

MINUTES
FREEMPORT PROJECT REVIEW BOARD
FREEMPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, JUNE 15, 2022
6 P.M.

Attending: Guy Blanchard, Linda Berger, Lynn Hamlen, Jason Donahue, Ford Reiche, Tod Yankee and Caroline Pelletier, Town Planner

Excused: James Monteleone

Chair Blanchard called the meeting to order at 6:05 p.m.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that she had a couple of Staff Approvals this month that were in the digital folder but since there were some issues with the digital folder, she passed them down to Board members. One of the campgrounds in the Desert of Maine on the far side which was approved for a tent, they wanted to add a wooden platform which is under the square footage threshold for a Staff Approval. It was Staff Approved for the change. For the second one, it was more of a determination that Design Review was not needed but she showed it to the Board anyway because the applicant did come in. At the end of Dennison Avenue, there is a house that used to be Ingerson's Shop which is set back. They were doing some finishing work inside but now the door does not align so they needed to raise the existing door 8 inches. She determined it was far enough back that it wouldn't be noticed. Ms. Hamlen noted she noticed it. Ms. Pelletier is not sure if the door has been yet completed. Goodfire Brewing has been before the Board a couple of times for a couple of changes. They have finalized their siding. They are actually going to re-side the entire building in a Hardie Board material instead of the wooden shingles. She shared a sample of the material and color they will be using.

1-A) Ms. Pelletier introduced Jason Donahue as the newest Project Review Board member. She noted that he has a background as an architect and was a Project Review Board member perhaps 10 years ago so we are welcoming him back to Project Review.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier advised that the Planning Board continues to talk about cannabis and has started conversation about residential parking requirements in the VC-I. They have been talking about non-conforming structures and the ability of individuals to add on. As we will discuss later, they discussed some potential changes to Section 602 which is Site Plan Review.

3) Update on the Downtown Vision Task Force

Ms. Pelletier noted that Tod, Lynn and Linda have been involved but they will be meeting on the 4th Thursday of each month. They have a meeting coming up. They continue to work through a big list of about 70 or 80 priorities that were identified in the Downtown Vision Plan. Different Boards, Committees and stakeholders have been weighing in and giving input on what priorities look like. They will continue this month to shrink that list down and get some input from the Council. We are already talking about or working on some of the things on that list. A lot of them won't come under the direct guidance or purview of Project Review but rather are things that the Board might want to give input on based on your expertise so next month there may be more in-depth updates.

Ms. Berger advised that she is on the Task Force but is not on it as part of the Project Review Board. She is on it from a different Board she is doing stuff on. She is trying hard to keep the two issues separate. She was there but she was not there for this. Ms. Hamlen mentioned she and Mr. Yankee both signed up for updating the zoning to align with the Vision Plan and streamline the permitting process. She mentioned that they are the tail on that dog. However, if anybody on this Board has some things they want covered and made a high priority, they would love to know so they can report back at their next meeting. Mr. Yankee noted that he sees them as not taking the lead on these.

Ms. Pelletier wanted to add that as we see more things happening in downtown Freeport and in more events, she thinks the Board will see more of these temporary activity permits come before you. You have seen a couple in the past few

months when someone is trying to do something on a property that is different from what it had approval for. The newest temporary activity we have is for the Car Show that is occurring across the street tonight. It is a different use of the property than it was approved for. They have applied for a temporary activity due to the nature of the use. The Code Officer can only approve it for three weeks unless the Project Review Board concurs. That is what the Ordinance says so anything longer than that comes before the Board. Every Wednesday through Labor Day or Labor Day Week, they want to have a car show there and they also want to have a food truck. The Board may have noticed that a food truck is sitting there but it is not open. They can only operate the food truck when the event is occurring which is what our rules state downtown. The Code Officer is ready to issue the permit but again, the Board needs to concur if it has any concerns or objections to the Wednesday Car Show with a food truck and the food truck being there when it is not operating. She mentioned the Board could note its objections. If there are no objections, she will let Mr. Adams know that and he will go ahead and issue the permit. There were no objections provided so Ms. Pelletier will let Mr. Adams know there are no objections and that the Board concurred so he can go ahead and issue a permit for the Car Show. Ms. Pelletier advised that for Farmers' markets and retail sales, Mr. Adams can do the whole summer but for other uses, he can only do three weeks. If we continue to see a lot of these, she thinks it is something we will look at changing but again, they are supposed to be temporary in nature. Mr. Reiche noted the Board wants to encourage that. Ms. Pelletier added that so far, it has worked out and in this event, this is the third week. It might be something the Planning Board looks at. They are going to start in each meeting to take a look back at what they approved in a subsequent year so in March of 2022, they will look at what they did in March of 2021 so they are trying to revisit standards and we can give them feedback on what worked and what didn't work if we heard concerns. Depending on how many of these the Board sees before you, it might be something we want to give them some feedback on because these standards were loosened a bit during the past year. Ms. Berger asked about noise and mentioned the sounds she is hearing out there. Ms. Pelletier advised that we do have noise regulations in the downtown area. Noise has been a hot topic in Freeport during the day with more people working at home and they are hearing more stuff and noticing it. We are seeing an increase in noise complaints in general. If they have a temporary activity permit, in this case it is every Wednesday and it is two hours. The Board is kind of signing off on them allowing them to have this activity. That is a good example. Should we start to get a ton of complaints on it, should they come back to extend it, she will share that information with the Board and you might decide otherwise. Ms. Hamlen asked what the hours are? Ms. Pelletier advised that they are 5-7 p.m. and Tawni Whitney confirmed the hours are correct. Mr. Yankee asked how this could be changed to give Staff more leeway? Ms. Pelletier noted it would be an ordinance change. It is in the Zoning Ordinance and would come under the purview of the Planning Board. She mentioned that once we get through the summer and look at the temporary activities and the food trucks to see how it goes with the potential increase in those, she thinks they would want to ask the Board for feedback and you could give it at that time. We wouldn't go and change it now because summer would be almost over. She suggested getting through the summer to see the impacts and see if we get complaints and see what people like or don't like and then take it up in the off season.

Ms. Berger asked if this is all over Freeport or just in the downtown area? Ms. Pelletier advised that it is anywhere in Freeport and anyone can pull a temporary activity permit. There are some little bit different regulations depending on what zone you are in. Typically, we can see them for concerts, tent sales, events to be held in a parking lot, that type of thing. We are seeing them more in the village because if they want a food truck, they need to have an event going on so they need to pull an event permit if they are going to have a food truck there. It was designed to have them when you are trying to draw people into Freeport.

ITEM II: Review of the minutes from the May 18th, 2022 Project Review Board meeting.

MOVED AND SECONDED: To approve the Minutes. (Yankee & Reiche) **VOTE:** (4 Yes) (2 Abstentions-Berger and Donahue) (1 Excused-Monteleone) (0 No)

Ms. Berger asked if a Board member was not at a meeting because they were excused, and over the next day or two they listened to the whole meeting on Channel 3 or zoom, does that allow that member to make comments and vote on the Minutes? Chair Blanchard advised that typically a Board member cannot vote on the Minutes because he or she did not participate in the discussion. It was also Ms. Pelletier's understanding. Ms. Berger noted it was fine with her.

