hines asked if we don't want 80, we want 70. We do not have grounds to do that. Ms. Pelletier explained that the Board only has grounds to do that if there is a standard they are clearly demonstrating that they don't meet and you make a finding. Otherwise, if they show that they meet all the standards and the Board feels that way, yes that is what zoning allows.

Ms. Pelletier added that the burden of proof is on the applicant and it is up to them to give the Board the information it needs to demonstrate within reason what they need to submit or give you the information. There was a comment made about a water study or hydrogeologic. The Town will not go out and do those studies. The applicant does those studies. If the Board is concerned, we could have those studies reviewed but we don't go out and do our own studies for every project. She wanted to clarify that. Chair Blanchard asked if the Board wants a peer review, do we let them know now or wait until after preliminary? Ms. Pelletier advised that the Board has the ability to require certain studies and the ability to require a peer review if it is going to give you the information you need. We have a number of people we have used for different things. We would contact them and get some estimates and tell the applicant, they would make a deposit and we would have the information. It sounds like the applicant has a lot of information but the Board has not seen it. If you all know instantly based upon your own deliberation the project and public comments you want peer reviewed, if you know it now, you might as well decide it and we can get that in line or you can wait until you see all the information the applicant has. We haven't seen the nitrates, all the passing test pits, the profiles and then make the decision. It is up to the Board. If you do want to table it, it sounds like a lot of the information you are requesting they probably have so you could table and they could get on the next agenda. It is really up to the Board.

Mr. Reiche pointed out that he is leaning towards peer review because of the density and the mass of this project but he feels he would be clearer in his thinking if he had something in front of him to look at. Chair Blanchard feels that it makes it hard because the information probably exists but it hasn't been provided to us so it is hard to know specifically what we want peer reviewed without having looked at it. Other Board members agreed. Chair Blanchard added that he does not want to get to a point where we tabled it, they came back for preliminary with the information and then we ask for peer review because we are then just dragging this out.

Ms. Berger mentioned that there is already information on some of the test pits that would show the need for blasting and the other areas particularly in the forested wetlands. It is a wet area so peer review of their data once they either amplify what they have given us. She hopes they give the Board more. That might be a start to have them look at. Ms. Hines mentioned she would love to see more detail in terms of color, roofing color, any potential landscaping or any sort of elevation that would give her a sense of how this neighborhood would look. Ms. Pelletier advised that they are not triggering Site Plan. They are only triggering Subdivision and she does not know if we have a standard for that but she will look at the zoning. If they have the information and want to share it, they can do that. Mr. Reiche added that the Board's review is limited to mostly lot configuration and buildings but if we can get it out of them, we will take it. For the benefit of the newer members, Mr. Reiche hopes he is not speaking incorrectly when he describes our process this way but normally when we get to voting favorably on preliminary approval, we are very close to the finish line. There aren't a

lot of unresolved questions and for that reason, he doesn't feel the Board is there yet and it seems like it is okay with Mr. Perkins and he has the time to get it back to us. He will propose to table any action on preliminary approval.

**MOVED** to table any action on preliminary approval. (Reiche & Yankee)

Mr. Yankee wanted to add that there is a good possibility that the Board will be asking for a peer review at the next meeting. Ms. Berger wanted to revise the motion and add the things the Town Engineer has requested be brought forth in the interim timeframe.

Ms. Hines wanted a definition of peer review which Ms. Pelletier provided. Chair Blanchard asked if the Board did request peer review after they come back after tabling, as part of the preliminary approval, would that be acceptable to the Board so that way they would just come to final with the peer reviewed information rather than having to table it a second time? Ms. Berger asked what are the changes and then we would have to look at them. Chair Blanchard feels that the information they provide is going to be reviewed by the Codes Officer and the Town Engineer and at that point if there were any red flags, that would be addressed before it comes back to us. Ms. Pelletier feels it was done that way in the past and feels it is reasonable. Staff will all go through it and they will work with the applicant and their team. Nick has already reached out to the State regarding the wastewater disposal so she thinks we have time to go through it and the applicant can pull all their stuff together. She advised Ms. Berger that that is a reasonable approach the Board can take but the applicant knows that it is a risk if something gets flagged and there is an issue and they have to change something, they could come back to their preliminary plan. Just because you approved the preliminary plan, it doesn't mean you are going to do the final. It does keep things moving and they have a lot of other things to get in a row before they can come back for final. It is also up to the Board. It is an idea you can float around today and if you are not comfortable with it at the next meeting for some reason, you are not set in stone.

