

**MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS & ZOOM
WEDNESDAY, JULY 20, 2022
HYBRID MEETING
6 P.M.**

Attending: Guy Blanchard, Chair, Linda Berger, James Monteleone, Ford Reiche, Tod Yankee and Caroline Pelletier, Town Planner

On Zoom: Jason Donahue

Excused: Lynn Hamlen

NOTE: at 5:30 p.m. the Board held a site walk at the location of the proposed Freeport Station Apartments at 0 Depot Street /8 Mill Street. The parcels are currently used as parking lots but a three-story building with 67 dwelling units is proposed.

Chair Blanchard called the meeting to order at 6:06 p.m. and requested that Board members turn on their microphones.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that she has no staff approvals to share this evening.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier mentioned that the Planning Board has continued talks about parking requirements for multi-family housing in the Village Commercial I. They will have a public hearing on that next month. They are also talking about adding a new definition to the Zoning Ordinance regarding the ability to add on or expand a non-conforming structure. She gave them the Board's comments on Section 602 limited to signs and keeping the square footage as proposed. She sent it out for legal review and the Town Attorney had some comments to existing language. We are not going to public hearing on that yet. They will probably hold off a month on that. They are also continuing to talk about cannabis at the request of the Council, the specific uses of cannabis, manufacturing, processing and cannabis cultivation. They have six zones that they have narrowed it down to and sent notices out for a public meeting. It is still in draft form. They would still have to do more language but they have narrowed down some areas that they feel would be most appropriate so they will continue to talk about that.

3) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier advised that they have not had another meeting of the Downtown Vision Task Force. They will be meeting next week so she will have an update for the Board at the next meeting.

ITEM II: Review of the minutes from the June 15, 2022 Project Review Board meeting.

MOVED AND SECONDED: To approve the Minutes as written. (Berger & Reiche)

ROLL CALL VOTE: (5 Yes) (1 Abstention-Monteleone) (1 Excused-Hamlen) (0 No)

ITEM III: Reviews

Freeport Crossing Apartments – Multiple-Family Dwelling

The applicant is presenting conceptual plans for an 12,135 s.f. footprint, three story building, with 25 dwelling units and associated site improvements on a vacant parcel of land located at the corner of Main Street and West Street. Vehicular access to the site would be from West Street. Design Review, Site Plan Review and Subdivision Review are required. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class C & Color Overlay District. Tax Assessor Map 11, Lot 132 (22 Main Street). LWS Development, LLC, applicant; Moser Properties, LLC, owner; Eric Dube, PE, Trillium Engineering Group, representative.

Ms. Pelletier explained that this is a conceptual presentation for a multi-family housing project. The lot is abutting the Town Hall and it used to have two houses on it years ago. The lot has been vacant for years. It has a stone wall and rock sculptures. The applicant is presenting plans for condos but to us it is a multi-family housing project. It has 25 units and will trigger Design Review, Site Plan Review and Subdivision Review. The Board will do all three of those reviews at the same time. Of the three review processes that the Board does, it was talked about last month with another housing project, the one with the most steps at this point would be Subdivision. Our Subdivision Ordinance was not really designed for these types of projects. The first step is the conceptual review. That is where the Board looks at the Inventory Analysis planned for the site and determines typically if the development is in the right space and the open space is in the right area. In this case as with the last downtown project, the Board saw that they don't have an open space requirement. They go through and calculate the net residential acreage and identify any environmentally sensitive areas but they don't have to put some aside in open space. If the Board read through the Staff Report, you will see that there are no steep slopes but there are some wetlands on the site. We asked questions on the wetlands. We have a very specific definition as to what they need to deduct and what they need to avoid. It is conceptual so she is confident we will get a wetlands report at one point but it is something that we did flag. They will connect to public utilities. They are proposing some parking on site. If they need additional parking, their intent is to get it off site. Again, it is in the downtown area and the Planning Board continues to talk about parking so she thinks it is TBD. The site currently has multiple entrances off West Street and Main Street. They are proposing to close the entrance off of Main Street. It will be coming in one way from West Street. They currently have an agreement on the Town lot. The Board may have noticed that there is a little gravel connector there which has been in place for years. They have approached the Town Manager and will be going to the Town Council to see if they can get that formalized as an easement. It is something to be aware of at this point but the details come under the purview of the Board. The renderings do not show the current stone wall but their intent is to retain the current stone wall and repair it to the greatest extent possible. Obviously along the front, they show some entrances to the building. Again, Subdivision, this will be conceptual review and the Board can give any comments on the site and then there are some conceptual building renderings if the Board has feedback for them on the Design Review aspect. She does not know if the Board wants to schedule a site walk but suggested getting through the conversation and then see what you want to do there. As with the last one, if the Board feels they have the building set in the right way, you could take action on the conceptual phase or you could put that off until you feel you have all the information you need. The applicant's team is here to share their information.