ITEM III:**Freeport Oyster Bar – Outdoor Seating**

The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment for outdoor seating at their property at 43 Main Street. The outdoor seating on the front side will be located on an existing patio. The outdoor seating in the rear will displace existing parking and a new post and beam structure is proposed. Zoning District: Village Commercial I (VC-I), Design Review District One – Class A & Color Overlay District. Tax Assessor Map 11, Lots 26, 26A & 29 (43 & 45 Main Street). FOB LLC, applicant; Freeport Historical Society, owner; Kenneth Sparta & Thomas Henninger, representatives.

Ms. Pelletier explained that this is a new business in Freeport. They are going into the former Frosty's building on the Freeport Historical Society. This property has been before the Board for changes to that property. The Board might remember they added a vault, they made some site improvements and raised the structure. There was a restaurant or take-out in there before so now the Oyster Bar is opening in there. They wanted to have outdoor seating when they came in in the past on the Main Street side. They had a patio area shown but didn't really say exactly what they were going to do there. Everyone probably made the assumption they would have outdoor seating there if they had a restaurant so part of this application is getting some seats on the other side of it. The other thing they wanted to do is to put some outdoor seating and were hoping to fall under the new provision for size and square footage in season to allow it by Staff approval but when we saw the structure, the Code Officer determined it would need a building permit. We don't acknowledge temporary structures, we treat them as permanent structures because it was going to be permitted that way, it was an amendment to their site plan which is why they are here before the Board tonight. The Board has in its packets a drawing of a timber post and frame structure with a metal roof. They provided details on the siding. It will be open air. They have these cool lobster cage things that they are going to put rocks in to kind of separate the vehicular from the pedestrian traffic in the seating area. The Historical Society does have surplus parking on this site. One of the things we need to work with the Historical Society under the Staff approval option is to finalize the parking count. That was a condition of their past approval so she has been working with Eric Smith from the Historical Society now that they are adding some outside seating, they will have approval by coming to the Board and can use it year-round if they want. They will figure out the parking for that so the Board will have that as a condition of approval. Since they were coming in, they also are seeking approval for some new signage that was not under Staff Approval authority. She does not have the approval authority for lighting so they want to add some gooseneck lighting fixtures. They did include something showing how the ADA access is being maintained on the site. Ken Sparta is here if the Board has any questions.

Mr. Sparta explained that it is a 14' x 34' post and beam pavilion with a floor so when you enter the building off the sidewalk, it is level. It is a sloped site so there are parts where you can't get directly off the pavilion but it is railing all the way around. They are building gabions out of lobster cage wire and filling it with river rock just to break it off from the parking lot and prevent anything from coming across. Dan Crowley from Traditional Building and Design is building the post and beam and will also roof it with metal roofing so it will be a raised seam metal roof similar to what the Town Barn has on the side. It is actually built to go on a trailer so they were thinking it was temporary but he guesses not.

Mr. Reiche asked about the foundation. Mr. Sparta advised that it will sit in the parking lot on 8' x 8" hemlock. It is a perimeter sill. Ms. Hamlen mentioned she was looking at the ADA compliance and Mr. Sparta indicated there is a ramp by Banana Republic and another by Starbucks. She assumes it is because they are high traffic areas. Mr. Sparta mentioned that there are 8 parking spaces directly behind the bar and there is no ramp to get out of the parking lot that goes through those spaces so there are no handicap spaces there. They are all pushed off to the side, one by Starbucks and one by Banana Republic. Ms. Hamlen asked if ADA requires if someone has a high intense use such as this, is there any requirement to lengthen the distance between these ramps for people that need that ADA ramp? Mr. Sparta mentioned it would have to make an ADA parking space there and take out curbing and do all sorts of things. Ms. Hamlen wondered if there was some guideline in this space, it is parking spaces, but how many feet between decibel ramps are required? Mr. Sparta noted he has no idea what the requirement is for ADA for that. Ms. Pelletier pointed out that she did not know that either but she knows those were the two accesses for people of any ability there and thinks

that it definitely is one of the things they look at there. If they had to modify it, and the Code Officer said they needed to, she thinks it wouldn't be visible from a right-of-way so we could easily work with them to make that modification. She noted that Staff gets the applications and agendas to look at but it wasn't flagged. She is not aware of any concerns. We have an Accessibility Task Force in Freeport and they get all of our agendas and have the ability to look things over. They didn't reach out on this application. Ms. Hamlen added that she thinks it looks great. Mr. Sparta feels it will be fun for the Fourth of July and everything else.

Mr. Donahue mentioning going a little further on the ADA question. Getting from the brick sidewalk on to the pavilion surface, there appears to be slope to the sidewalk so some side pitch needs to be accounted for. Mr. Sparta advised that it will actually be level and he pointed out how the sidewalk continues, and where the entrance to the building is. The building is level but the ground is not so up near the top part there will be a place where you can get into the pavilion without going up a step and someone with a wheelchair will be able to come in from the sidewalk on to the new wooden surface. Mr. Sparta pointed out how it has been designed. Mr. Donahue asked if there is power? Mr. Sparta explained that in looking at the sidewalk right now, there is a place where there is a bunch of bricks missing and conduit being run from the building out to the peninsular where there will be a post that goes up and will have a 4-gang box they will use to plug in lights. There will not be any extension cords running across sidewalks.

Mr. Yankee asked Ms. Pelletier if this is temporary? She advised that they are getting an approval and they can leave it there permanently. She doesn't know what they will decide to do with winter snow-removing operations. It is a privately-owned parking lot. Mr. Yankee clarified that the Board is permitting this as a permanent structure, not as a temporary structure but it could be moved if need be. Ms. Pelletier agreed. Mr. Sparta added that they have talked to Visit Freeport about using it in the winter and things like that but their plan is to keep it clear of snow. When Freeport has its Food Truck Frolic in February, they will open it up for seating for them and any of our non-profits that want to use it. Mr. Yankee asked about TVs and Mr. Sparta advised that there will be one TV in the Farmer's area that will show a loop of video from our farms to show people how oysters and kelp are farmed. There is no plan for noise or music but they would like to have speakers out there but will not go crazy.

Mr. Donahue noted he has seen timber frame in some of the language. Mr. Sparta clarified that it is old school with pegs. He invited the Board to come in and check out the bar which is being built in the exact same way.

Eric Smith from the Freeport Historical Society wanted to address some of the ADA questions that has come up. Part of their year's long building project has been to address a number of ADA concerns on that site, none of which to their knowledge affect where the parking spaces are, how many parking spaces there needs to be or where the curb cuts are. They have made no changes to where those ADA spaces are in part because their ramps up into their site are actually targeted at those parking spaces. In order to park at one of those spaces either on the Banana Republic side or the Starbucks side, you have direct access either to the brick ADA code up into the garden which leads you then to the front doors of the Oyster Bar or up the new ramp to their building if you are on the Starbucks side. In part one of the reasons they designated these spaces directly behind the bar for this seating use is because it does not displace any of the ADA parking and does not block a curb cut, both of which are requirements of the new Temporary Seating Policy which was what they thought was going to come in as. They are putting the conduit in for the electrical access for the Oyster Bar on a post.

