

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, June 21, 2023
6:00 PM

Attending: Chair Ford Reiche, Linda Berger, Fred Madeira, James Monteleone, Tod Yankee and Caroline Pelletier, Town Planner
On Zoom: Lynn Hamlen
Excused: Jason Donahue

Chair Reiche called the meeting to order at 6:06 p.m. and welcomed everyone. He noted the Board has a quorum and welcomed new member, Fred Madeira.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier announced that she does not have any Staff Approvals to report tonight.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier announced that the Planning Board had a workshop with the Town Attorney on LD 2003, the new housing regulations that came from the State in an effort to create more housing throughout the State of Maine. Different types of units, incentives for affordable housing, lowering the thresholds for accessory dwelling units. Municipalities have to make a lot of changes to comply with the new law. When it was initially adopted, implementation was July 1 but it just got pushed back depending on the form of governments. There are different dates for Freeport. We have until January, 2024 to implement. A couple members of this Board will hear how this will impact Freeport. We will have a two-hour workshop to continue to talk about different components of that for the next couple of months.

3) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier mentioned that the Task Force took a break partially because there were funding requests before the Council. The Council actually approved the budget last night so some of the Downtown Vision Implementation projects that did request funding did get funding last night so they will be meeting on the 29th of next month and she and Tod will work on that.

4) Update on the Town of Freeport Climate Action Plan

Ms. Pelletier pointed out that she is continuing to work with GPCOG on a Climate Action Plan. We still have the Freeportclimateaction.org website open and you can go and complete the survey. They are collecting community input to use in the creation of the Climate Action Plan. They have the initial workshop and the Sustainability Advisory Board will be talking about setting some goals to reduce green house gas emissions in Freeport and forwarding a recommendation for the Council. That is the next step in that process and expect another big community meeting in the fall.

ITEM II: Review of the minutes from the May 17th, 2023 Project Review Board meeting.

Ms. Berger had a quick question under the first item for Information Exchange. It says If there are no objections on the two Temporary Activity Permits from the Board, the Codes Officer will be reviewing them tomorrow and is prepared to issue them. She did not see anywhere that there were no objections raised. Chair Reiche asked the Secretary to amend the minutes to reflect there were no objections raised.

MOVED AND SECONDED: To accept the minutes as amended with that one change.

(Berger & Yankee) **ROLL CALL VOTE:** (5 Yes) (1 Recused: Donahue) (1 Abstention: Madeira) (0 No)

ITEM III: Tabled Items

1131 US Route One – After-the-Fact Change of Use

The applicant is seeking Site Plan Approval for an after-the-fact change of use from Single-family Residential to Single-Family Residential and Construction Services at 1131 US Route One. The site contains a residential structure, a 4,842 square foot residential barn and an outdoor area to be used for the construction services. Additional changes include the relocation of some accessory structures, removal of some impervious area and some new landscaping. Zoning District: Medium Density B (MD-B). Tax Assessor Map 21, Lot 31 (1131 US Route One). David M. and Terry L, Davis; applicant and owner; Esther Bizier, PE, Main-Land Development Consultants, Inc, Engineer and representative.

Ms. Hamlen advised that she is abstaining from this item for discussion and voting. Chair Reiche noted that the Board still has a quorum.

Ms. Pelletier instructed Mr. Madeira to abstain if he has not reviewed the record. He advised that he has not reviewed the past minutes so he will abstain. Chair Reiche advised that the Board still has a quorum. Mr. Yankee wanted the Board to know that it is the majority of four Board members and needs 3 to pass.

Ms. Pelletier advised that the applicant was before the Board back in December of 2022. This is one that the applicant had a property. They had a permit for a garage. They then were storing heavy equipment on the site. They received a Notice of Violation from the Codes Officer so they were coming for after the fact approval for residential and construction services. There were questions at the last meeting about what portions of the site and what structures were being used for the commercial portion and what portion will be used for the commercial. The Board had a very cold site walk back in January maybe where we went to the site and looked at the structure, the layout and the landscaping and talked about the use of the property. After that the applicant went away to look at how they were using the structures and come up with a plan to more clearly propose what portion of structures would be used for residential and what portion would be used for commercial. They also had a violation with the DEP. They got too close to the stream. She believes they did some clearing and filling so DEP reached out to them and they were working with DEP to permit that after the fact. DEP said they worked with them and they should go through their Town approvals. When they get their Town approvals, they should go back to them after the fact.

The Board might remember that there is a single-family house on the property and also a barn/garage on the property. The Board looked at that during the site walk. The applicants have said that they will be using the house and garage/barn for residential use only. That is something because it is residential single-family, it is not subject to Site Plan Review so it is not under the purview of the Board. She thinks one thing the Board might want to consider with the proposed motion is potentially adding a condition to clarify after discussion tonight to get on record what is clearly part of the residential approval and what is part of the commercial approval. Pretty much the southern portion they intend to use for residential. The northern portion they intend to use for commercial. There are two driveways. They say that one will be used for the residential use and the other one will be used for the commercial use. The Codes Officer did flag one issue. He kind of noted the residential and commercial area but they note a dumpster and storage container for residential use in the commercial area. All along as we have gone through in conversations with DEP, it's been that there will be clear separation between what is used for commercial and what is used for residential. Having the storage

container and the dumpster in the commercial area is something she thinks the Board needs to talk about

tonight because that is not what we have been talking about all along.

They are proposing a new structure. They are proposing to put up a dome tent in the area for construction services and they are saying they will store equipment in there. There are screening requirements for outdoor storage in this zone. They don't show a fence and do not note anywhere for outdoor storage. They stated that things for the business will be in the tent. Registered vehicles, even if they have cranes when they are registered, we don't consider those equipment or materials. We consider those vehicles. For anything else, they need to be stored inside or screened. Mr. Yankee requested that she repeat that part again. Ms. Pelletier advised that the requirement for commercial uses to screen the storage of materials, where and what is going to be stored. In this case, they show the dome tent which they plan to store in. Registered vehicles typically don't fall into that category. They haven't really been considered materials. You can't really screen them so everything else should be screened so that is something the Board should talk about tonight to be really clear that if there is anything else left on the site that needs to be screened. There are some visibility standards and landscaping standards for commercial structures. In this case it is the dome tent. There is some existing vegetation. We saw a berm on the site where we saw some plantings that they are planning to add to. The question for the Board is does that meet the requirement for screening? That building is not considered not visible under the ordinance. It doesn't mean you can't see it but it is the combination of having a big setback, how it is positioned on the site and what they are using to minimize the visual impact.

They did work with the Town Engineer on stormwater. He has reviewed and signed off on the stormwater management plan. The standard recommended condition is that they enter into a maintenance agreement with early reporting. They are not proposing any signage. We touched a little bit on landscaping and they are not proposing any new utility connections because they won't have any utilities in their tent. The site will really be just used between jobs to store stuff. Stuff won't be there for very long. They did submit some information on traffic and they won't have regular employees on the site or even frequent traffic on an every day basis. Again, there was some information on that in the submission. They did ask for a waiver of a performance guarantee. The Town Engineer estimated that the cost of sitework, the widening of the driveway, the berm and the landscaping to be somewhere around \$10,000 which is something we usually require a performance guarantee for. That is something the Board can talk about. We set it up as a condition for that but really like any findings of motions, it is up to the Board if you want to act on that waiver. Somebody could make a motion to not require that tonight. Ms. Pelletier added that she would be happy to answer questions.

Mr. Monteleone had a preliminary question. He pointed out that Ms. Pelletier mentioned that registered vehicles are not subject to the screening requirement and asked what constitutes a registered vehicle? Ms. Pelletier explained that in this case, we have always done anything you can register and operate on the road, trailer, car, truck or any equipment you can drive on the road. Mr. Monteleone mentioned in prior matters we have not applied that to boats. Generally speaking, we have said that registered boats require screening. Ms. Pelletier noted she could not compare apples to apples because there are different zones and different standards and doing it on the fly, she might get it wrong. Mr. Monteleone asked about backhoes and Ms. Pelletier felt that is a good question he should ask the applicant to clarify what is registered and what is not. If it is something that will not fit into a vehicle that they can legally take it on the road, she thinks they are going to have to screen it or that has been the interpretation of the Codes Officer. It would be good to clarify that. Ms. Berger asked about screening from the road, is it all from the front setback? Ms. Pelletier pointed out that what you have is "all buildings that are subject to Site Plan Review that are plainly visible from a public road shall be required to meet building design standards of this section. For the purposes of this section, buildings that are screened by a deck that are screened by a depth that is the same or more than the front setback requirement of natural, mature vegetation, and/or another building and/or a change in

elevation or other method as approved by the Project Review Board are not considered to be visible from the road. These buildings may be seen from the road, but they are not considered to be in plain sight. Ms. Berger asked in addition to that, is there anything about visibility from side setbacks? Ms. Pelletier advised that the standard says front setback but we did talk at the last meeting about other screening requirements for the front and side setbacks but we got interpretation from the Codes Officer and legal guidance that the way that standard was written, it did not include properties that had a one family or two family which this property does. It really comes down to one standard for the building and it references the front setback. Chair Reiche added that it says viewed from the road. His opinion is that you could be on the road looking into someone else's property and seeing that. Before getting into the applicant's presentation, Chair Reiche mentioned that the applicants are proposing to put up a 30 x 60-foot dome tent that is 16 feet tall. If it is highly visible from the street, then that structure has to meet several building design standards. If it is adequately buffered to the standard just described, we don't apply those building design standards to the dome tent. Ms. Pelletier replied that that was correct.