Paul Peck explained he lives in North Yarmouth. He is an attorney as well as a developer that has done work in many other areas and is excited to be here. He was introduced to the site originally by David Moser who owns the site. He knew he was interested in urban/suburban development and contacted him to talk about this site. They reached an agreement on purchasing the site. He feels the Mosers have been great to work with. He is interested in walkable neighborhoods and walkable developments human scale. He has been following the Town's visioning for the downtown and feels it is wonderful. Clearly, our state needs housing as well as the Town and they want to bring housing next door. The big vision is to engage this building with the street and they have done that with entrances on the first level as entrances to the resident's homes. That is cool in the sense that they will be able to walk from Main Street into their residences. The second and third floor residences they anticipate will have porches and balconies to engage with the street and with the outside. He feels it is a fantastic site that is walkable to the train station, bus station and all that the Town has to offer. He feels that it is a cool time for the Town and everyone knows that moving away a little bit from the national retailers to more of a hometown downtown bringing residents to those businesses and all the activities here with the different civic organizations close by. It is just a fantastic site and they are really excited about it. He is here today with his architect and engineering teams. They wanted to bring their team out to show the Board what they are thinking about and get as much feedback as they could as early as they could so as they move through the process, they will be better prepared to bring you more for the next hearing and final hearings. He mentioned that Eric Dube of Trillium Engineering Group of Yarmouth and Caleb Johnson of Caleb Johnson Studios of Portland will walk the Board through the project and will be available to answer any questions.

Ms. Pelletier advised the Board that she e-mailed a couple of letters today that came in regarding housing, mostly affordable housing in addition to what she e-mailed out earlier.

Eric Dube of Trillium Engineering pointed out he is happy to work with Paul and the Caleb Johnson Studios. This is certainly a good project that Paul introduced them to. He displayed a typical boundary survey showing some physical features, some ledge, some existing drainage and some of it comes from the Town and the rock walls and the parking area for the two buildings they have, and an entrance off of Main Street. There currently is no entrance off of West Street but that is where they are proposing on that. He then displayed their site inventory analysis sketch plan where they go through their calculations. They are showing more features on this. He then showed essentially the building and the street presence Paul was talking about. They are meeting the setbacks on the Town Hall side as well as the setbacks on the West Street side and of course, the Main Street side. They have good connection points that go out to the sidewalk on Main Street. They are also trying to get some connection points out to West Street. He pointed to where their main entrance is proposed and that they are trying to get a ramp and integrate with the stone wall and get access into their main lobby. They also have an internal parking area and courtyard that can't be seen from either West Street or Main Street. They have a sloping site so they have everything level up on Main Street. It slopes as it comes down and they have kind of a daylight basement section with an extra unit and some bike storage and mechanical space. They are utilizing some entrance points on the courtyard side which is the main entrance lobby area. He pointed out a section of the building that faces Town Hall will be utilized for tandem parking which is underneath and units will be utilized on top of that.

The one-way access they were talking about is in the report from the Town Engineer, Adam Bliss that an entrance permit will be required. They have already secured that entrance permit so they are in good shape there. It takes traffic away from Main Street which is more congested than West Street and it is really one-way traffic which helps them out as far as stacking. They don't have to worry about traffic interfering with the light. It is really a left turn in which is their biggest concern. Otherwise, it is a right turn in for entrance and then they through that easement section they are talking about and will be able to exit down through where we exit out of Town Hall as currently exists. He explained they do have parking and some trash storage so it is pull in and back out. He noted the slopes. They are going as noted, that they need some stormwater quality and quantity so they will utilize some underground storage under parking and connect into the Town system and not release at rates over what they are now but discharge at the same or less rates. The utility connections are from West Street, water, sewer and electrical. They will continue to work on landscaping. He felt from a site civil impact, that covers it.