Mary Davis, President of FEDC, noted she is thrilled with both of the projects the Board has tonight. They have spent the last few years with the Downtown Visioning and getting feedback from all the folks in town about what they wanted. Restaurants, of course, was a really high ask from everyone. We want nightlife and things to do at night. She couldn't be happier that it is a local person who is coming forth to do it. In addition, for the winter time months, there is a group of folks lovingly called the Street Gang who work hard to find programs to bring visitors in to Freeport in the winter time because all of our local businesses need support during that time of the year. January, February and March are really difficult times for them, so by having this structure that could be a structure left year-round, they will continue to try to program in that time of year and this will be a great place to have folks in because it is a natural epicenter of downtown during the winter. She totally supports this and finds it exciting to see these things come to fruition.

Mr. Reiche wanted to say that this is the type of thing that Freeport needs to get where it wants to go.

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

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

The outdoor seating on the front side will be located on an existing patio. The outdoor seating in the rear will displace existing parking and a new post and beam timber frame structure is proposed. The post and beam structure will have open sides and will incorporate materials used inside of the existing structure. The dimensions will be 14' x 34' x 15' high and it will be designed with a floor level to make the structure accessible (per ADA) from the curb. The roof will be metal with a raised seam. 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 new structure for outdoor seating will be fifteen feet in height. 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 post and beam structure will have open sides and will incorporate materials used inside of the existing structure. Based upon this information, the Board finds that this standard has been met.

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

The post and beam structure will have open sides and will incorporate materials used inside of the existing structure. Based upon this information, the Board finds that this standard has been met.

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

The post and beam structure will have open sides and will incorporate materials used inside of the existing structure. Based upon this information, the Board finds that this standard has been met.

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

The post and beam structure will have a peaked roof. Based upon this information, the Board finds that this standard has been met.

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

The post and beam structure will have open sides and will incorporate materials used inside of the existing structure. The roof will be metal with a raised seam. 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 outdoor seating structure will be located in an existing parking lot and will displace a few existing parking spaces. 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 outdoor seating on the front side will be located on an existing patio. The outdoor seating in the rear will displace existing parking and a new post and beam timber frame structure is proposed. The dimensions will be 14' x 34' x 15' high and it will be designed with a flood level to make the structure accessible (per ADA) from the curb. The applicant has also included details on barriers (wrapped wire cages with river rocks) that will be provided between the structure and the parking lot. The area of parking has 8 spaces behind the building, a few of which will be displaced by the new structure. Based upon this information, the Board finds that this standard has been met.

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

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

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

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.

The outdoor seating on the front side will be located on an existing patio. The outdoor seating in the rear will displace exiting parking and a new post and beam timber frame structure is proposed. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

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

The outdoor seating on the front side will be located on an existing patio. The outdoor seating in the rear will displace exiting parking and a new post and beam timber frame structure is proposed. There are Class A and Class C structures existing on the property. 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.

The area of parking has 8 spaces behind the building, a few of which will be displaced by the new structure. Final calculation of the parking requirement for the property, with the displacement of parking and the approval of the year-round outdoor seating has been added as a condition of approval. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage

system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

Based upon the size and nature of the changes, information on surface water drainage was not included in the submission. Based upon this information, the Board finds that this standard has been met.

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

No 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.

The applicant is also seeking approval for gooseneck lighting for existing signage; a photo for the proposed lighting has been included in the submission. The fixtures will be added above the two-building mounted signs. 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.

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

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

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

This parcel is not within the Marine Waterfront District or the Shoreland 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, Site Plan Amendment and Design Review Certificate for FOB LLC for outdoor seating and associated minor alterations at Freeport Oyster Bar, 43 Main Street (Tax Assessor Map 11, Lots 26, 26A, & 29), to be built substantially as proposed, application dated 04/26/22, finding that it meets the standards of the Freeport Zoning Ordinance and the Freeport Design Review Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.

- 2) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) Prior to a Certificate of Occupancy being issued for the use of the new outdoor seating space, the applicant submit the required information for a final calculation of the parking requirement for the property to demonstrate that the standards of Section 514 of the Freeport Zoning Ordinance have been met (Reiche & Hamlen) **ROLL CALL VOTE:** (6 Yes) (1 Excused – Monteleone) (0 No).

Freeport Station Apartments – Multiple-Family Dwelling

The applicant is presenting conceptual plans for an 18,600 sf, three story building, with 67 dwelling units on a parcel of land currently used as a parking lot and located at the corner of Mill Street and Depot Street. Vehicular access to the site would be from an exiting access way off of Depot Street. Design Review, Site Plan Review and Subdivision Review are required. Zoning District: Village Commercial I (VC-I), Design Review District One – Class C & Color Overlay District. Tax Assessor Map 11, Lots 127 & 128 (0 Depot Street & 8 Mill Street). 10 Depot Street, LLC, applicant; L.L. Bean, owner; Daniel Diffin, PE, Sevee and Maher Engineers, representative.

Ms. Pelletier explained that the Board has an application which contains multiple kinds of reviews. Since the Board has new Board members, she walked through that process. The applicant is presenting plans for a three-story building that would have 67 apartments in it. 61 of them would be one bedroom and the rest would have multiple bedrooms. It will be located in an existing parking lot next to Yankee Candle. The Board has pictures in the Staff Report. It will be located on the corner of Depot Street and Mill Street across from the Freeport Village Station and kind of behind the church in that area. Since it is in the downtown, they are proposing units in a multi-family structure, they are triggering three different kinds of review. They are triggering Design Review which would be mainly the aesthetics of the building, the scale, how it sits on the site with the downtown area and the abutting properties. They are triggering the standards of Section 602 for Site Plan Review because it is a multi-family so we are going to look at parking, stormwater, landscaping and how it fits in with the landscape in the area. Third, they are triggering Subdivision Review. She would say that our current Subdivision Ordinance is not really set up for the redevelopment of a parking lot. It is more set up for a subdivision with a road. Under the current ordinance which we have in place which is the Subdivision Ordinance, due to the number of units, this would be considered a major subdivision so they would have to come before the Board for three steps. There is the conceptual process which is where the Board looks at the project and looks at the constraints of the site, wetlands, steep slopes, areas, what they are going to have for parking lots and the Board determines at that point if there are appropriate areas shown for development and for the preservation of open space. In this case, they do not have to preserve open space so she thinks what the Board will be looking at based upon the information the applicant gave you, it looks like they have the building and other site features laid out in the best way for the property. The Board could see some situations where they have in-town parking lots, where they have some drainage, wetlands or slopes. In this case the Board does not have any of that. You have a relatively flat parking lot. Once the Board grants conceptual approval or deems that phase complete, they would go away and work on the preliminary submissions and do any additional engineering. The Board would have a public hearing and review the preliminary plans and then they would go away and finalize it. As far as subdivision goes, she thinks it is a unique situation and we can talk about some different options and what the Board wants to do with it tonight. Do you want to do a traditional introduction or do a site walk and then take action if you feel you have everything to determine that the building is in the right spot, given the nature, you could take action on the conceptual subdivision plan tonight and deem it complete so they could go ahead and work on the next level of plans? Again, you could set a site walk. That being said, of the three types of reviews, we could do them all at the same time. The subdivision review process has the most steps so although you want to look at this from the conceptual subdivision presentation, you also want to look at it as a conceptual presentation for Design Review in the site plan so you know this is where you can give the applicant general feedback of your first thoughts on the building or things with the site layout. This is in the downtown area. We have a shared parking system downtown. This Board has not seen a lot of new buildings there so she went into that a bit. You have the ability to participate in shared parking which means you would have parking spaces that you don't say for Caroline's Apartments or Caroline's Business Only. Anyone coming in to Freeport can park on your lot and you can park on anyone else's lot.