Esther Bizier explained that she is working with the Davis family and brought a board with the plans on it. She is aware that the Board has a copy of the Site Plan so she can put it up on the easel. Chair Reiche asked her to put it on the side of the podium. She commended the Town Planner for doing such a great job going over the changes they made since the last meeting and the site walk. She wants to hit on the highlights. She explained that essentially, we are looking at everything from the barn to the south which will be considered residential. Everything north of the barn will be considered commercial for the Construction Service's use. The intent for that is to delineate a clear separation between the two so none of the Construction Service's traffic will be using the southern entrance for the residential area and vice versa so residential traffic will be using the southern entrance and not the northern entrance. That way they are able to keep residential separate. They will still be storing their residential camper, boat and things like that on the residential side but that isn't under review. What they are looking at is really just the northern side of the property. On that northern side they are proposing the new dome tent. The intent is when they bring equipment on site for temporary storage, as we discussed it is on site only temporarily between when they are moving equipment from one job site to the next. The entrance won't be used every day. There are no employees coming or going on a daily basis. There are no parking requirements or things like that. When equipment comes on to the site, the intent is that it will be stored in the tent and they won't be storing anything outside. Caroline mentioned the storage container and the dumpster. Ms. Bizier actually talked to the applicants about that today and they did say they would use that commercially for Construction Services so that is one change to the plan in front of the Board. She pointed out that for the dome tent they looked at that placement pretty carefully and looked at what they may need to do in order to change it so it is not plainly visible from the road. First, it is set back 228' from Route One and 106' from the northern property line. The applicants have already planted vegetation along this property line. It is a row of evergreen trees and from where the tent will be placed, if you are driving north on Route One, the barn will essentially screen the area she pointed to. When you get in front of the barn, they are proposing a new 6' tall berm with 6' plantings on top. Those plantings will grow and eventually reach the top of the tent. They are proposing to do what they can to block that view especially at the beginning when you see the top of it. The tent will be a dark green color. She mentioned a picture in the application of the old tent that was on the site but has been removed so it is a similar color to that. The intent with that is so it doesn't stick out and is not bright red or white or a color that is super in your face. The hope with that because of the setback and the addition of the berm with the plantings and the plantings that already exist along the property line, that the Board will consider it. As you are driving by, it is not like you are looking out there and instantly seeing a tent. It is a changing grade between the road and the proposed structure.

As Ms. Pelletier mentioned, they are going to go back to the Maine DEP with this. There are concerns with the impact to the stream buffers so they sent them a copy of this plan and they did say to go to the Town and if

there are no other changes, come back. That is where they are and she would be happy to answer questions and provide the Board with more clarifications.

Ms. Berger asked the trucks and other vehicles that will be brought to the site up to ten trips a day but not every day, anything that is brought to the site in terms of heavy vehicles and kept overnight or multiple days, where would you expect them to be parked? Ms. Bizier's understanding is that everything they are bringing in or off will be placed in the tent. Mrs. Davis added that there is only one work truck there. The rest are all personal vehicles. Ms. Bizier advised that trucks may come on the site but they will drop off the trailer in the tent and then leave so they won't be storing vehicles outside of the tent. Nothing will be stored outside of the tent. Ms. Pelletier clarified that there will no cranes or heavy machinery will be there anymore? Ms. Bizier advised that anything that is left on site for the business will be put in the tent.

Mr. Monteleone mentioned that when the Board was on site in January, there was a backhoe on site that appeared to be taller than 18 feet. At the site walk when we were discussing what equipment was there and it was indicated that the business actually operates and sometimes stores as many as two backhoes. Terry Davis advised that they have equipment there and they were told by Nick Adams that it was okay because they have all that dirt that needs to be moved which came from digging out the foundation for the house. They got a violation for the dirt being there but they had to take it away because it was not hauled in. It was from the house itself. That backhoe has nothing to do with the business, it will be gone when they get the dirt done. They do not have another backhoe. They have one. Their dump trucks are gone. Their business equipment goes from job to job. When it is not on one job, it is barely going to be there. It is just in case it is in between waiting for another job to start but it will go in the tent. The backhoe does not belong to the business. It is personal. It will be gone when the job is done. Their plan is to sell it when the job is finished. Mrs. David advised that it is cheaper to buy one than to have someone do the work.

Mr. Monteleone asked what other personal equipment is being stored on site? Mrs. Davis advised that right now, fork lifts will go in the tent. There is nothing there now because they are on job sites. Mr. Monteleone suggested talking about how many pieces of equipment the business has so we can understand the upper side. Ms. Bizier explained that the applicant is saying that they are planning on storing anything coming on site associated with the business in a tent. They don't know exactly how many items would be there at a time but they are saying that anything they are bringing will fit in the tent and won't be outside.

Ms. Pelletier pointed out that if there is concern from the Board in hearing the applicant say that they will put everything in the tent, the Board could add a condition of approval that it is clear they will store any equipment on site for the business inside of the tent unless it is a registered vehicle. That is what they are telling you in the record and you can add it as a condition. That way if it comes up in the future, it will be enforceable. Ms. Berger noted that goes back to her question if there were going to be registered vehicles stored on that site, that is what she was concerned about. Mrs. Davis added that each worker has their own truck and they go to their own house. They only have one company truck. Ms. Pelletier pointed out that the tent is on a gravel pad.

Ms. Berger referred to the berm they are going to create. It was said that trees will be planted along the top. It is 6 feet tall. She asked if they are anticipating planting grasses and what will the size of it look like. Mrs. Davis advised that there will be a slope with grass that can actually be mowed and flattened at the top so they can plant the trees. She assured Ms. Berger that it will be lovely and will look like a lawn.

Mr. Yankee referred to the dome tent and asked what the size of the previous tent was? Ms. Bizier noted it was located out behind the barn and she suspected it was 30' x 60'. Mr. Yankee mentioned that sometimes

new tents are placed or mounted on precast blocks to get a little height. He asked if the tent would be put on blocks? Ms. Bizier advised that it would be placed on precast blocks but the fabric of the tent will be going right down to the ground. With regards to the doors on the ends, the picture in the package shows the doors are open. Mr. Yankee asked if the doors would be closed during off hours or when equipment is not being moved in or out. Ms. Bizier advised that the doors would be kept closed unless there is equipment coming in or out.

Mr. Monteleone asked as this is being newly reconfigured if it is possible for equipment on the commercial side to pass and access through the driveway on the south side? Ms. Bizier advised that the equipment for Construction Services and vehicles will not be using the southern entrance. Mr. Monteleone asked if the ground is laid out in a manner that it is possible for equipment to pass in the back of the barn and over to the south side? Ms. Bizier pointed out what would be gravel and what would be vegetated with grass. Mr. Monteleone noted he has concerns about that having seen the way the site has been historically used with equipment all over the site and given that the request does not include any screening the view. The barn is at an angle and there is no screening behind the barn which understandably is why you designated everything on the north side as being the business area. If it is feasible to move equipment from one area to another, he has concerns that that is exactly what will happen.

Mrs. Davis pointed out that all the equipment Mr. Monteleone has concerns about being out there will be in the tent. Mr. Monteleone added vehicles that are serving the commercial enterprise. Mrs. Davis again pointed out that they have one work truck that has their business name on it. Mr. Monteleone advised that currently the property has two driveways are used as a giant U. Mrs. Davis noted that Ms. Bizier said there is a commercial side and a residential side. The commercial side will be used by commercial vehicles which they will be bringing in and out. It is not open to the public. It is for personal equipment. Mr. Monteleone noted to be candid there is some scrutiny that is happening here because in our dealings so far, everything has felt hyper technical. It has certainly cast some suspicion about what is the open tent but that is not our role to weigh into that but at the same time he does not understand if the current use is using the whole thing as a U-shaped driveway, how can this Board be assured that this is going to be the plan that is followed? Mrs. Davis advised that they will pave the residential side and you would not want to have equipment going across that will destroy it. On the commercial side, that will be where the trucks come in. Ms. Bizier clarified that this will change the way they are using the site currently so they won't be able to come in and be able to drive around the barn or make a U and utilize both entrances. They will just be using the northern entrance and it can be a condition on the plan. It is clearly identified on their plan that this area of the site the applicant will be using for Construction Services and stated that they won't be using the residential side for business uses. If the Board wants to make that a condition, they certainly are amendable to that. They will use the site as shown and as intended.