Caleb Johnson of Caleb Johnson Studios noted he is representing Paul Peck the developer. He agrees that this is really a fun site for them. It is a corner lot and it is the first corner lot that begins to form the street wall that we all know as Main Street making it a really important corner. He displayed a view that looks down Main Street to the north. He noted that he appreciates Paul's commitment to walkable neighborhoods. From an urban design, the street wall is important on holding that corner. This marks an entry so they are trying to be very careful with that. He worries that they could fall into a hole of trying to emulate too much historic downtown and it starts to become corny and faux or they could go to the other side and it starts to become too modern and stand out like a sore thumb. They are looking for a balance here and they are on their way. The balance they are striking here is really not just building a long wall. In Freeport's ordinance you call out that you are looking for rhythm and architecture certainly has a lot to do with rhythm. That is what they are beginning to show here. On the next slide he pointed out the rhythm where they have major facades that come out and currently, they are coloring them in a deep rich red. He noted it is extremely hard to get colors on a rendering from screen to screen to screen. All he can say is that this is a work in progress but feels it is a pretty successful red building. On the next screen he explained that they are illustrating the rhythm, the breaking of the façade, the in and out of the roof line. That tall roof line is 32 feet and most of Freeport's homes are probably somewhere between 30 and 35 feet. It is a three-story building and is under scaled with many of the buildings on this street and about the same scale as many. They are right in the middle.

The next slide was looking down West Street and Mr. Johnson advised that it is between a 6- and 8-foot fall by the time you get to the entry (which he pointed out). This addresses the Fire Station and what is proposed as a public park on Freeport's master plan. It is an important entry. As you travel south, you can look through the beautiful parking lot. He is not sure there is a nicer parking lot than the parking lot at Town Hall in Freeport so they have a façade looking at that

and it is a great amenity for this development. He explained the following slides showing views. He explained that they worked hard trying to avoid getting a big building block that could look overly institutional.

For materials, they are intending to use a composite cement panel that is very close to traditional wood clapboards. On the lower part they would have a cove siding. Siding on the bays will be a panelized cementitious siding but there is a lot of texture on the façade. As time goes on, they will probably add texture to the building. Texture on the building tends to break down the scale of it and will relate well to the traditional buildings that have a lot of texture on them. It is important to note that Freeport has a nice blend of very contemporary buildings and very traditional buildings. He appreciates that about Freeport especially the entrance coming north. L.L. Bean is constructing a very contemporary building and this is a nice transition. He would call this a transitional building. It is almost traditional but they haven't really clad it in a very traditional way. Looking south, leaving L.L. Bean and heading to the Fire Station, you can see it in the distance. They are aware that in Freeport's Ordinance, you prefer to use a Benjamin Moore historical color palette. They would be happy to do. It makes it easier on them but they are not yet at the color selection phase and will comply with that. He does think the color should be muted a bit. From an urban standpoint, this is a background building whereas Town Hall and L.L. Bean is a foreground building. He displayed a slide showing what else is on the street noting there are historic two-story flat-roofed buildings as well as three-story flat-roofed buildings. They have been studying the different facades and how this will relate. The next slide was an architectural analysis on how they develop color rhythm, etc. They are in that process and feedback from everybody will help them continue that process and ensure they deliver a building that enhances and really goes along Main Street. He added that this is an interesting building and there is only one façade that is almost invisible from the street. The other three facades will be quite visible.

Chair Blanchard explained that there are three different reviews, Subdivision, Site Plan and Design Review, we will go through each one, ask questions related to that one before going on to the next. We will start with Subdivision and he suggested starting with the Board here as well as Mr. Donohue in hybrid mode. The Board and Mr. Donohue did not have any questions with regard to Subdivision.

Regarding Site Plan, Ms. Berger asked if the area of wetlands is going to be covered pretty much by parking on the side of West Street? Mr. Dube explained that the wetlands they are talking about is from a catch basin from the Town's parking lot so what they are talking about is runoff from that culvert and connects into a culvert that drains out of West Street. Those will be covered by parking.

Ms. Berger could not find a picture of the area adjacent to the Town Hall parking that comes out on West Street. It is listed as S1A1 and says existed paved parking area. Ms. Pelletier explained that that area is not owned by the Town. It is privately owned. Ms. Berger asked if from that area to the property line is where the heavy tree growth is right now that one can see going down West Street? Mr. Dube replied yes. Ms. Berger explained that she would be interested in getting a better look at what is there to better understand what is there because it looks like this proposal will be redoing the existing treed area. Mr. Dube noted that they will cover that on the site walk but they plan to replant the whole sloped area. Ms. Berger mentioned that she has experience going up West Street to Main Street and pretty often traffic can get backed up going down West Street. That intersection could be an issue for cars getting backed up. She doesn't know if the Board can ask for a Traffic Study. Mr. Dube explained what they are proposing that is similar to what they have in Brunswick. They plan to provide striping and signage. Ms. Pelletier added that the Board would look at traffic as we get further in the process and we can have the Town Engineer weigh in.