We also have non-shared so that is like you want to have a business and you want to say: For Caroline's Business Only, you provide additional hired parking but it is restricted for your residence. Ms. Pelletier did not want to get into parking

too much tonight because as she mentioned at a Planning Board, this was very quickly flagged as part of the Downtown Visioning Process as a potential barrier to development or parking requirements in the village. There are multiple ways under the current standards that they can meet the parking, all subject to change. If the Board looks at the plan, you heard her say 67 units but you are going to say, wait, there are only 25 parking spaces on site. Again, they are in the village and there are different ways they can meet them and they will demonstrate that as the process moves forward. She noted there are not any huge flags that Staff has raised here. It is really here to show it to the Board and get some feedback. The applicant is here tonight with his team and they can walk the Board through the project before you.

Mr. Reiche asked why we are under subdivision? Ms. Pelletier advised it is because their subdivision is creating 3 or more lots or units within a 5-year period. In this case, they are creating 67 within a 5-year period so under State law and under our ordinance, they are triggering Subdivision Review. Mr. Reiche asked if someone builds a 3-unit, are they here for a minor subdivision? Ms. Pelletier answered in multi-family, yes.

David Latulippe thanked Ms. Pelletier for her introduction. He introduced himself and his team. Hillary Rockett would have liked to have been here tonight but is on his way to San Francisco because of a death. He advised that the seller of the property is L.L. Bean and this was a property that technically was not for sale but through the Visioning process, people said we need housing downtown and Bean's looked at their inventory and said what would be the ideal spot that would be close to the Train Station, the BREEZ and all the activities downtown? They teamed up with J. H R and said that this seems to be fitting consistently with the visioning that has been going on for the town and they were a willing participant in that. The location is mostly along Depot Street but when you come down Mill Street, they put all the parking behind so as to keep the street front character. They have kept the buffer for the landscaping along the street scape and they will have a more detailed robust parking plan. They have some major power lines going through a corner of the site and they will be relocated and pulled back. They are working with CMP on that and he feels it will be a benefit. The site is 100% developed so it is basically all parking. They are trying to put in a 3-story building and they will go through the height. From the architecture standpoint, they sent design standards over to the architect and said: spend some time in this area, go downtown, walk downtown and read these standards and try to fit in as best as you can. If you look at how that fits in, it is about a similar height to the surrounding properties and one of the other benefits is as you are coming up from Mill Street, you will block the rear parking behind the church and Yankee Candle that has that scored block. That will cover that which will complement that the two parking lots will be behind and it is always a nice thing if you can put the street front forward and the parking behind. Access is great because there is a shared access to the church's parking lot and the RV parking lot to the left. From the scale perspective, if you come down Mill Street, they will fill in where Yankee Candle is and as you come around where the Nordica Theatre was, that is the view you will look at as you come around a corner he pointed out on the plan. If you are coming from Community Service's parking lot, you will start seeing it along the streetscape. As opposed to going across the street, that was another site they looked at. It is an open space and kind of fills in and tries to bring a little bit of that Main Street down to Mill Street and continue on what they created down Depot. He thought the architect did a good job. Different materials are shown so you see that a lot in this area of Freeport has brick on the first level or so. They had two levels and it felt odd so they lowered the clapboard siding and tried to have some jet outs so you don't have those long expanses of the building. Being an apartment, they had that ability to push some windows out and have some areas so you don't have those voids. There will be a nice little alleyway, about 20 or 30 feet as you come down Mill Street so the pedestrian access can come in around. There are 25 parking spaces on site. When they looked at the site plan they asked if they could do more or make the building smaller? Given the depth of the site, you are not going to create the 60 or so parking spaces but it is right across from the Village Station's parking garage and a big parking lot across the street so there is sufficient parking there. They have 25 that are right on site.

They are in good shape working with the Sewer District so the connections work. They will have public water and public sewer and the trash enclosure will be internal so they will have a trash room where all the residents can put their trash there. The roof shape is flat which is predominant in Freeport even along Main Street but that whole section is all flat. It is consistent but they did a really nice job with the cornice bringing it in but trying to give it an architectural flair.

As far as what Caroline was saying on subdivision, yes, they are dividing the lot by 67 so he was as shocked as Mr. Reiche was. This is a process they have to go through because he was thinking about 20 acres of land out on Desert Road and creating 60 lots but this is considered a subdivision and he thinks they meet the essence of all the criteria. It is a pretty simple site. He offered to answer questions.

Chair Blanchard mentioned that since the Board has three different review processes to go through, he would like to keep it organized and go through each one at a time. He suggested starting with Subdivision Review. Mr. Reiche added that he does not see the net residential acreage calculation. Ms. Pelletier advised that they did do this calculation but again the Subdivision Ordinance and this do not blend perfectly. You have to go through the 4-step design process which she explained. Ultimately at the end of the day they will have two parcels which they will merge into one but there is no land per dwelling unit requirement so they take the acreage and didn't have to deduct anything other than the parking area but ultimately, they are dividing by zero so they have that residential acreage. They went through the steps and at the end of the day, it is not making a difference as to how many units they can get here. Mr. Reiche asked if nothing further is required for that calculation for the Board to give concept approval? Ms. Pelletier replied yes, concept is just that they are showing development and open space in the right areas and in this case, they have no open space requirement.

Chair Blanchard moved on to Site Plan Review. Mr. Donahue mentioned that one of the things that will be really important about this is the first step to what can come in the future and start to raise higher density, more residential opportunity in downtown is what the character of the street and sidewalk is. He asked that as they are developing plans, that they explore that and think as if they are a pedestrian on the street and what they encounter and what their experience is as they move down Depot Street and turn the corner and bring a richness to it and life to Depot Street. He had a question about the entrance and noted it appears it is on Mill Street. Mr. Latulippe pointed out where the shared entrance is on the plan. Mr. Donahue asked about the front door entrance if you were going to visit a friend there and coming out and going to Bow Street Market if you are on foot. Mr. Latulippe advised he would have to get the architectural on that to see where the core elevator is. The plan shown doesn't put in a lot of the landscaping along the street but he thinks they have 10 or so feet of esplanade so there will be a sidewalk and grass with trees. They kept that distance. The neat thing they are doing is that they will have steps going up to the first-floor apartments so it will feel a little more broken up and you will see actual entrances. The next time they come, he will make sure he can answer where the core of the building is so when you come down, how do you come in? He doesn't want it all to be car related so you have to drive around the building, how do you get access either through the sides or to the core of the building. Mr. Donahue noted he found that encouraging because it is hard to tell on the plan. Mr. Latulippe agreed that it is hard to tell. He feels they are further along than is typical for conceptual but thinks they did a good job. He will have that answer next time. Mr. Yankee asked if the relocated power lines will go underground? Mr. Latulippe advised they are too much to go underground but he described what CMP is talking about now. They have been working with CMP 9 months to get that redesigned so it is a process. If they could put them underground, they really would but there is too much on the poles because of downtown.