Mr. Pelletier advised that the Board needs to be really clear to address your concerns with conditions. That is the only way that you will know it will be enforced. It is tough here to look at the position of the tent and the garage because they might have their personal equipment like snowmobiles that they will take from the house around the back on the gravel to get in there. Those two are just butting up against each other which leads to some of the Board's concerns. Mr. Monteleone advised that the Board is here in the first place addressing a change of use because there has been confusion since the original presentation on what is business and what is personal. It sounds to him that unless we find each and every piece of equipment or every item, then it becomes oh, that is personal. Based on the history of what has happened here, he thinks it is a level of detail that is missing. More discussion followed.

In an attempt to get a circle around this, Chair Reiche pointed out that distinctions have been blurred to this

property and asked if Ms. Bizier would entertain conditions to an approval, if we get that far, that say all of the commercial equipment of the company would be stored in the building on the commercial side. You will label the commercial side, commercial use only. Limit the number of commercial vehicles to 3 that would be stored outside of the tent and the residential storage building is for residential personal equipment.

Mrs. Davis advised that Chair Reiche has been very clear and that is exactly what they want and are going for.

Mr. Yankee pointed out that this is a big improvement over what was submitted before. He thinks we are making progress. His question is the container and what color is it going to be? He asked if the applicants would be amenable to green, the same color as the tent so we wouldn't have a bunch of other things over there? Mrs. Davis noted that right now it is a dull gray so it is not in your face. Mr. Yankee asked when we are talking about work vehicles, are we talking about trucks? Mrs. Davis replied no, they are talking about cranes. Mr. Yankee asked to haul an excavator in, would it be behind a dump truck? Mr. Davis advised that he has a service that hauls all his equipment. He does not move it himself. Mr. Yankee's last question is the landscaping on the property line being enhanced? He might have missed that. Ms. Bizier advised that the landscaping along the property line has existing trees that they planted a few years ago. With this plan they are not proposing to plant any more along the side.

Chair Reiche mentioned this is not a public hearing but asked if there are any questions from the public? There were none provided.

Ms. Pelletier asked Ms. Bizier to show a photo for the Board. Chair Reiche mentioned that you can see out at the end of the driveway and to the left if you are coming from Brunswick to Freeport looking across those small trees, this building will be really visible. Mrs. Davis added that the building is in a good 75 feet so you will not see that end when you are looking up the driveway. The tent comes in further. Ms. Bizier advised that they are 100 feet from the property line interior so the line of trees is basically 100 feet towards the barn. There is some existing vegetation along Route One there. They are deciduous trees so in the winter without their leaves they don't provide as much screening. On the neighboring property they have a mound where their leach field is so that does provide a grade change so you are not looking directly across a flat area to the tent. It is on the property to the north. To clarify, Ms. Pelletier cautioned that the Board needs to stick on to this property.

Ms. Berger mentioned that we did not have a discussion on whether we might consider requiring fencing. She doesn't know whether we should or not but it was not discussed. Chair Reiche added that one of the issues before us is whether there is adequate screening between that building and the highway for this to be effectively out of view from Route One but out of view does not mean totally invisible but is it in your face? We have to decide as a matter of degree and do we have that here or not? If we want to suggest alternatives, it is within our purview. Chair Reiche mentioned he was at the site walk but he can't recall what is between those boundary firs and the driveway. It looks like mulch. Ms. Bizier advised that it is mulch. The driveway is offset from the boundary line by 10-12 feet so most of that area in between is mulched. The trees are just set off the property line. Chair Reiche explained his concern is about visibility here is that angle from Route One looking across. Mrs. Davis advised that you can't see it because of the mound from their neighbor's septic design when you are coming from Brunswick up, you can't see through there. Ms. Pelletier pointed out that they have a storage container and a dumpster so there are two structures and we haven't talked about screening for the dumpster. Mrs. Davis noted that you won't see it because it is on the other side and there is a storage container, dumpster and the tent. It won't be seen up the driveway because it has to go in 50 feet. Chair Reiche asked why can't the storage container be further from the property line? Ms. Bizier advised that the storage container will be moved over so it is 50' off the property line and that it puts it behind the proposed berm. It will not be in line with the driveway. She showed where it will be placed behind the berm. Mr. Yankee asked if it could be parallel

to the new location of the tent. Ms. Bizier feels it could potentially go parallel to the tent. Chair Reiche feels that would be an improvement in his mind. Mr. Yankee recalled from the site walk that the existing vegetation along the property line was inadequate and he was hoping Ms. Bizier was going to say that it would be supplemented or she would be replacing it with something taller and fuller. It is also a barrier from Route One. Mrs. Davis added that what is up there now is what they put in. Their neighbors haven't put anything in and they are both residential and business and she thought they were required to do it between neighbors on Route One.

Chair Reiche mentioned that to the extent that you can see this 16-foot-tall structure from Route One looking across somebody else's property, that is his concern. When he drives by there, he will be able to see the tent. Mrs. Davis pointed out that there are tents all through Freeport right on the main road and not one of them is screened. Chair Reiche explained that the standard we are dealing with in your part of town under this ordinance, your building is going to have to comply with a lot of design standards that this tent won't meet unless you have adequate screening. Ms. Bizier asked if we were to provide a staggered planting along Route One, would it have to go all the way up on this side? That would provide some additional buffering from Route One heading south. Mrs. Davis pointed out that they would have to be careful because if you step it in, you have to step it in 8 feet because the trees will choke each other out. They will get big. Mr. Yankee noted that vegetation needs to be managed and Mrs. Davis's existing vegetation will also need to be managed and she agreed. Ms. Berger pointed out on the plan there is only a 10-foot distance between the actual property and that edge of the driveway.

Ms. Pelletier added that there is an area of front setback there and the standard that is written and it is a bit unclear because it is not clearly talking about that side property line. She asked if there is truly enough room to add a second row of trees in that portion. Chair Reiche mentioned that the problem is that he pictures the trees on the property side of the driveway. Ms. Bizier noted that the tree planting doesn't start until you get into the property so they could be closer together and would create a denser buffering. Chair Reiche feels if they can put trees in those alternating spaces, zig zagged, it would address a shortcoming he sees on the plan. Is that something you can do? Mr. Yankee advised on the site plan there are some trees that are missing and he thinks that might help. Ms. Bizier noted that the trees that are shown are trees that are existing so they would fill the gaps plus they could add to the plan. Chair Reiche advised that the photo he is looking at shows 7 or 8 trees. Ms. Bizier mentioned there are 15 in this row and they are spaced more closely toward the back of the property line. Some of that was a result from talks with the neighbors where they wanted screening and not necessarily related to this project. That was already existing. Chair Reiche asked if the applicant would entertain a condition that 8 more trees of the same size be put in a location where they are likely to survive? Ms. Bizier agreed and mentioned this is why they are here. Mr. Yankee added that it is with the understanding that some of them might have to come down in at least 4 or 5 or 10 years, whatever that period of time is.

Ms. Berger mentioned the photo and asked if the dirt pile is there now? She asked Ms. Bizier to point out on the site layout plan where that would be in reference to the vegetated berm. Ms. Bizier advised that one of the things that is missing in this picture is that they have done a few more tree plantings along this gravel edge. There will be a rain garden on the road side of the trees. Then there will be a berm where is approximately where the dirt pile is now but it won't look like that. It will be reconfigured and spread out further and that will be a 6' height. As you head down the driveway, another rain garden to provide stormwater from the driveway section will be on the right side as you head down the driveway. Ms. Berger noted that the expanse of gravel that is there now will be filled with some of these features. Ms. Bizier added that the gravel in the photo will remain. She pointed out where the line of trees, the second rain garden and the berm would be located on the plan. She also pointed out the Construction Services Area for Ms. Berger. More discussion followed.

Chair Reiche pointed out that we have not waived a performance guarantee in the past. He could not think of

one.

Proposed Findings of Fact & Proposed Motion(s): This project requires after-the-fact Site Plan Review. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate. The motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

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.

The site contains a residential structure, a 4,842 square foot residential barn and associated site improvements. The residential portion of the property is mostly the southern portion, which the construction services will be on the northern portion. The area for construction services will include outdoor gravel space, a 30'x60' dome tent (18' in height) and gravel driveway. The tent will be used to store materials for the construction services use and the tent will be located on an existing gravel pad. Existing vegetation will remain. Rain gardens will be installed for the treatment of stormwater. The plans include additional screening of the constructions services area through the installation of a six-foot high berm with additional new six-foot-high evergreen plants to be planted on top. 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 property is not located within the Design Review District. The site contains a residential structure and a 4,842 square foot residential barn. An existing storage container on the property will be relocated to comply with required setbacks. A dome tent is proposed for the use of construction services and will be located beyond the required setback from Route One. 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

There are two existing driveways on the property; the one to the south will be for residential use and the one to the north will be for commercial use. Access from US Route One exists and a commercial entrance permit was issued in 2012. The beginning of the entrance from Route One appears to be paved before it converts to a gravel surface. The current width is 15 feet, and it will be widened to 22 feet to comply with the standards of the Zoning Ordinance. The driveway will maintain the minimum 10-foot required setback. Based upon this information, the Board finds that this standard has been met.