Mr. Monteleone added that it appears we have five entrances on Main Street. He asked if each of those will be serving a single unit or are they providing access to common areas? Mr. Dube believed they would serve single units but asked Mr. Johnson to reply. Mr. Johnson advised that the four entrances on Main Street will serve the first-floor two-bedroom units. Around the corner, there will be a primary entry if you are walking from Main Street up to the second and third floors. Mr. Monteleone mentioned there is no Main Street parking in this area and there appears to be some growth pain here if the planning goal is to make this into a central square and right now there is not much of a traffic problem if you are inviting people to park or pull over and put on their blinkers on the side of the street and get out and run and make a delivery. He is concerned about what that means for Main Street traffic. Mr. Johnson advised that it is a problem

the Town of Freeport will have to deal with it and they can deal with it. Certainly, their priority, as they read the Town's plans and look at the master planning, you are interested in a walkable neighborhood and a dense downtown. This is what they do. Yes, he is sure the Town will be dealing with those larger traffic and parking issues but they will comply in the best way they can. Chair Blanchard pointed out that there is parking opposite and there are some spots along the road and a crosswalk directly across from this lot. He pointed out that as the Board moves further along, more information on the planting plan will be helpful as well as exterior lighting on the building and street lighting.

Mr. Yankee mentioned that from the Visioning Process that the applicants are aware of, one of the messages that came out was big trees to try to create a little of what the town used to look like. Right now, he is not seeing that it is possible to do that. It doesn't look like the trees being proposed will be able to get very large because of the proximity to the building. Mr. Dube explained that here the choice is what is more important, hold the Main Street wall which is what they are doing, or the large street trees? They understand the Ordinance to read that you want to hold the street wall. It could be an option to redo that section of street in your overall long-term planning to provide a tree strip along it but he is not aware that it is in the ordinance. He noted that large trees need space and they need to be separated from the building. He explained what they did on many other Main Streets they worked on in the Portland area and Freeport could consider using tree grates in the sidewalk as an option.

Mr. Donahue asked about the dumpster location and the adequacy of the trash hauler and if the trash hauler will be able to navigate through there? He was advised that the hauler will be able to pull in and then pull straight out. There is no issue with that. Mr. Donahue mentioned drainage and that it looks like it starts in the courtyard and drains down the paved area and eventually starts to follow the contours and along the eastern edge and ends up in a catch basin. Mr. Dube advised that they will have more catch basins that will be intercepted and they will be able to put it in underground storage containment. Mr. Donahue added that it sounds like they are working it out. Mr. Donahue mentioned that in looking at the renderings at the corner of Main Street and West, the ramp to that main entrance is kind of tucked around the corner. He thinks it needs more work. Mr. Dube explained that this being a conceptual meeting, they understand that there is an existing stonewall there and they are still working through that and the landscape requirements. They want to work with the Board and take a look at masking the building and the overall concept and work on the finer details that they know they can address and make it acceptable to the Planning Board. They understand that the plan needs more work and that is all they can say right now.

Mr. Yankee asked where are the utility lines? Mr. Dube advised that they are coming from West Street. He did not believe the lines were on their side but offered to verify that. Unfortunately, there is not much they can do about that.

Chair Blanchard moved on to Design Review and asked if there were questions or comments? Mr. Reiche advised that Design Review is all about fitting the building harmoniously in with the scale and style of the buildings around it. Site Plan has some of that language but Design Review is all about that. He feels we have to do things differently on Main Street but he is mindful that housing is a priority. He is also mindful that this site is not public property but it feels like public property. He spent a long time looking at these elevations and cannot get comfortable with the notion that the scale and style of this building fits in with all the things they need to find affirmatively to approve this project under Design Review. He doesn't view this as a site for a transition building. This is the beginning of the old fashion feel of Main Street. The building we are in is a delicate historic building with more down the road and across the street. He does not feel that the size of this fits in with this at all. Design Review is all about fitting in with the scale and style of what is around you. While he wanted to get comfortable with it, he cannot. This is all you will see as you approach Main Street. That is something he is struggling with.

Mr. Dube added that any major change to a beloved Main Street is nerve wracking. He completely understands that there is some hesitation. The idea here is if you don't want to spend an endless amount of Paul's money, chasing subjective issues, they want to help the Board get to a solution that is comfortable to the Town and is subjectively and objectively meets the Town's Design Review ten requirements. Compatibility is what the Town says it is looking for with a Type C building. At the end of the day, there are people that want to recreate a 19th Century building. They could spend a lot of time just recreating a 19th Century Apartment block creating details that were used hundreds of years ago.