Mr. Reiche noted that 90% of the units are proposed to be one single bedroom and 10% will be two-bedroom units. He asked if that is a normal split? Mr. Latulippe learned that Freeport has a lot of family housing but it doesn't have young professional housing and doesn't have housing for over 55 who winter in Florida so you sell your house at Lower Flying Point but you still want to be a Freeport resident. Here you can enjoy summer and have something simpler so that is the target market. What really got them enthused is the BREEZ, the train and if we can continue generating more activity, then they can probably get more stops for that and then all the activity because you are downtown. Walking distance to Bow Street Market was a big deal. There will be elevators and sprinklers in the building as well as a small gym.

Ms. Hamlen asked if Freeport or the State of Maine have an affordable housing ratio required for subdivisions? Ms. Pelletier advised that Freeport does not. Ms. Berger mentioned that this is being brought in now, she assumes this is like start dates so if anything changes in any of the laws or requirements in ordinances, they wouldn't have to comply with that? Ms. Pelletier added that it is hard to say with regulations not currently being discussed but usually when you bring in new regulations even if the review process has started, they come under the regulations that were in place at such

time. Ms. Berger mentioned showing on the Mill Street side across from Community Services, it is talking about the sidewalk setbacks of 5' and 10' and it is saying on the second page that the roof pitches away from the sidewalk versus the roof pitches towards the sidewalk. Her question is that when there is a lot of snow and there is a flat roof, what will they do with all of that snow on the flat roof? If it is going to be going down to the sidewalks, is that something that is typical or is there another way to move it around other than onto the sidewalks? Mr. Latulippe explained that in the ordinance if you have a sloped roof, you need a greater distance so you don't have snow falling on people. If you have a flat roof where you will maintain 100% of your snow on your property, you can reduce the setback. This roof will contain all the snow. The structure will be there to support that amount of snow and they will have internal roof drains and they will go through the regular system. Here it will all be contained up above.

Mr. Yankee requested that if they can, maximize the width of the sidewalks perhaps beyond what is required. That seems to be a thread that has gone through our visioning process in order to make our town more walkable and open including the walkway between the backside where Yankee Candle is now. Mr. Latulippe agreed. Ms. Pelletier wanted to add to that and point out that anything they do in the right-of-way, and sidewalks are in the right-of-way, would be in the purview of the Council so it would need to be reviewed and approved by the Council. She is sure any feedback the Board gives them they will listen to but the Board can take action on the ones on site, but they will have to go to the Council for anything in the right-of-way.

Ms. Hamlen advised that there is a group in Freeport working on trees and she doesn't know if they will be where they need to be when you are thinking about adding some treescape. It would be nice if this was somehow coordinated with this other group that is looking for a green Freeport overall in terms of type and size of trees and spacing to get some continuum from Main Street. Ms. Pelletier advised that we do not have a requirement for certain types of trees. We rely on the design professionals to choose species that will do well in this environment but if anyone from the Tree Task Force wanted to come in and weigh in, they could share their thoughts. Mr. Latulippe mentioned that they could reach out to them and have their landscape architect evaluate appropriate species. Ms. Pelletier added that we do have some street tree recommendations in the Village Overlay District which is not that far from here. She knows it is dated and there are trees listed in there that we don't want to see but that could be another resource to get some ideas. Mr. Latulippe thanked her for the heads up. He feels it will be helpful.

Chair Blanchard noted that in regards to landscaping, as Mr. Latulippe develops this, the Board will obviously need a landscape plan as part of Site Plan Review and any information on exterior lighting. Mr. Latulippe advised it will be very modest. It would be just enough foot candles so someone feels comfortable. They won't need a lot of lighting. The back parking lot will be decently lit but it is pretty tucked away but the alleyways will be. This is an apartment building and they want it to be pretty low key. He did not address the signage because he doesn't know if they will have a sign. They might have a little placard because it is not a retail building. There probably will be wall sconces and just enough to light up entrances.

Ms. Berger mentioned it is an apartment building and she did not know if the Board was supposed to ask if it was going to become a condominium situation? Mr. Latulippe advised that they are hearing that there are no apartments for rent in Freeport. The rental market is where the target market is. Ms. Berger asked when it comes to an apartment building, does the Board need to know who will maintain it? Mr. Latulippe advised it is a single owner taking care of the property who will be contracting locally for snowplowing and landscaping. Mr. Donahue brought up parking and it is obvious they can't fit all the spaces on the lot. He asked what is the thought process to accommodate parking for the additional cars? Mr. Latulippe mentioned that L.L. Bean is the property owner and they are the seller. They have extra parking per the ordinance so they and JHR are working on an agreement. Because there is so much at flux, there will be a condition of approval to satisfy the zoning. There will be an arrangement so that there is sufficient parking. Ms. Pelletier explained that in the village, they either have to pick shared or not shared. They can't do a combination in the village. If you are not going to share, you can have it on site. You can own it off site. Freeport has owners that have parking lots separate from their buildings. If anyone is going to lease parking, which plenty of people do, the Town has a lease parking pool so the person who has extra parking spaces, enters them into this lease parking pool. Basically, they insure them and agree to maintain them and stripe them and be a good landlord for parking. If someone comes in that doesn't want to own a

parking lot or they don't have enough parking, they can come to the Town and find out who has spaces in the pool and then negotiate a lease for the spaces they need to meet their requirement. The Planning Board is talking now about not only potentially dropping the requirement for residential in the VC-I, but they are also looking at allowing residential uses to use a combination of shared and not shared because we know that people like to have parking on the site where they live. We also want to find a balance. Nobody is saying we are short on parking. Nobody wants more parking. We count parking spaces in the summer to check utilization and it is pretty rare that we see them close to full anymore. Obviously, being in an urban impaired water shed, we also don't want to increase our impervious area with the creation of new parking. The Planning Board is looking at all of that right now which could potentially impact these projects when they go to figure out parking because 4 or 5 years ago the Planning Board changed the parking standard and in a lot of cases it is done by interior square footage so when the Board granted approval for stuff in the village, the parking recalculation they can do by right with Town Planner review in the ordinance. Mr. Yankee noted that Ms. Pelletier mentioned in pool or out of pool, so does that mean there are 21 spaces behind since they are not going to be able to accommodate 60, that those would be considered in the pool? Ms. Pelletier replied that it depends. Shared parking is shared. You can't restrict it for your tenants only. Whether or not they decide they want to do that with their parking, they might ultimately decide if they want to do shared or not shared. It is to be determined given the different conversations going on. Mr. Yankee added that it would be 40 additional spaces and Ms. Pelletier noted that is right but if they are going to lease through shared parking, then they would have to share theirs too. You wouldn't be able to restrict them for only the people that live here. Mr. Reiche asked about the parking garage and Ms. Pelletier advised that the parking garage has a restriction that people cannot park there overnight. She noted that Freeport has very few parking lots that are not shared. We have a handful of residential units, multi-family or duplex in the village. We haven't seen a lot of residential come in so this is why it was flagged early on. We heard what the community said that they want to see certain types of projects happen.