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

There will be no commercial building and no employees working at the site as they will only access the site for the temporary storage of equipment. The frequency of trips to the site is expected to be no more than ten trips per day, although that will not happen every day. Based upon this information, the Board finds that this standard has been met.

- e. Surface Water Drainage: Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.**

The property is within a watershed of an Urban Impaired Stream. Due to the amount of impervious area on the site, a Stormwater Permit is required, and the applicant will need to demonstrate that they comply with the requirements of Section 529 of the Freeport Zoning Ordinance. Rain gardens are proposed for the treatment of stormwater. The Town Engineer reviewed and approved the stormwater management plans; comments are included in an email dated 06/14/23. Based upon this information, the Board finds that this standard has been met.

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

underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

The only structure associated with the construction services use will be the dome tent and no utility connections are proposed for that structure. Based upon this information, the Board finds that this standard has been met.

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

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

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

There are two existing structures on the lot; a single family house and the garage. Since the initial meeting, the applicant has now clarified that the garage will only be used to store items for single-family use and not for the use of construction services. Since the house and garage are for single family use, Site Plan Review is not required for those two structures. The applicant does have a business, Davis Erector Group, and between jobs they do bring equipment to this site for storage, thereby triggering the need for Site Plan Review for construction services. The residential portion of the property is mostly the southern portion, which the construction services will be on the northern portion. The area for construction services will include outdoor gravel space, a 30'x60' dome tent (18' in height) and gravel driveway. The tent will be used to store materials for the construction services use and the tent will be located on an existing gravel pad. (The will be a storage container and dumpster for the residential use which will be located in the commercial area). 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 new exterior 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.

Existing vegetation will remain. Rain gardens will be installed for the treatment of stormwater. The plans include additional screening of the constructions services area through the installation of a six-foot high berm with additional new six-foot-high evergreen plants to be planted on top. Based upon this information, the Board finds that this standard has been met. 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:
- a. Will maintain safe and healthful conditions;**
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;**
 - c. Will adequately provide for the disposal of all wastewater;**
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;**
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;**
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;**
 - g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;**
 - h. Will avoid problems associated with floodplain development and use; and**
 - i. Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.**

The parcel is not within the Marine Waterfront District or the Shoreland Zone. The dome tent is the only new commercial structure and there will be no utility connections. No historic or archaeological resources will be disturbed. The applicant has been contacted by Maine Department of Environmental Protection about some impacts to a stream and wetlands. The applicant is working with DEP to resolve any permitting issues (after-the-fact Permit by Rule). 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.

Before making a motion, Mr. Monteleone asked the Town Planner if she has an ordinance reference to this registered vehicle exception? Ms. Pelletier advised that we don't. It has just come down to interpretation and how we have been interpreting it. She read the standard into the public record. If Mr. Monteleone

wants to address commercial vehicles, she thinks there are a couple of ways he could do it. He would have to amend the findings for either parking or circulation. Mr. Yankee suggested along those lines is, we heard from the applicant that we would not be having 10 wheelers which is a Class 7 so that we would keep them to that that they wouldn't be used for storage. For moving equipment in and out it necessitates that. Ms. Pelletier noted that the applicants did not show an area for commercial vehicle parking on their site plan so Mr. Monteleone could note that. Maybe if they have a small truck come in, they will park it in the tent. Unless we have a violation issue, we are not going to go through people's commercial buildings and see what they are storing. Mr. Yankee feels there are a lot of people using commercial plates on their private vehicles. Ms. Pelletier noted if there is a concern for it, she would note for the applicant that there is no area on the plan designated for commercial vehicle parking.

Mr. Yankee feels that is one of the things that is reasonable. He would include the 8 trees, the delineation of residential versus commercial and that the doors on the tent will be closed unless there is equipment going in and out of it actively.

Mr. Monteleone wanted to clarify the point that the ordinance references an obligation for landscaping of a 25' depth when there is a neighboring residential use. Ms. Pelletier asked if that is G.2? That is the standard that we got a legal interpretation that it does not apply here because they have a single-family use on the lot. It says, for lots other than those of a single and two-family use. She noted that we have had this argument because it is the way we have interpreted it and we got interpretation from the Codes Officer and two attorneys weighed in that as written which is a change from the past. If we want to go back to how we had sometimes done it, we do need to clarify that. Mr. Monteleone agrees there is confusion about that because that analysis makes perfect sense when you are talking about delineation because you are not going to buffer 25 feet of buffer between your mixed use because it defeats the whole purpose of a mixed use if it is on the back or between Use A or Use B. but this same zoning defines residential buildings to include lodging facilities which is what the property on the north side is and so if that protection applies to that neighboring lodging facility, it would require 25 feet. Ms. Pelletier added that they are residential and commercial as well. Mr. Monteleone says this section defines residential buildings as including commercial lodgings. Ms. Pelletier said again, we have gone back and forth about this due to past interpretations and legal guidance. As written, it doesn't apply if you have that single-family on there. We don't have it in writing.

Chair Reiche noted he had a couple more conditions to consider: 8 trees in the same size as existing on the east side of the driveway placed to best buffer the view of the dome tent on Route One. Move the single storage container to be behind and near and parallel the dome tent. The doors to the dome tent to be closed when not in use. Label the plan for commercial use only. All business equipment to be stored only in the dome tent except registered road vehicles and limit those to 3 max. The residential barn will be for storage of personal non-commercial items only. The performance guarantee will be as stated in the draft. Ms. Berger added that the plan will be updated to reflect the storage container and dumpster shown on the plan will be for the Construction Services use. The house and barn will only be used for the single-family residential use and access from that portion of the property.

Paul Leonard, 78 Main Street feels that having to put a fence in the back to delineate the property is taking it a step too far. The conditions in place are sufficient. There is a performance bond in place. They do keep a very nice property and that is his opinion.

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and after the fact Site Plan Review for Davis Erector Group, LLC (David and Terry Davis) for a change of use from residential to residential and construction services, at 1131 US Route One (Tax

Assessor Map 21, Lot 31), to be substantially as proposed, application dated 03/28/23, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

1. This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
2. Prior to any site work, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - a. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - b. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$10,000.00, in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - c. Establish an inspection account, in the amount to be determined of \$500.00, to cover the cost of inspection of the site improvements by the Town Engineer.
 - d. The developer have a pre-construction meeting with the Town Engineer.
 - e. The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
3. Eight trees same size as existing along the east/northeast side of the driveway be placed to buffer the view of the dome tent from Route One.
4. Relocate the storage container behind and near and parallel to the dome tent.
5. Doors in the dome tent shall be closed when not in use when equipment is not being actively moved in and out of the tent.
6. The storage container should be limited to one unit.
7. Label and plan for “commercial use only”
8. All business equipment to be stored in dome tent except registered vehicles which should be limited to 3 vehicles and limited to Class 6.
9. Limit registered road vehicles outside to 3.
10. The barn should be accessed only through the residential side of the driveway and used for storage of personal/non-commercial items.
11. Access to the garage shall only be accessed through the residential zone. (Yankee & Berger) **ROLL CALL VOTE:** (3 Yes) (1 Nay-Monteleone) 3 Recused: Hamlen, Donahue & Madeira)

ITEM IV: Reviews

198 Main St – Exterior Alteration – Design Review Certificate

The applicant is seeking approval of a Design Review Certificate for exterior alterations including a material change to a new metal roof. Zoning District: Village 1 (V-1); Design Review District 1 - Class B & Color Overlay District; Freeport Village Overlay District (FVOD). Tax Assessor Map 15, Lot 19 (198 Main Street). Sam Kapala, applicant; Sam and Christina Kapala, owners.

Ms. Pelletier explained that Sam is on line so we will note him as a panelist. She explained that this property is in the Design Review District and the Village Overlay District. The Village Overlay District does clearly allow metal roofs. Design Review standards also apply. This is after the fact. They are proposing a metal roof on the main portion of the house at this portion of time and on some lower roof bump outs they have. Eventually, they came to the Board a while back for an addition and they would like the approval to include the metal roof on the addition. Sam can tell you more about the materials if you have questions. You had photo cut sheets included in your packets. It is going to be an aluminum color with a special finish.