That might be a fast way to get comfort level and move the project forward. What they struggle with is that it is not the way the ordinance reads so they are assuming that the people of Freeport are looking for a contemporary Class C building that does not mimic 19th century detailing because that has a tendency to cheapen a Main Street and give you a Christmas Tree Shop effect which would be unfortunate for Freeport. It would steal from the authenticity of the real building. They are here for comments. It is Paul's project but it is your town and they want to thread the needle but the Board will have to help them understand when you say it is not compatible. Are you saying it doesn't have enough rhythm or is it too tall? Are you saying you want 12 units and not 25? It would be helpful so they can come back and give the Board something that is a true response. He hears that Mr. Reiche is not comfortable with it but it would be nice to hear some things they could work on. Mr. Reiche stated he is not comfortable with the scale of it. Just because it is a big lot doesn't mean it has to be a giant building. It dwarfs anything up in this end of Main Street once you get up on this rise. In going through the Design Review Ordinance, there are a bunch of findings that he is confident that this building does not conform to.

Mr. Dube noted they read the ten criteria but the Board should recognize that someone cannot purchase the lot and develop the site unless you have enough units. While some people might prefer 12 units and a smaller building, but that would kill the project. That is something for Paul to answer. Their job is to answer are they meeting what Freeport's ordinance is asking them to meet relative to the ten criteria? Chair Blanchard added that the ten criteria are found in Section 8.C that is within the Design Review Ordinance and they are listed there. That first paragraph is extremely important in understanding how to apply those ten. He read the paragraph in the public record. It is telling you right away that the first place to look are the adjacent or nearby A or B buildings. That is where the design inspiration should come from. He agrees with Mr. Reiche that this is extremely contemporary looking and when he sees where it is located, he has a hard time understanding which nearby or adjacent A or B buildings to this lot were you looking at to come up with this? He does not hate this. He thinks it is an interesting design but he is not sure it is appropriate for that corner at that location of Freeport. When you look at these ten, the first place to look is how do we understand what the ordinance is saying with regard to these ten?

Mr. Dube noted they can take that into account and Paul will ask for comments that he can guide you quickly through. When their team read it, they did read on a national level that when you are dealing with historic districts, it is highly discouraged to mimic antique buildings so it is a careful line. They can mimic an antique building or get that Christmas Tree Shop effect or they can look to say the building next door has vertical windows so let's not do ribbon windows across the whole facade that are horizontal in nature so let's go vertical. The adjacent buildings' overall façade has vertical pieces like the one in the upper left so let's make sure we orient it in a portrait way instead of a landscape way because they could go overall landscape. It is the big news of vertical versus horizontal. A typical Main Street building is 35-40 feet wide, not 200 feet wide so let's break it up into those and start to develop a rhythm there. No Main Street buildings have a big long cornice that just runs for 200 feet so they will make sure that breaks up. At the end of the day, financial viability of a project does depend on scale. There is no way around it so they do have to deal with that scale problem but it is their job as architects to figure out that they are building a big building, how do they make it compatible? While he is not a lawyer, he feels compatible is a fairly subjective term when you are referring to those first pieces. For him, compatibility recognizes the antique by giving it something that the antique can be recognized as antique and contemporary can be recognized as contemporary. If the two mix, to him they are not compatible. It has created a confused discourse on what is compatible. He mentioned that he thinks the group that wrote this ordinance, their intention was taken from the National Park Service.

Mr. Monteleone pointed out that recognizing that compatible might be discretionary, there are a couple of ideas that might open up that door is for one, triangulated roof structures that are not consistent all the way through but might offer up some space gaps between what might appear as separate structures as opposed to what we currently have which is a flat line roof that is all the same. When you look at all the other buildings on Main Street, what is consistent all across the board is the window shape and that contrast nature of the window framing. Comparing that to the very modern window shapes and dark framing, it is a relatively simple place where you are not faking the style as much as adding an aspect of blend. There are some modern features that bring in classic features such as roof shapes and such as window shapes. As was phrased earlier, this is the beginning of downtown Freeport. The corner section they have at the