Ms. Berger referred to the "as is plan" that the applicant has now and asked how many parking spaces are there and what is the situation of those spaces? If they are pooled, she assumes they will be removed? Ms. Pelletier advised that back in 2018/2019 the Planning Board lowered the parking requirement in the village so we have parking spaces in Freeport sitting there but they are not sitting there to meet a requirement because when they changed the standard, property owners had the ability to come in and get a recalculation. When they got the recalculation, often times people's parking requirements went down so they had parking they no longer needed. We haven't seen anything happen with the surplus parking. In this case this property owner does have a lot of surplus parking. They have parking that is not meeting a requirement. It is there because it is there. They have kept the lot open. It is shared parking and you can park there but it doesn't need to be there to meet something. Ultimately, the answer to Ms. Berger's question is yes, this parking lot can go away and the property owner that is selling it, does still have enough parking to meet their required parking. We have a couple of property owners that have quite a few parking spaces that have decided for whatever reason not to put them in the pool. She suspects they don't want to be a parking landlord.

Mr. Reiche added that he is thinking what problems will the Board create after having done ten projects like this? Have the Council and the Planning Board been given the details of this? Ms. Pelletier added that yes, they already changed the standard years ago in 2018 or 2019. It has already been made and the thought was that we would have people come in and recalculate and we would see the development or redevelopment of these lots happen. We haven't seen it in the past 4 or 5 years but that was the expectation when they made the change. The Planning Board will be talking about parking at its next meeting in July.

Chair Blanchard feels that this application is going to run into a lot of issues and questions that the Town will have to resolve as the process proceeds. He thinks this is an important project for the Town. Mr. Latulippe pointed out that this is something the Town started 5 or 6 years ago talking about parking and we don't have housing downtown. He does permitting throughout New England and he can tell the Board the Freeport process is arduous. This is a fairly simple project in his world and this is probably his most intensive review. He feels it is good and bad but as a Freeport resident he does not want that inertia preventing us from filling our downtown. Mr. Reiche asked if his comment is because of the complexity of the ordinance? Mr. Latulippe mentioned that it is the overall process with 4 meetings and subdivision and everything else. He hasn't been to 4 Planning Board meetings on a project in over 15 years. In his opinion, it is a

heavy process and it is a good process but it is something that has an opportunity to streamline. We are going from a retail-centric downtown to more diverse and he thinks a lot of the ordinance was designed for reviewing retail projects because it all came at the same time so we are in a transition period which is what the Town will go through and it is a positive thing.

Chair Blanchard suggested turning to Design Review and requested questions or comments on the exterior of the building. Ms. Hamlen noted that Mr. Latulippe indicated he followed the Vision Project and his architect has taken into account scale, access and recess and that is all great. What she saw in that Vision process were some proposed façade options put forth by the group. She remembers town houses on Bow Street and they were very much New England clapboard more traditional facades. When she looks at this, she sees something very different from that so again, just like trees, her hope is that the Vision process not just for housing, but for what we want Freeport to look like as a village, not Heinz 57 which is what we have now in terms of facades, windows and signage but to have it have some flow and some sense of having been thought through. This façade for her and she is putting this out there as an individual member, does not look like the kinds of Vision proposals the group had put forward and that many people put their stars on. They liked that look and there were a lot of red stars on the white clapboard, two-story houses with steps going up. It looked Beacon-Hillish but clapboarded. She hopes this is a first go round and Mr. Latulippe and his architect would be willing to work with the Vision Committee. If they are the first ones out of the gate, they could set the stage for the way the rest of the village looks. Mr. Latulippe offered to pass that on to the owner and mentioned that they did not get too much into the visioning because it is an ongoing kind of process. They didn't interact with them and the architect didn't see those renderings but went by the ordinance which says, "consistency to your neighboring buildings" like them or not, this is consistent with that. What is in the ordinance is what they provided the architect but with this feedback, he will talk with the developer and the architect and say, is there some softening or get some interaction going. Ms. Hamlen noted that would be great since there were quite a few renderings that the group put forth that people responded very positively to. Ms. Pelletier added that we have that visioning but our ordinances are not going to reflect every idea in that vision because it is just too new. She feels it is fine to acknowledge it but when the Board does its review, it has to look at the standards we have in place which is the Design Review Ordinance.

Chair Blanchard advised that he believes Ms. Hamlen is getting at Section 8 for the Design Guidelines in our Design Review Ordinance which he read into the public record. If you are drawing inspiration from the Village Station, that is not the A or B Building this ordinance is referencing. Ms. Pelletier can provide a map showing which buildings are designated A or B. The Mallett office Building is swallowed by Village Station but it is a Class A building and is listed in the National Register of Historic Places. The Mallett houses on Depot Street are A or Bs as well so there is another opportunity to draw inspiration. He thinks that is what we want to see more of rather than a straight reflection of what is across the street which is an Old Navy. That is what the ordinance is asking for in addition to scale, materials, etc.

Mr. Yankee added that the Principle Group is the group that led the Town in the Vision Process. You may have less resistance from people in town for change. He suggested that Mr. Latulippe go back and see what they put together. There is a lot of agreement and excitement about what the product and outcomes were. More discussion followed. Mr. Donahue added that he thinks they have a good design opportunity at the corner of Depot and Mill which is close to the Mallett Building. He suggested they form the corner in a way where it becomes the really strong presence of this complex and if they get that right, things can start to flow out of that and they have length to work with and that is definitely another challenge with the design as to play something out of the entire length if they can work that corner and work the brick material. He thinks the horizontal line the brick strikes is not quite right. It is too flat feeling with the lower story like that. If they were to work on that corner and make it really special, a lot of things could flow out of that. At that point it is in dialogue with the Mallett Building and with the buildings on the top of Main Street and Mill that is also brick so they will have these three brick pieces that come together there. It will be really special. Mr. Latulippe noted he would pass it along to the team.

Ms. Berger asked if the Zoning laws have been changed to allow 4 stories? Ms. Pelletier advised that the current ordinance is three stories up to 45 feet. Mr. Latulippe advised that they are not asking for any variances or waivers. Ms. Berger noted that based on some of the pictures that were on those boards, a lot of them looked like they were more

condominium-type structures. Her feeling is that if that is where the pressure is to move to that, they certainly are not going to be able to get in this rectangular corner as many apartments if they conform to that. Ms. Hamlen added that they are focusing on façade and materials but suggested that the architect go back and look at the things that proved to be popular with the people that attended these sessions. They put stars next to their favorite look. She wants to get in early on before they develop this any further. Mr. Latulippe mentioned he could truthfully say the architect has not seen any of those and it was not a direction they gave him. He will be informed shortly.

Ms. Hamlen mentioned that Mr. Latulippe talked about low level lighting that would not draw attention to it. However, a lot of the renderings by the Principle Group have lamp posts going along the Main Street if we are trying to create a New England village. Perhaps street lighting poles would be appropriate but again there is a Vision group that may be working on that angle on how to make the street scape look more charming and they could tie into that. Ms. Pelletier pointed out that the Board does not have purview over anything in the right-of-way. It would need to go to the Council. She likes that the Board is referencing the Downtown Vision but the Board and the applicant need to focus on the standards we have in place today. She wanted to be clear and suggested not getting the architect too excited because not all those renderings might conform to our current standards.