Sam Kapala advised that the finish is called galvaloon, a mill finish. He wanted to provide full disclosure. This is an after-the-fact permit in the sense. The timing of it was such that the roofers came between when he wrote the application and submitted the application and this meeting. The roof is on his house if anyone driving on Route One noticed that. The roof is there and he would be happy to show the Board a video of his roof. It is a standing seam metal roof with a mill finish and is a light color right now but will darken over time. It is similar to the barn next to the Fire Station that has exactly the same color scheme as his house. He took the opportunity while he was doing this to build up the roof line a bit to get the crown molding details to stand out more. They were buried by the drip edge on the previous shingle roof. Like Caroline said, he came before the Board a year ago for a modification to the barn. They haven't yet done that but when they do complete that, he will come back to get approved. They will do the rest of the house so it is all the same roof.

For the benefit of the Board, Chair Reiche advised that this is before the Board for a material change but the ordinance is specific that a standing seam roof is permitted in this district in the colors on the palette.

Mr. Yankee asked Sam if the barn he is referring to is the barn on the Public Safety lot? Sam replied that it is. Mr. Monteleone pointed out that his observation is that the ordinance in this example is not one based on the palette but is based on colors found on residential buildings within the village. That is an issue that gives him pause because he can't picture any residential buildings where they have a milled steel finish that is the roof. The Public Safety Building is not a residential building as contemplated by the ordinance. Chair Reiche pointed out that this is an original color that appears to him in the cut sheet and in Western Maine this is your standard metal roof color from 100 years ago and he feels it is consistent with what we are trying to do in this district. Mr. Yankee agreed with that.

Proposed Findings of Fact & Proposed Motion(s): This project requires a Design Review Certificate. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate. The motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

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 or 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.

The applicant proposes to replace asphalt roof shingles with a standing seam metal roofing which will have

a mill finish of aluminum material. No other changes 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.

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 new signage is proposed. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Sam and Christina Kapala, for a new standing seam metal roof at their property at 198 Main Street (Tax Assessor Map 15, Lot 19), to be built substantially as proposed, application dated 05/31/23, finding that it meets the standards of Freeport Design Review Ordinance and Freeport Village Overlay District, 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. (Berger & Hamlen) **ROLL CALL VOTE:** (5 Yes) (2 Recused Donahue & Madeira) (0 No)

Mr. Kapala thanked the Board and noted that the Board is doing a great job.

178 Main Street – Change of Use and Design Review Certificate

The applicant is seeking approval of a change of use from Bed and Breakfast with a single-family dwelling to three-unit multi-family residential dwelling. Zoning District: Village I (V-I); Design Review District One – Class B & Color Overlay District; Freeport Village Overlay District (FVOD). Tax Assessor Map 13, Lot 5 (178 Main St.). Paul & Liz Leonard, applicants & owners.

Ms. Pelletier advised that this applicant was before the Board about two years and three months ago maybe. They purchased a property in downtown Freeport and got approval to change it from a single-family to a three-family multiple-family dwelling unit. The property had been previously through Site Plan Approval so it had parking on site, access, buffers. They really were not proposing any exterior changes. Unfortunately, that approval lapsed and because it lapsed, they had to come back to the Board as a new application. At this point in time the only change is that they were going to paint the shutters and doors but they were going to use a color from the historic color palette so it didn't require review and approval. At this time, they are not proposing any material changes to the building. They are not changing doors, windows, siding or additions. It really is a Site Plan Approval and the applicant is here before you. They have the same conditions as before. They would have to get an updated capacity letter and permits from the Codes Officer.

Chair Reiche asked if the applicant has anything to share. Mr. Leonard explained that there really has been no change. The reason for the delay was due to the fact that their sprinkler contractor could not touch the project for about two years because of COVID and all the commercial construction going up in Portland. They were completely booked and short staffed so they were very small fish for them to have to worry about.

Chair Reiche called for a motion.

Proposed Findings of Fact & Proposed Motion(s): This project requires a Site Plan Review. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate. The motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

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 site changes are proposed. Existing vegetation will remain and previously approved landscaping plans are in and well established. 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 Class B in Design Review District I and is in the Freeport Village Overlay District. No new structures and no exterior building modifications 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

No changes to vehicular access are proposed and access will remain from Chapel Street. Based upon this information, the Board finds that this standard has been met.

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

No changes to parking and circulation are proposed. The unit types will consist of one four-bedroom unit and two two-bedroom units. Per Section 514 of the Freeport Zoning Ordinance, six parking spaces will be required; 8 are existing on site and were part of a previously approved Site Plan. 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.

No site changes are proposed and therefore no changes to surface water drainage are proposed. Based

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

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

The building is connected to public utilities. An "Ability to Serve" letter from MaineWater (dated 02/24/21) has been included in the submission. Obtaining a capacity letter from the Freeport Sewer District has been added as a condition of approval. Since this will still be considered a commercial use with regards to solid waste regulations, the applicant will be required to sort cardboard from other waste and contract with a private waste hauler. Since no dumpsters are shown on the plan, it is assumed that waste will be stored inside. 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 new exterior 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.

No changes to landscaping are proposed. Since this property is in the Freeport Village Overlay District and changes to a multi-family use, buffers are required abutting single-family properties. The property line opposite of Main Street abuts a single-family use. There is an existing buffer in place and no changes to the existing buffer area are proposed. The previously approved site plan and an as built plan have been included in the submission to do show the existing vegetation on the site. Based upon this information, the Board finds that this standard has been met.

- l. Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
 - h. Will avoid problems associated with floodplain development and use; and
 - i. Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

The parcel is not within the Marine Waterfront District or the Shoreland Zone. The building will remain connected to public utilities. No historic or archaeological resources will be disturbed. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact, Design Standard Certificate for the Freeport Village Overlay District, and Change of Use for Paul and Liz Leonard, for a change of use from Bed and Breakfast with a single-family dwelling to three-unit

multi-family residential dwelling at 178 Main Street (Tax Assessor Map 13, Lot 5), to be substantially as proposed, application dated 05/31/23, finding that it meets the standards of the applicable sections of the Freeport Village Overlay District and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) The applicant obtain a written capacity letter from the Freeport Sewer District for the change of use, with a copy to be submitted to the Freeport Planning Department, prior to applying for a Building Permit. (Yankee & Monteleone) **ROLL CALL VOTE:** (6 Yes) (1 Excused-Donahue) (0 No)

30 Morse Street – Design Review Certificate and Site Plan Review

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

Ms. Pelletier explained that the applicant submitted for a Site Plan and Design Review but the Site Plan was not quite ready. The property currently has a capped foundation on it. It is to be residential but the previous owner had gone to the Board of Appeals to get some variances to replace a single-family dwelling. They did not do that in a timely fashion so they lost the non-conforming rights to re-construct that single-family dwelling. There has been this 50 x 50' lot abutted by parking lots on two sides and a school across the street. It is the last parcel in the Village Commercial I Zone and she believes the Design Review District. The applicant purchased it and they are proposing to put a multi-family development. A multi-family development is when you have at least one residential unit and a commercial use in the same structure. They are proposing to construct it of a non-combustible construction to reduce the setbacks. They also designed a roof line to take advantage of the further setbacks due to the lot size. They are working on stormwater plans and will have to get sign off from the utilities. They have the design drafted up so it made sense for them to come before the Board with this design to show what they are thinking and get some feedback if the Board feels a site walk is necessary and walk you through what they are proposing and how they feel it is compatible with the ordinance in the downtown area.

Chair Reiche asked if they have gone to the Zoning Board of Appeals and gotten a reduce setback. Ms. Pelletier explained that they did go to the Board of Appeals for reduced setbacks. However, as part of the way they are constructing it with the roof line and non-combustible construction, they might be able to go closer to the property line so before they finalize that Site Plan, we'll make sure the Codes Officer reviews it so that they are designing it either in accordance with the current setbacks, which would allow zero in some cases or it is designed in a way to utilize the variance.

Mr. Stevens advised that the previous structure was wood but they are proposing to build on the same foundation which is reasonably in good shape. Mr. Stevens introduced his wife, Amanda. He is the owner of record and also will be the builder.

Ms. Berger asked if the previous Board of Appeals approval is part of this? Ms. Pelletier explained that approval goes with the property and is still valid so they could utilize the reduced setbacks if it works for them. The previous Design Review Certificate for the previous dwelling has since expired and they cannot build a single-family dwelling there anymore. Multiple approvals were involved. The Board of Appeal approval was not tied to the single-family use. In some cases, with non-combustible construction, such as steel frames, they can go to zero. The last structure was wood framed so they couldn't go to a zero setback. When the owner talks about the building design, he can walk the Board through how they can take advantage of the setbacks with that construction. Ms. Pelletier suggested that the Board forget the Board of Appeals because at the end of the day, it will be irrelevant because they will be able to build closer to the property line if they design it according to the current ordinance. She offered to bring up the setbacks in the Village Commercial I for the Board.