Main Street and West, (he pointed out the corner) and advised that it looks like a building's back rear corner and this needs to be a centerpiece of the building. If the long-term plan is that this corner becomes a Town Square, town squares are built on prominent corners. That is the centerpiece and that is not we are seeing here. Mr. Dube felt that was great feedback, certainly the comments about window trim around windows. They can add additional trim around windows. It is easy to do. He will mention that when you are talking about triangulated roof forms, there is a gable and that has to do with the building that is underneath it. To put those on a building of this shape and size, it would be pretty problematic geometrically and it will become a much bigger, taller and more imposing building but it is good feedback because they need to know where the Board is at. They have to deal with the comments. One thing for the Board's consideration, he has learned that when it comes to urban planning, if it is a background building, that corner has three apartments in it. They are not foreground civic spaces. They are people's apartments so when you hold a corner over a big foreground building next to a town square, traditionally that is a church, city hall, school building or what used to be Mason buildings and that kind of thing. Apartment buildings do not make a huge statement. They let the Fire Station or a park make a huge statement. This is somebody's house. Mr. Monteleone felt that Mr. Dube misunderstood what he was saying about a big statement. For example, if you look down Main Street to the building that used to be Clark's store, that is something that draws attention to a point and this corner warrants attention being drawn to a point. Mr. Dube agreed that it is a beautiful background building.

Mr. Yankee noted that visually what he is seeing is a lot of concrete, he is seeing the walkways and the ramp going up. He is seeing a lot of metal industrial railing. He is seeing the four walkways off of Main Street and is not seeing something that is consistent with the rest of downtown going back to the old Library. He doesn't think the face needs to be brought up here. He mentioned that coming up from West Street, you will be looking at four stories. Ms. Pelletier clarified that there is a three-story limit up to 45 feet but there is a possibility based on interpretation of stories, and the basement being finished or unfinished, that back corner could have to come down some. She wanted this in the record because they can't go over three stories but they need to meet the definition. This is conceptual and they are still working through that. Mr. Yankee asked if there is an apartment unit in the downstairs, would it be four stories? Ms. Pelletier advised that if they had an unfinished basement, we would need to get clarification on so that could fluctuate but she wanted to get that out there. Mr. Dube advised that they have been working on the drive up West Street and the way the building addresses the grade change. It needs more work.

Ms. Berger went back to the West Street side and the part that is abutting this building and asked if they will have to remove the existing ledge and if it would be done by blasting? Mr. Dube advised that it would most likely be blasted and they would work within the Town's Blasting Ordinance. Ms. Berger mentioned blasting on the eastern side and if it would disturb the flow from the wetland? Mr. Dube noted that is still at the outset.

Mr. Donahue advised that he is more sympathetic to the design than others on the Board have expressed so far. It is a different paradigm that what we are used to for density when it comes to residential accommodations in town. Pulling together in terms of scale, proportion and modulation he thinks it is doing all those things. Can it be improved? Yes, but it is up to Caleb to work on that with Eric. He thinks the corner needs to be well crafted but it doesn't need to be emphatic. A long time ago this site was talked about as the gateway to Freeport so it still kind of needs to do that because it is the first thing after the 35 mph traffic zones and you come to the light and slow down and proceed at a slower speed through town. It has a nice livability to it and is different from anything else we have ever seen in Freeport. He mentioned the Oak Terrace development tucked in the back on South Street and that it does not have the level of articulation that this design has. The articulation is better than a monolithic façade. Trying to build up the roof line to give it an aesthetic that has to do with a different era would be more problematic than anything else. This is a good start but maybe one way to try to address the question is to play with the third story and play with some setbacks here and there that have to do with the scale and overall height and reduce its impact in that sense.

Ms. Berger keeps thinking about the statement that this is the vision of a town square. She was involved with the Town's Visioning Committee, and to her the Town Square was having something here that was open greenery but she knows it is not something the Board can ask for. They have a building but her thought is could you possibly have a square corner at Main and West, can you cut it in so that you may lose one or two apartments, but it is your decision, could you cut it