Mr. Yankee asked if there would be HVAC units on the top of the roof? Mr. Latulippe did not know if they had gone to that level of detail. If they do, you probably are not going to see them. Ms. Berger asked if any consideration is being given for energy efficiency in building this building? Mr. Latulippe advised that it will be energy efficient and there will be individual units in the building.

Mary Davis, President of FEDC advised that she appreciates the attention that everyone is giving to this. Yes, the Downtown Vision is driving us to plow some new ground here. We have not had new downtown housing for some time. We have some blade runners here who have been working with them the past year to work through how we bring in the first new downtown residential housing. She is thrilled that it is rentals. We need these for a different population that we don't have in Freeport now. That is a part the Downtown Vision looked at. There was a lot of discussion about how to create some of the street scape that we want and create some of the living conditions we want. This particular developer has been very open to working with them and she is pleased to have that. She is also sensing that the Board is right. Freeport will be making changes to accommodate some of the things we are tippy-toing into right now like parking, like design standards. As Principle told her, the best towns that people work with have 6 or 8 facades and say to developers, here you go. Here are our 6 or 8 facades. If you use those, you get brownie points quicker in the process. We are not there yet. We are trying to run but we have some things we are trying to fix. She appreciates the tough job the Board has but feels this is a great opportunity to start to dip our toes into the water of making downtown the vibrant place we want it to be. She gave kudos to the Board and noted she thinks this is a great first step.

Eric Smith of the Freeport Historical Society advised that he is a Trustee of an abutting property, the First Parish Church, he is going to be interested in the landscaping plan on the back of the parking lot. There is a tremendous grade difference from Main Street down to Depot Street and that plays itself out at various levels as it goes down. Some of it is held with a retaining wall and some of it is just a grassy knoll and what is in between is a pile of rocks and a larger pile of knot weed. As we are moving into the development phase and really looking at how we are changing the aesthetics of lots of parts of Town and not just Main Street, it would be great to look at that and see what would be best in terms of stormwater control and all kinds of land use as well as how it looks. His other question is on the main entrance Mr. Latulippe is showing off Depot Street. Is it already a deeded right-of-way with that lot? Mr. Latulippe advised that it is. Mr. Smith added that it is the entrance to three different lots but it is the property of the RV lot and he wanted to make sure it is taken into consideration. He knows there has been a lot of conversation about the Vision and how this relates to the Vision. When they were getting presentations from the Principle Group to say "we want you to pick these aesthetics you like and get those into place because if you don't and you are trying to develop and you want housing, you will get developers who will come and give you this." There was a picture shown and it was pretty much this building so he understands that the Board is not following under the Downtown Vision and you are all in between that but he appreciates Chair Blanchard's reference to the fact that Design Review is focused on what the historic buildings are and not just what the current buildings are. He doesn't think anyone in town wants a replica or an echo of Freeport

Village Station repeating. The reference the Board made to the Mallett Building as well as the Freeport Downtown Historic District is very short and it is basically right here and as many of those other buildings the Board could reference would be appreciated for all kinds of reasons. He is 100% supportive of bringing housing back to downtown, particularly on that lot which prior to being a parking lot, was historic E. B. Mallett employee apartment buildings. They are not there to reference anymore but he thinks this is an important first step to bring housing to the downtown and that it is a step that moves us in the direction we are all trying to go.

Stephanie Millette mentioned on zoom she is a resident of downtown now and she has spoken in the past as a proponent of attainable home ownership in town. She also understands the other side as a former asset manager herself and worked for General Growth Properties, owners of the Maine Mall as well as many malls around the globe. Malls are staying alive and retails are staying alive by keeping high spenders in their communities. She has been looking at this plan for a little while and wrestling with all the needs she has heard as a resident who is not currently on a Board. She loves that we are considering this as a town and wanted to speak up as a resident and proponent of it. At the same time, the audience we are thinking about building these apartments for are people who may be second home owners or snow birds or young professionals that are the folks that are keeping retail alive in other places right now. As a follower of developers in Natick, Boston, South Portland, these are the things other towns are learning to do to keep their retail businesses afloat like restaurants and even the Mom and Pop shops. As she was thinking about the design and trees, as a young professional who works with other young professionals and visits them in their apartment buildings, she has noticed that they have different affordability metrics and one of those for the really high spenders is that they create almost penthouse units like The Towers in Portland. They do that so they can create green roofs and charge for them so they can also upkeep those roofs. She thought wouldn't that be incredible if this centerpiece in the middle of Freeport so close to the Community Garden that is near the RV parking that she can see from her kitchen. From a selfish perspective, she would love to see a green roof and have the residents somehow have access to that. It could be pretty incredible and put it immediately on the map and probably open the door and grease the tracks for community approval. We still have the need for multi-family units and the need to keep town people here in town but for this to start to give life blood to local business really inspires her so she wanted to speak in support of it.

Mr. Reiche advised that he would like to do a site walk. This is all new territory for the Board and it is nearby. Others agreed. Ms. Pelletier pointed out that the next meeting will be on July 20th. Chair Blanchard asked if the Board is comfortable with the location of the building on the two parcels or is it something you need to see in person? Ms. Berger mentioned that Mr. Smith talked about the intersection where the buildings from Main Street fall down a slope to this building. If there are things we should look at as far as the terrain, the walls and things like that, she would like to see because there might be a need to move or reposition the parking area. There is a rock wall behind that area and she would like to see that because she is concerned that if there is something the Board should be considering and moving it, that is part of the site plan we would want to know before we approve conceptually. Ms. Hamlen explained that this is just a concept at this point. Ms. Berger added that if we are sure about the location and the siting, she is just one vote, she feels it is a siting issue in her mind. Ms. Pelletier noted that if they do conceptual, they are generally going to come back in the same spot. If the Board gets out there and feels they need to shorten the parking lot a little bit, or whatever, you can do that. You do see tweaks after concept although we are seeing a lot more here than we typically see at concept. Usually, they haven't done their engineering and really have not gotten in depth. As they do that, you do see variations in plan. If you approve the concept, she would not expect them to come back next month with the building where the parking is. Mr. Latulippe noted it is general concept.

Chair Blanchard noted the majority of Board members are in support of approving the conceptual plan. Ms. Pelletier offered to draft a motion deeming the concept portion complete.

MOVED AND SECONDED: Be it ordered that the Project Review Board determine that based upon the information submitted (plan dated 5/22) by the applicant, that the review of the Site Inventory Map, site Analysis and Conceptual Plan for 10 Depot St, LLC for a proposed residential subdivision (Tax Map 11, Lots 127 & 128) is considered complete as the Board finds that the appropriate areas have been determined for development and no open space is required. Be it further ordered that the Board schedule a site walk prior to

the next Project Review Board meeting. (Reiche & Yankee) **ROLL CALL VOTE:** (5 Yes) (1 No- Berger) (1 Excused-Monteleone)

The site walk will begin at 5:30.

Joyce Veilleux of Lower Flying Point asked if the documents submitted by the applicant are going to be available on line? Ms. Pelletier explained that due to the size, they can't always post the documents but anyone can come by and they will be provided with a copy for viewing. If it is small enough, she will try to get it to her in different pieces. Mrs. Veilleux advised that she would like documentation and Ms. Pelletier offered to get it for her.