Ms. Berger asked if the setbacks in this case are for fire protection and to protect houses from each other? If you are in a non-combustible house, you can be closer to other houses? Mr. Stevens advised that it is his understanding it is to reduce fire spread and the roof line has a pitch in a certain direction to direct stormwater away from a neighboring pond. Ms. Pelletier believes there are multiple reasons so they can build non-combustible construction but they also have to look at building codes because building codes could require setbacks if they have a certain number of windows or doors or a certain number of openings. There are regulations beyond this that come into play with the building design. Up in front of the Board she pointed out the current setbacks for this district so the minimum side and rear they would have no setback if they use combustible construction and the roof doesn't pitch towards the side and rear. It then increases based upon the construction type. Mr. Yankee asked Ms. Pelletier to explain mixed use. She advised that it is when you have at least one residential unit and another commercial use in the same structure. A single-family home is not permitted in the Village Commercial I Zone. Mr. Yankee asked if they have to be segregated? Ms. Pelletier mentioned that the ordinance does not go into separation for mixed use.

Mr. Stevens walked the Board through the building design and explained that the framing is fire-treated wood with insulation. Inside it is two layers of 5/8 gypsum board and this is what is classified as non-combustible construction in the ordinance. The roof will be metal with cellulose insulation and gypsum-based cladding as well. Chair Reiche asked about their setbacks and which boundaries they are talking about. Mr. Stevens noted it is the side and rear and explained if you are standing on Morse Street looking at the property, it is the rear of that facing the L.L. Bean parking lot in the rear. Chair Reiche asked how close they would be to Morse Street? Mr. Stevens wanted to say it is 8 or 10 feet. Ms. Pelletier advised that they show that the closest point would be 2 ½ feet from the rear and one side is about 3 feet. The other side is 6 feet. They don't show a front setback dimension so that is something they will have to show on their plan when they come back. Chair Reiche asked about the small house on the left and if it is accessed off Morse Street going to the school? Mr. Stevens replied that it is. Chair Reiche asked if the reduced setbacks are allowed in the State Fire Code? Mr. Stevens replied that there are in the Town Ordinance. Ms. Pelletier added that the ordinance used to say masonry but it has been updated within the past couple of years to state non-combustible but non-combustible as defined in the building code. Chair Reiche clarified that the foundation that is capped over will become part of the building? Mr. Stevens explained how there is a garage slab to the left and the foundation is on the right. They will be connected on the second story. Chair Reiche is sure that the applicant has been through the Design Review Standards. Mr. Stevens agreed and addressed the various points in his cover letter. He added that it is a modern design so he feels he needs to point out that the roof that slopes away from the lot line based on the Town Ordinance to get that zero setback which is required if they want to use the existing foundation. Ms. Pelletier added that the roof line has to go away from the side and rear lot lines to get that setback with the non-combustible construction. The drip line is about 2 feet from the lot line.

Personally Mr. Monteleone does not have much concern about the inverted roof but he thinks that the modernness of some of the layout of the windows and figurations is a bit different from what the Board has often asked from others in this district. He feels it is less about the size and number as it is the framing and configuration. For example, the section on the left it is kind of like a bare face with all the windows collected in that center section stands out like an inconsistent dynamic of solids and voids. Mr. Yankee noted he is looking at the Design Review criteria and asked Ms. Pelletier to pull up the slides of the other buildings in that area. He thinks that it points out that it is not consistent with any of the surrounding buildings. Mr. Stevens explained that he would have to build a gable-shaped roof. Mr. Yankee feels it is so different from anything else in that neighborhood and Mr. Stevens agreed. Ms. Pelletier asked if the Board feels it would be helpful to see the surrounding neighborhood with the school across the street? Ms. Berger noted it is pretty obvious that this is totally different than most other things in the center of town but she doesn't feel she needs to go and see it.

Mr. Stevens asked the Board if they have any suggestions on how the design might be tweaked to maintain more consistency in that area? Mr. Yankee advised that he had examples there. Mr. Monteleone asked if the buildings on the street have been designated as A or B Buildings? Ms. Pelletier did not know. This is the last parcel in Design Review so some of the neighboring properties are not in the district. The school is no and the direct abutter is not in the district. The two closest neighbors that are in the district are parking lots. Mr. Monteleone pointed out that Ordinance standard is for consistency with the A or B Buildings not whatever happens to be around. He wanted to make sure that if we are holding consistency to it, we are doing it fairly to what the ordinance requires. Ms. Pelletier offered to work with Mr. Stevens and look at a map of A and B. He knew his design was quite modern but wanted to come forward with what worked for them and what worked on the lot to get feedback. If the Board gives him feedback on the building, she would encourage you to give him feedback on the materials. Mr. Stevens added that the roof shape and the materials are mostly guided by the Zoning Standards. Mr. Monteleone pointed out that this Board has recently recognized flat roofs in certain places but in the past, we have signed off on flat roofs as being accessible. He suggested that relative to the layout of the solids and voids is looking at the way that these lower structures have a symmetry in terms of the way the windows and doors are spaced relative to the full shape of the building as well as some of those accent framings that causes those voids to pop. He thinks some of those things would make a difference. It is hard to tell when you are looking at the illustrations of these materials but for example if the siding material is able to go horizontal rather than vertical, likely it would give more of an impression of traditional clapboard siding and further expresses more classic style. Mr. Yankee looking at the mixed use and the floor plan, it looks like a house that happens to have an office. It does not look like a mixed use according to the floor plan. Ms. Pelletier advised that we do not have any design criteria for mixed use other than permitted commercial use and residential. In looking at the floor plan, Mr. Yankee feels a reasonable person would look at this and say it is residential and not mixed use.

Mr. Stevens explained that he is making an effort to satisfy the mixed-use requirement. Mr. Yankee feels if it is going to be mixed use, it needs to be very clearly delineated so it is a mixed use. Mr. Stevens added that there is a separation between that living space on the first floor and the office. There is a sliding door that closes it off. There is no separate entrance but there is a bathroom upstairs. Mr. Yankee feels it just doesn't seem to pass the test for mixed use. Mr. Stevens asked if the town could more clearly define what is required for mixed use so he could incorporate it into his design. Ms. Pelletier advised she would be happy to look at it with Mr. Stevens and feels there are a couple of different options. Amanda Gale added that the whole living area is upstairs. Full kitchen, dining room, master bedroom and bathroom are on the top floor. The lower floor is office, washroom and kitchenette. There is no oven or refrigerator. Mr. Stevens added that it will be a residence for Amanda's parents and not an Air B & B of anything like that.

Ms. Hamlen noted it looks like there is one front door to the building. The office is off to the right and the garage is off to the left. If there was a separate entrance to what is being designated as office, would that help Mr. Yankee? He thinks we are getting closer but mixed use means that both can operate independent of each other and it might be different than what is state o paper but it just seems logical that that is a reasonable interpretation of that and the office, because it is mixed use, would be able to stand on its own having an attached restroom rather than going through a residential unit and likewise the residential unit would not be going through the commercial unit. Ms. Pelletier feels she can look at it and suspects that he described it a little different than what is shown on the plan. Amanda pointed out that there is no bedroom downstairs. Her parents would walk down the stairs to where the office if located to get to their car.

Chair Reiche noted that we have had some projects in Design Review recently which have caused us to really parse the ordinance and this does not jump out as you having continuity with the other buildings. On the other hand, you are really hemmed in but it is not our problem to solve. It might help if we are standing on the street looking at this. He was going to ask for a site walk anyway because he drives down there to pick up grandchildren for violin lessons and he has a lot of traffic questions. Mr. Stevens added that his kids are in Morse Street School so he understands it. Chair Reiche has a sense that if the Board wants to be creative to try to help, it would be most effective to their benefit to be there. Otherwise on space, it looks like a tough sell to him under the Design Review Ordinance. His concern is about design in the ordinance and there are 10 standards and when we look at the buildings around, he doesn't feel there is a similarity but he doesn't know how Mr. Stevens does it. If we are there, we may be able to help Mr. Stevens out.

Chari Reiche asked how the Board feels about taking a half hour before our next meeting? Ms. Pelletier feels that a site walk can be helpful because the Board can see what is on Morse Street but a lot of it is not in Design Review so it is not into compatibility. The nearest things are a parking lot and the L.L. Bean Campus so doing a site walk to see what is around there and give him good feedback. It will be beneficial to the applicant and to the Board. They are still working on their Site Plan. Mr. Yankee feels there may be other people that have other ideas. Ms. Pelletier thinks we can easily work with them and take another look at separation of the uses. It is supposed to be two uses and if it looks too much like a single family, that is something they can go back and look at and the Board can give comments on the building that has a lot of features on it that you are concerned about it being compatible.

Ms. Berger noted it sounds like the Board is going to have a site walk. She asked if it would be possible to have a cut sheet of the houses on that street that are in Design Review? Ms. Pelletier advised that nothing past them is in Design Review. You are really looking at the Bean campus, the parking lot and looking back at the village. Chair Reiche added that the one building that is near it is not in Design Review. Ms. Berger asked if any are compatible or not? Ms. Pelletier added that it is compatible with a nearby A and B and the downtown area and thinks a site walk would be beneficial. Yes, on the site walk, she will have the Board turn around and focus on what is in the district and not on the other side.