in so that there is an inset area where there could be a green area with some benches? Mr. Dube replied yes, it is a fascinating comment. They would love to do the most beautiful building and bring materials together. He would love to build it with stone and brick but it is not going to happen. He would love to build it of real wood and craft it all right here with all of their shipbuilders like they do some of the fine homes they built. The economics of that are not going to happen. He found it an interesting point; can they invert that corner? When he was studying, you hold a corner. That is what you do to really hold the street wall, you build out the corner and establish the street walls. You get good street trees in front of it. With all of that said, he is hearing a lot of commentary about that entry. As he looks at it, it is well taken. They can reconsider that primary corner where they are entering the building because it takes a lot of visual thrust as you are driving north on Main Street. Maybe if they really consider the scale of that visual importance, perhaps they do have a different solution than just filling it out with building. He feels it is a great comment. A concern they have is when they got away from building Main Streets and started building strips, all the buildings moved to the back and all the cars moved to the front and nobody likes that anymore. Those are the strip malls that all the towns are trying to get rid of and some of it exists farther south from this point and are trying to go back to a walkable, not car-based Main Street. What they got from the master plan is put the parking behind an L-shaped building so we don't have what we have to the south of here which is seas of parking lot instead of beautiful buildings but could you carve out that corner and make something that is more visually appealing? They could but they don't want to open it up to the cars because that is not what they are looking to achieve with a master plan they are looking at. It is a good comment and leads us down to on that corner, a lot of thought because we are all going to live with that corner for a long time. Jason said something that rather than a flamboyant expression on the corner, doing a nuanced careful architectural expression on the corner. He feels that is exactly right. James and Linda are saying be really careful on that corner. He believes all those points are well taken and they can work hard on the corner and how it addresses a northbound car and pedestrian.

Mr. Yankee noted he is supportive of bringing in units to downtown and did not want the applicants to leave without knowing that. Mr. Dube mentioned that the project has to have as many units as possible. The viability of the project falls off fast if they don't get a lot of units there. Mr. Reiche did not want his feeling on this to get lost. He explained that Chair Blanchard read the introductory language and the first of the ten is about scale. If you read it, we have to view your project within the definition of scale as it is in the Design Review Ordinance. Mr. Dube hopes there is enough objective language in there that will give them tools to fix it without making the project un- financially viable. They learned that it is a tight site. In order to get enough units to make the proforma work so that it can go forward and get enough parking, they would need to fill up the site. That is a challenge but they have to balance that. As the Board is talking about scale, he does not think the Board is saying units. You are saying building. Mr. Reiche read the language into the public record. Mr. Dube noted they will struggle with it and asked how they can get the Board say yes to scale while keeping it at a large enough scale to make the project work? They will figure it out. Chair Blanchard pointed out that it is not the Board's responsibility to design the project. The Board relies on the applicant to do that. They can take the comments they received today. Often the Board finds with larger projects that come before us just some tweaks, some edits really make a huge difference. It can be materials, we talked about that articulated exterior, maybe shifting it differently. It just changes the way it presents on the street while still keeping the rhythm of the buildings you see as you go down Main Street. Those kinds of subtle changes may make a big difference.

Chair Blanchard opened the meeting up to the public. Shannon Garrity of 25 West Street encouraged the Board's review to also realize that this is part of West Street and not just Main Street. This is a huge change from her house. She thanked Ms. Berger for bringing up the blasting because it is a big deal for her house and she is curious about what that means. She wanted to focus on the traffic. The concern is that tourists do not know where to turn when they come into town. She drives that area multiple times a day. If you have people turning right off of Main Street on to West Street and stopping to try to turn into this spot and buses in the spot across from the Fire Station, there is going to be accidents. She is sorry if she had any input with the town Engineer about that entrance. She does not remember seeing that but cannot believe it was approved because the traffic in that area is dangerous. She is happy that the Board took into consideration that it is one way and there would only be traffic going in but all the answers were about people going northbound and did not take into consideration when the train is down and crossing. That is a personal issue for her because she worked for years with the town to get the Quiet Zone. The more traffic we have and if we start to have accidents because people don't pay attention to that crossing, that dramatically affects her life and everybody along

Main Street. It would probably affect the value of the apartments because we would have noise six times a day including at one and four in the morning when those whistles get blown. She appreciates the Board's comments that it is big and urged the Board to think about the size of the houses down on West Street because a lot of them are the old Mallett buildings and her small ranch. She also has a lot of concern about the traffic turning in there and the accidents that will happen. Perhaps there is mitigation around directions for tourists of where they need to turn. She feels it is not safe right now to have that there. She noted she is unsure of the property line and asked if Town employees park in a spot she pointed to? The answer was yes.

Peter Anzuini from South Freeport explained that it is a struggle getting apartments and reading the return-on-investment components on any project. He believes that as a member of town, he totally agrees with your idea about scale. Putting a 200-foot building in that lot he feels is too big for that lot. When he drives down to Portland, he sees the university's dorm rooms in exactly the same style the applicants are trying to do. He feels it is a frightening look. He thinks balconies on Main Street would add value to the apartments or condos, however, if you drive down Route One to Yarmouth, you will see there are a couple of apartment houses on the left and there are all kinds of things that go on those balconies so he is not sure over time you wouldn't get some things that you would have to manage.