Mr. Reiche was asked to repeat his motion which was not voted on earlier.

**MOVED AND SECONDED:** To table any action on preliminary approval and include the things the Town Engineer has requested. (Reiche & Hines) **VOTE:** (6 Yes) (0 No)

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

Chair Blanchard felt the Board should discuss its meeting with the Town Attorney. Ms. Pelletier advised that the Board's scheduled meeting will be on May 18<sup>th</sup>. Ms. Pelletier suggested that Board members give this some thought and send her any questions they would like answered. She will compile the questions and determine how much time she will need. If no one has questions, she thinks the Board could do it in an hour. The workshop will deal mostly with process questions. Mr. Yankee is certain one will be around "in keeping with its surroundings." It will be a big one for him. Discussion followed. Mr. Reiche feels an hour would be adequate and Chair Blanchard suggested scheduling it from 5-6 p.m. prior to the next meeting but if the Board inundates Ms. Pelletier with questions, we can adjust that. Ms. Pelletier mentioned she would like to make it efficient but it has been really good. The last time we did it, we had a different Town Attorney so this will be the first time the Board meets Amy Tchao. For the new members, Ms. Pelletier asked them to think about what kind of questions they might have. She wants to cover it all. She hopes to have the meeting in person if everyone is healthy.

For next month the Board has a Design Review application, a minor subdivision amendment. If this applicant has their stuff together, we might be able to get them on the agenda. The Board might have one more Design Review applicant. It is a pretty light agenda so if the Board meets 5-6 p.m., it might be a short meeting. She asked if everybody can be here at the next meeting? Everyone indicated they would be available.

Chair Blanchard asked if the third Wednesday of each month beginning at 6 p.m. is still good for everybody? Ms. Berger advised that she will not be able to attend the June or August meetings. Ms. Hines will not be here in July but she may be able to participate on zoom. Ms. Pelletier mentioned she had a hard time last year getting a quorum in July and August. She asked the Board if they would like to take a summer break? Ms. Berger suggested waiting a month to see



what is happening. Ms. Pelletier offered to keep the schedule on but it was really challenging last year to get a quorum. We can wait when we get our newest Board member and revisit it then.

Chair Blanchard mentioned applications. It happened tonight a bit. There are some fair questions we can ask but we really need to keep in mind that we are sticking to the standards in the Ordinance. When we start asking the applicant how much things cost in a market analysis, he gets really uncomfortable because it is not something we are reviewing. Fair questions but maybe this is not the appropriate place to ask them because it is not something we are supposed to be considering in voting. He asked the Board to keep that in mind moving forward. Mr. Reiche thinks there is a way to tie some of that in in an indirect way. Chair Blanchard agreed but fair questions are totally fair game but he thinks once we get into numbers, how much are you selling these for, he was uncomfortable because we can't really talk about that. Ms. Pelletier suggested asking the Town Attorney this question. Mr. Reiche pointed out that Caroline is really good about stepping up and saying that is not our business.

Ms. Pelletier advised that Mr. Monteleone e-mailed questions to her today and he is the reason why the Board got that information today. While it might not be a standard, she feels it might be good to understand how we got to that point to make the connection to zoning. That is good information to put in the Staff Report when we have other projects. She asked the Board to keep asking questions, give feedback or reach out, she feels it was great to have some background behind the application that we don't always think about because we work with the standards in front of us. Mr. Reiche advised the new members that they can also e-mail other Board members with general questions but cannot talk about applications.

**Election of Officers** – Ms. Pelletier noted she would put this on the next agenda.

A discussion followed on windows.

Chair Blanchard welcomed Mr. Monteleone to the Board.

**ITEM V:** Adjourn.

**MOVED AND SECONDED:** To adjourn at 8:50 p.m. (Reiche & Berger) **VOTE:** (6 Yes) (0 No)

Recorded by Sharon Coffin