Mr. Monteleone feels that unfortunately, some of this interpretation of how it applies is subjective. He disagrees with Mr. Yankee a little bit in terms to what extent delineation is required. An earlier applicant we were focusing on delineation based on the history of that applicant representing it as residential and being in violation then having to come and make changes to account for that. It is something that is a target we are working to identify. Mr. Yankee feels this is an opportunity for Staff to perhaps ask for some clarification as well. The Board felt okay about a site walk. Chair Reiche suggested doing it at 5:30. Mr. Stevens explained that he is working on a stormwater plan with Esther so they hope to get it back for the July meeting. Ms. Pelletier mentioned that the Board will get to see the interesting foundation and understand how it works

on the site. Mr. Stevens feels the foundation is in good shape and hope to work with what they have.

Amanda mentioned that one thing she wanted the Board to keep in mind with the whole design is they know it looks modern but there is a reason why it looks modern. The reason why it looks like that is because they are confined by the way the ordinance is with how defined by the setbacks, the roof slope. If we had an angled roof, it would be cheaper and easier and the Board would all say yes but they can't and it has to look like that. Mr. Stevens mentioned he is not looking forward to working on that roof. Amanda added that if they are going to have a home for her parents to spend three months there, it will have to look like that. They are hoping that one of these months, the Board will say yes. She wants her parents living there to be able to pick their kids up from school.

Ms. Berger mentioned the dark gray colors that have been selected, if they were chosen as lighter colors of the materials, maybe it wouldn't be so much in your face to everybody. Mr. Stevens offered to do a mock up of a color scheme if that would be helpful. Ms. Pelletier added that they could use by right any color from any historic palette of any paint manufacturer. They could come in and show the Board a white drawing if you want to see but they could really leave and find a cranberry or pink on a historic paint palette, they do have the right to use those colors.

Ms. Hamlen pointed out that in an aerial view of all the houses whether they are in the district or not, most of them are light, white or pale yellow so that could be one step in making it fit in a little better.

The Board decided to do the site walk before the next meeting starting at 5:15 on July 19. The applicant will let Ms. Pelletier know if they can be there. Chair Reiche urged the Board to read the 12 pages of the Design Review Ordinance so it will be fresh in everybody's mind. Ms. Pelletier reminded the Board that it can give feedback for something they submit but you cannot design the structure for them.

Goodfire Brewing Parking Expansion – Site Plan

The applicant is seeking approval of a Site Plan Amendment for a park lot expansion. An expansion of about 31 parking spaces is proposed along with associated improvements site improvements such as stormwater management and lighting. Zoning District: Commercial 1 (C-1). Tax Assessor Map 25, Lot 5 (180 South Freeport Road). MR 117 Route One, LLC (David Redding), applicant and owner; Sam Lebel, P.E, Acorn Engineering

Ms. Pelletier explained that David Redding is here representing Goodfire Brewing. They have come in and want to propose another 31 parking spaces. They have had plans created. They have gravel out back now and are looking to pave it and then also pave the new parking. They will be adding 31 spaces and will be modifying the existing parking lot to increase the ADA parking space on there. They have submitted a plan to show how they will enhance the existing vegetated parking on the property. They did prepare a stormwater plan that was peer reviewed by Gorrill Palmer and their comments were attached. They do require some permits from the Maine DEP for impacts to the wetlands, an NRPA Permit. They are going to have full cut-off light fixtures They included pictures and information. The size of the building and the use itself is not changing. In this district the parking requirement is based on whatever the applicant submits for their need. They have been open for a while now and they feel they need additional parking so the applicant and their team are here before you tonight to walk you through the application.

David Redding, owner of Goodfire Brewing thanked the Board for having him back. He thinks Ms. Pelletier did an excellent job of summarizing what their needs are. 31 additional spaces will be a net of 26. They will transition 2 of them into their ADA space and will lose another 3 or 4 in the aisle to make space for 26. They

worked with Adam Bliss in planning their stormwater management.

Ms. Berger asked about the fire retention pond and the other method of stormwater management. Mr. Redding feels that is sufficiently technical and he will let the engineer handle that. Ms. Berger provided her question. If there is still a fire retention pond and holds water at 2 ½' in high storm events, she is wondering because families tend to have kids running around if he would consider adding a fence for the safety of kids? Mr. Redding feels that might be an added cost that is not necessary but he will consider and let the engineer answer that question.

Nate Holt, engineer on the project, advised that there are two stormwater treatments on site. They received Site Plan approval in 2021 for this project and installed a high-flow rain garden that was sufficient for the initial part of this project. For this parking expansion, they require more stormwater measures so that is the pond Ms. Berger is referencing. He pointed it out on the plan. It is technically a vegetated under drain soil filter so it can treat and contain all of the additional runoff from the impervious area they created. It will be cleared and graded and then planted with a meadow mix so it will resemble a typical lawn area.

Chair Reiche asked Mr. Holt to describe the process they have for the DEP Permit. Mr. Holt advised that it was for impacts to wetlands but they are actually not disturbing or filling any wetlands on the site but they do encroach on the 75foot setback. The NRPA Permit is a pretty standard 14-day permit provided by DEP. If you don't hear back from them in 14 days, your permit is granted.

Mr. Monteleone asked if they have a particular plan in mind for the flow of traffic from the street to the old parking lot? Mr. Holt advised that they do not have a circulation plan that would demonstrate the typical movements. They looked at the typical turning movements to make sure the parking space is sufficient. They used the Town standards for parking stall lengths and the drive aisle width. Mr. Monteleone mentioned the first turn from the old lot into the new lot and that potentially there is two-way traffic, the angle looks a lot like the angle at Bow Street Market and is a really difficult angle to navigate when you have cars going two ways. You could probably resolve that almost entirely if it was a one-way loop. Ms. Pelletier advised that they do meet the dimensional requirements and believes the subject property that he just referenced has a reduction in aisle width there on the other property which makes it even tighter with their building. Mr. Monteleone feels it is the nature of the double turn where you have one car parked poorly on the corner and cars converge at busy times. Mr. Redding mentioned that they are adding lines for the spaces. Ms. Pelletier asked them to note existing versus proposed. More discussion followed. Mr. Monteleone advised that he is not looking to modify what has already been approved. He is observing that the flow of traffic might be difficult at the busy times. Mr. Yankee added from personal experience that having stripes will be a big plus.

Chair Reiche asked if anybody from the public has a comment? There were no public comments provided. Chair Reiche mentioned that DEP will be handling the environmental side of this and you are meeting the layout standards required by the Town for parking, he is okay with it. He called for a motion.

Proposed Findings of Fact & Proposed Motion(s): This project requires a Site Plan Amendment. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate. The motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

Proposed Findings of Fact: Section 602.F.1 of the Town of Freeport Zoning Ordinance

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

No changes to the building are proposed. The existing buffer will remain and supplements as needed to screen the expanded parking lot area. 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.

No changes to the building are proposed with this application. 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 be altered. Since there are no changes to the square footage of the use, the traffic information for the project has not changed. 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.

An expansion of about 31 parking spaces is proposed along with associated site improvements such as stormwater management and lighting. The existing gravel parking area and new parking area will both be paved. An additional accessible parking space is also being provided, for a total of four. The parking lot layout has been designed to comply with the space standards Section 514 Off-Street Parking of the

Freeport Zoning Ordinance. This zoning district has a parking requirement based upon the information submitted by the applicant. In this case, the applicant has indicated that additional parking is required to support the current business needs. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 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.

An expansion of about 31 parking spaces is proposed along with associated site improvements. The existing gravel parking area and new parking area will both be paved. A vegetated under drained soil filter is proposed for the treatment of stormwater which has been designed to accommodate the potential for future expansion. Stormwater Management and Erosion Control Plans were included in the submission and reviewed by the Town's peer reviewing engineer; their final review comments are included in the email dated 06/15/23 (attached). Based upon this information, the Board finds that this standard has been met.

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

No changes to water or sewer utilities are proposed. Based upon this information, the Board finds that this standard has been met.

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

No 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.

Three new parking lot lighting fixtures are proposed and a photometrics plan and cut-sheet of lighting have been included in the submission. Based upon this information, the Board finds that this standard has been met.

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

All public safety departments heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

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

Since the parcel is in a Commercial Zoning District, there is a buffer requirement in the setback from South Freeport Road. Any areas within the buffer that will be disturbed will be loamed and seeded. Existing vegetation will be retained to the greatest extent possible, and about twelve evergreen trees will be planted to supplement the buffer area. Trees will also be added in the landscaped island between the existing and new parking lots. Based upon this information, the Board finds that this standard has been met.