ITEM IV: Review of proposed amendments being discussed by the Planning Board and pertaining to Section 602. Site Plan Review of Chapter 21 – Town of Freeport Zoning Ordinance.

Ms. Pelletier explained that the Planning Board was directed by the Council to look at streamlining the Site Plan Review Process or the Review Process. Given the fact that there is a budget request for overhauling Design Review, they are not looking at Design Review right now because it is a much bigger project. They are not looking at Subdivision Review at this point although seeing applications like this, warrant looking at this again for certain types of projects. They are looking at 602 for Site Plan Review. Essentially, the directive was to try to streamline mostly what we have been seeing is smaller businesses coming in and they need to wait to go to the Board. It's complicated in the fact that the Board sees so many applications that have multiple reviews. They are still having to go to the Board if they are making exterior modifications because it will trigger Design Review. As we work on updating sections of the ordinance, there is a lot of terminology that is not consistent, a lot of gender references and a lot of typos so the Board will see anything coming forward is a bit of a hodge-podge of substantial clean-up and then some overdue maintenance so essentially that is what you have before you. We are pulling some numbers to see how many projects this would have impacted. At the end of the day, it is not really going to be a whole lot. It might drop some people down so they can go to Staff Review which is really quicker and a streamlined process but because this got delayed due to some other things the Planning Board was talking about, she thought it would be good to bring it to you to get some feedback on it especially for the thresholds. Mr. Reiche didn't feel there were many thresholds being changed. Ms. Pelletier agreed and mentioned that it is really going to be about the square footages and one thing our Attorney advised us on was that right now people can come in and renew Site Plans as many times as they want so it does keep Site Plans going on for a number of years so we incorporated that here. She would welcome feedback and we can walk through it but hopefully, everybody has had a chance to read it. If the Board feels we need to go bigger, that is fine too. Anytime someone has to go to a Board, we still have to do motions, we still have to do findings and we have to do notices so from a Staff perspective no matter what Board they go to, there is still a lot involved behind the scenes. Freeport has been very hesitant to give Staff Approval ability for a lot of things. She thinks there is more interest in doing that now to streamline certain things and make it quicker. The one thing she doesn't like about Staff Review and feels we need to be cautious is Staff Review is someone coming in and because it is minor, she is looking at it and will get input from whomever but with signing off, it doesn't have the same public notification process so she thinks that is one important thing to keep in mind on why we wouldn't want to go too big or you might not want to go too big on that threshold. Because this is the Zoning Ordinance, it will go to the Planning Board and they will have a public hearing. Ultimately, it will be decided by the Council but because this Board uses it, she wanted to bring it to you for feedback. She explained that Staff Review would go to Project Review. Staff approval, there is no appeal in here, she is proposing that it would come to this Board. She doesn't think it is fair to have her sign off on something and if the Board didn't like it and you wanted to appeal it, it doesn't seem right to have it go to her coworkers and have them weigh in on it. She is adding the provision that appeal of Staff Review Board or Town Planner approval would go to the Project Review Board and then after you, it would go to court which is how it has been.

Mr. Reiche mentioned he was hoping to see more things delegated and dropped into Staff Review. Ms. Pelletier added that it would be helpful to hear what kind of things that come under Site Plan Review are appropriate for Site Plan Review? Mr. Reiche feels that a lot of things on his mind are in the Zoning Ordinance, or the Subdivision Ordinance or Design Review.

Ms. Pelletier added that Subdivision is tough because it is under State law and she cannot sign off on changes to the plan. It has to be the Board. Mr. Reiche brought up signs. Ms. Pelletier explained that there is a modification on signs. She used the Car Wash as an example where they wanted a new ground sign and she had no ability to approve a new ground sign so they came before this Board just for a ground sign. She suggested saying any signs for a previously approved site go to the Town Planner for review if that is what the Board's feedback will be. Discussion followed.

Ms. Berger asked if the Board is going to look at this now and give commentary line by line or does Ms. Pelletier want it later on? Ms. Pelletier advised that this is going to the Planning Board and they have already had one discussion on it. They will have a second discussion probably in July because they have some new members. Because the timing worked, she brought it to the Board just for feedback. If the Board says: consider allowing staff to approve ground signs, she will bring that feedback to the Planning Board. Ms. Berger mentioned she has some edits that might be discussion-able. Chair Blanchard asked her to bring them up now but things like typos could be sent to Ms. Pelletier later.

Ms. Berger mentioned No 2. C and she had one thought about it. In here is the requirement that you have to notify neighbors within 500' but on page 240 at the bottom, it still says 200' and it has been changed in other places. Ms. Pelletier advised that she only does 500' for subdivisions. Ms. Berger asked if there was any thought that Ms. Pelletier would give notice just as notice on a particular item to the Planning Review Board just as a notice that this is a change she is putting in that she will be doing more of these. Chair Blanchard added that Staff Review Board agendas are sent out if someone is on Caroline's special e-mail list. Ms. Pelletier added that she tries to span the Board all the time and everyone should be getting them. Staff Review are smaller projects and the Staff Review Board meets a handful of times during the year. Ms. Berger noted that if it is something that should be in here, just indicate it. If it is in the rules, it is in the rules. If not, it is not. She will talk to Caroline later.

Mr. Reiche noted this feels like clean-up. Ms. Pelletier will include Staff approved signage when there is a previously approved Site Plan. She asked if the Board wants to see the Staff Review Board do more for square footage? Mr. Reiche feels they should do more on all those things but it is more of a general comment. Mr. Yankee suggested going with what is in there now because we are going to come back to it. Ms. Pelletier feels the biggest change is going to be Design Review. No action was taken.

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

Ms. Hamlen mentioned that we have been talking about signage in town and there is a lot of care and thought and design expertise that goes into what a sign should look like and how it impacts everything else. Her pet peeve is the feather flag that is all over Freeport with no apparent guidelines. She thinks it doesn't serve its mission of improving downtown Freeport. She does not know if approvals are required. How many can there be? One time she counted 5 flapping. Ms. Pelletier advised that the Ordinance Committee is looking at updates to the Sign Ordinance. Currently temporary signs are not legal in Freeport and they are not allowed to have them unless there is an event going on. During COVID we relaxed a lot of our standards and allowed people to have temporary signage. From an enforcement perspective it is not high on the list unless it is getting in the way or causing harm and we can't keep up with all the temporary signs in Freeport. That is the reality. A lot of our businesses say they need open signs and temporary signs. It supports their business. When Freeport was packed and the sidewalks were packed, there wasn't a lot of room for these signs. She heard that comment repeatedly on the feather flag. A lot of people don't like them. Ms. Hamlen feels they are a counter for what we are going for. Ms. Berger asked about the gigantic real estate For Sale signs and asked if they are allowed? Ms. Pelletier noted we currently regulate those in regard to their size. Ms. Hamlen asked if we can take it to the people and ask if they like this look in our town? If not, we won't allow them. Ms. Pelletier added that the temporary signs are not allowed. When the Ordinance Commission holds a discussion, she encouraged Ms. Hamlen to participate in their discussions.

ITEM VI: Adjourn.

MOVED AND SECONDED: To adjourn at 8:01 p.m. (Reiche & Hamlen) **VOTE:** (6 Yes) (1 Excused-Monteleone) (0 No)

Recorded by Sharon Coffin