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

- a. Will maintain safe and healthful conditions;
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
- c. Will adequately provide for the disposal of all wastewater;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;

- g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- h. Will avoid problems associated with floodplain development and use; and
- i. Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. No changes to existing utility connections are proposed. No known historic or archaeological resources will be negatively impacted by this project. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for 117 Route One, LLC (David Redding) for a parking lot expansion and associated site alterations at Goodfire Brewing, 180 South Freeport Road (Tax Assessor Map 25, Lot 5) to be built substantially as proposed, plan set revised through 06/14/23, 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 of \$113,700, 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 \$1,000.00 to cover the cost of the plan peer review and inspections of the site improvements by the Town.
 - c) The developer have a pre-construction meeting with Town staff.
 - d) The applicant enter into a new Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds.
 - e) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- (Madeira & Berger) **ROLL CALL VOTE:** (6 Yes) (1 Excused-Donahue) (0 No)

Mr. Redding thanked the Board and Chair Reiche noted he is happy they are having growth problems.

Young's Lane Subdivision – Subdivision Amendment – PUBLIC HEARING

The applicant is seeking approval of a Subdivision Amendment to the previously approved subdivision plan for the Young's Lane Subdivision on Young's Lane. The proposed change includes relocation of the previously approved leach field locations for Units 7-14. There will be no changes to the number or location of previously approved units and/or lots. Zoning District: Rural Residential I (RR-I). Tax Assessor Map 26, Lot 4A-4 (17 Youngs Lane). Fletcher Property Group, LLC, owner; Fletcher Property Group/Justin Fletcher, applicant; Richard Hamilton, PLS, Boundary Engineering Survey Technology, representative.

Ms. Pelletier explained that when this was originally approved like many subdivisions, the Board required a hydrogeologic assessment. Quite often when these are done, we put a condition on the plan that any septic fields have to be installed per plan and any changes would require a hydrogeologic assessment. In this case, the applicant was required to update the hydrogeologic assessment and come back to the Board. For the back four duplex units they had two leach fields each serving two units before and had one system that was combined. The combined leach field had a bigger setback. The location of the septic did require clearing. One of them was in the back corner and they would have to clear to get in that. Before doing the work, the applicant wanted to relocate the septic so we said he would have to go back to the Board and update the hydrogeologic assessment so you have that in your packet tonight. They do show that they will use two pretreatment systems. As you know, the Subdivision Ordinance has stricter standards for the nitrates at the property line but otherwise there are no other changes to the plan. Chair Reiche asked if the model in the application shows that this meets the standards at the property line? Ms. Pelletier advised yes. When they created it, they split off open space so they created a new property line on the land they gave to the Conservation Trust and that is why they are doing the pretreatment systems to meet the higher requirement.

Justin Fletcher wanted to add that they are so close to not meeting those pretreatment systems on the last two fields that he would like to have the thought entertained that they could shift those minutely. He doesn't know if he would have to come back through this process to move a leach field 10 feet and they are so close that they would have to do an in-depth study on the last three beds. Ms. Pelletier advised that if they wanted to move the system, he would have to get the hydrogeologic assessment updated and come back to the Board. Mr. Fletcher advised that the top two leach fields were crossing a huge gully so they had a stream crossing that is shown as wetland on the plan. It is probably a 20' gully so to get back to there it is quite a task and requires pumping for all septic systems versus gravity fed.

Chair Reiche noted he can appreciate Mr. Fletcher learning more about the site working it but why wasn't the system appropriate? Mr. Fletcher advised that there was some question about the size of the duplexes and finding the best ground for them. They did have leach fields up there before but this wetland ravine is very deep. He did not design it to begin with and he doesn't agree with the location after he saw the site cleared. The new locations all feed down hill and are all gravity fed.

Ms. Berger asked what the Board has in front of it is what Mr. Fletcher wants? Mr. Fletcher advised that what is in front of the Board is what he would like but he was wondering about the note on the Subdivision Plan if he could make his modifications. If that is not possible, he will come back if he needs to modify them. They are built already so he needs to put the septic in. Chair Reiche advised that the only thing the Board can vote on tonight is what is before us. Mr. Fletcher mentioned he was just asking for clarification on the note on the plan and if it needs to be there. This seems like a very minor change but if he has to come back, he will. Typically, in a lot of other subdivisions, you have it reviewed by Staff but they still have to provide a hydrogeologic assessment. Before you, that note is still on the plan and was not part of the application. Chair Reiche pointed out that the Board has to stick with what we have. Mr. Monteleone asked what if the plan was amended to illustrate a lighter area where a septic could be placed? He recognizes that they need supplemental hydrogeologic assessment to put it in Place A versus Place B but if the plan were to designate anywhere in this designated area shown on the plan, it could move slightly without needing to come back for an adjustment. Ms. Pelletier advised that these are the last leach fields they have to put in. Mr. Fletcher advised that this is the only place they can go but there is opportunity to move this pit 10 feet. Ms. Pelletier advised that the Board can act on the request before you or if the applicant wants to change it, you could table it and have him come back. Mr. Fletcher noted he does not want to table it.

Chair Reiche asked if there are any more questions from the Board? We need to open the Public Hearing.

MOVED AND SECONDED: To open the Public Hearing. (Yankee and Hamlen) **ROLL CALL VOTE:** (6 Yes) (1 Excused-Donahue) (0 No)

Sara Cronin, abutter, wanted to know if something went wrong with the initial location? Mr. Fletcher explained that nothing was wrong. It was just the ravine out back and it seems like it would destroy so much.

Ms. Pelletier added that we see variation from the initial approval once they go in and get field positions or if your subdivision is 20 years old and they need to replace it.

There were no questions from the public.

MOVED AND SECONDED: To close the Public Hearing. (Yankee & Madeira) **ROLL CALL VOTE:** (6 Yes) (1 Excused: Donahue) (0 No)

Findings of Fact – Freeport Subdivision Ordinance:

11.1 Pollution

A. State Standard

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

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

No changes are proposed other than the relocation of three leach fields. The leach fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. The submission includes an updated hydrogeologic assessment, dated 06/15/23, prepared by Mark Cenci Geologic. It does note that two of the systems will need to have pre-treatment systems to comply with the standards of the Freeport Subdivision Ordinance. The updated assessment also shows the well exclusion zones and reflects that no existing wells are located within those areas. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

A. State Standard

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

No changes to water usage are proposed. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

A. State Standard

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

No changes to water usage are proposed. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion

A. State Standard

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

No changes are proposed other than the relocation of three leach fields. The septic fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

A. State Standards

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

No changes to vehicular access are proposed. V Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

A. State Standards

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

No changes are proposed other than the relocation of three leach fields. The leach fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. The submission includes an updated hydrogeologic assessment, dated 06/15/23, prepared by Mark Cenci Geologic. It does note that two of the systems will need to have pre-treatment systems to comply with the standards of the Freeport Subdivision Ordinance. The updated assessment also shows the well exclusion zones and reflects that no existing wells are located within those areas. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

A. State Standard

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

No changes to solid waste are proposed. Based upon this information, the Board finds that this standard has been met.

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

A. State Standard

Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the

Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

No changes are proposed other than the relocation of three leach fields. The leach fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. Based upon this information, the Board finds that this standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

A. State Standard

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

No changes impacting the space and bulk standards are of the Freeport Zoning Ordinance are proposed. Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

A. State Standard

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

The updated recording plan was prepared by Richard Hamilton, Professional Land Surveyor. No site changes are proposed other than a change to the leach field locations for three of the previously approved fields. Information on financial capacity was previously submitted and the applicant has a performance guarantee previously established to cover the cost of site improvements. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

A. State Standard

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

This parcel is not located within the watershed of a great pond or lake nor is it within the Shoreland Zone. Based upon this information, the Board finds that this standard has been met.

11.12 Impact on Ground Water Quality or Quantity

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

No changes that would impact water quality or quantity are proposed. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

A. State Standard

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

The area of the leach fields are not shown to be in a flood plain. Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

A. State Standard

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

No changes impacting wetlands are proposed. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A. State Standard

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

No changes impacting any rivers, streams or brooks are proposed. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

A. State Standard

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

No changes to the previously approved stormwater management plans are proposed. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

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

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

11.18 Phosphorus Impacts on Great Ponds

A. State Standard

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

proposed subdivision.

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

11.19 Impacts on Adjoining Municipalities

A. State Standard

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

The parcels do not abut or cross the municipal boundary. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Amended Subdivision Plan for Fletcher Property Group, for the relocation of three previously approved leach fields in the Young's Lane Subdivision (Tax Assessor Map 26, Lot 4A-4), recording plat dated 05/23/23, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The final signed copy of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
- 3) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant shall provide the Town with digital file, in a format compatible with the Assessor's records, containing the information shown on the recording plan. (Hamlen & Berger) **ROLL CALL VOTE:** (6 Yes) (1 Excused-Donahue) (0 No)

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 8:50 p.m. (Berger & Yankee) **ROLL CALL VOTE:** (6 yes) (1 Recused-Donahue) (0 No)

Recorded by Sharon Coffin