Kristen Center explained that she and her husband raised their children on Kendall Lane. They moved to 21 West Street four years ago and love being on that street because it is tucked in there. It feels residential, quiet, happy and quaint but within ten seconds they can be on the highway. They realize that the quaintness will be completely gone if something of this size, especially if the other building with 67 units goes in on Depot Street. She is trying to express to everyone their need to keep it as quaint as possible. Her worry is the traffic and the number of cars that go along with that number of units. She does not agree with the façade and the way it presents commercially and industrially. She agrees that that is subjective. She agrees that it looks like four stories on the back as you come up West Street to Main Street. She is uncomfortable with how it looks from all three corners.

Eric Smith, Director of the Freeport Historical Society appreciates Chair Blanchard's reference to the opening of the ordinance and focusing on the Class A and B buildings and certainly Mr. Reiche's view that this is the gateway to Freeport. He has heard about holding the street wall which he understands but this entire intersection is really the beginning of the Freeport Village. As the town has spent so much time working on what the vision for the downtown should be, this really is a premier spot that ought to be a transition, not necessarily architecturally, into what the downtown is. He mentioned that this building begins the downtown Freeport Historic District so this building is not just the entrance to the downtown. It is also right on the border with the Historic District. The one thing he would emphasize about the intent of the Design Review Ordinance is and its constant reference back to those original historic buildings within the downtown or specifically adjacent to the site isn't about making this look like someplace else. It isn't about it referencing other important things or other town plans. It is really supposed to look like it was inspired by Freeport and is authentically Freeport even if it is a brand new somewhat modern Class C Building. He appreciates the architectural concerns around not trying to mimic something that is historic and make it look historic but in terms of the texture, the scale, materials and what the images it is presenting really ought to be inspired by what the surroundings are. You should be able to see that in the visual cues. He appreciated that the applicants included all the historic downtown buildings in the photos in the presentation but the comment that there isn't a building with a 200-foot-long cornice on Main Street is incorrect. It is the Davis lot and it holds the corner of the existing Town Square. It is an example of how in Freeport you hold the corner and the corner is in fact the emphasis. That is where the entrance is and traditionally and historically it was an apartment building or a hotel. It has been both housing and residential. There are details there not to be mimicked but could be inspirational on how you hold this corner as the gateway to Freeport.

Mary Davis, President of the Freeport Economic Development Corporation wanted to thank Paul and his team. We are at an interesting precipice in Freeport where everyone told us in the Downtown Visioning that they want more housing downtown. As a Town and a Board, we are trying to find a balance of the two and she appreciates all the comments here and the team's work. Somehow coming together to do this, is what is going to make Freeport a really viable town. She knows it is hard work. It is messy work but it is the right work for us to be doing because we want more people living downtown like they were for many years.

Chair Blanchard noted that in the Board's packet of materials, we did have a proposed motion with regard to conceptual review for subdivision and we can move on that tonight. We can also discuss a potential site walk if the Board feels it is necessary.

Mr. Yankee feels the Board needs to do a site walk but is not sure when. It might be more valuable after we get more information. The site walk can help with Design Review. We might get an idea by walking out there of the scale so he feels a site walk would be helpful but is not sure when the right time would be. Chair Blanchard feels it should be sooner rather than later in the process similar to the way we are treating the 67-unit building.

Mr. Monteleone feels a site walk would be helpful although he would not say that a site walk would be a prerequisite to moving forward on the preliminary stage. Ms. Berger feels that site walks are an imperative for this type of plan and this building and what we might see on the site walk really can direct us in what we think for the concept and the site location because there may be things that could be pointed out as we are on site that would make us look at the design and location in a different way that might make it easier to say, this could be moved here if you had markers where you are right now. Maybe there is a 10 or 20-foot setback in an area. Before she would like to approve a concept, she would like to see that we are going through every alternative from a conceptual plan before moving forward. Mr. Donahue echoed what Ms. Berger just said.

Chair Blanchard noted he is hearing that a site walk is preferred by the Board prior to approving the conceptual plan under Subdivision. Ms. Pelletier clarified that tonight we have the three reviews. With Site Plan you don't take conceptual preliminary action. You work with the applicant through the process till the end. The same for Design Review. For Subdivision, because of the number of units it is a major subdivision so they present a conceptual plan. The Ordinance says the purpose of a conceptual phase is for the Board to determine if the appropriate areas of the lot are shown for development and open space. In this case, you don't have open space required so if you took action on the concept, it is just that conceptual Subdivision piece. As we talked at the last meeting, that building generally based on the information presented is in the right location. It might shift if they do indents or vice versa but you know that it probably will be where it is shown today. It's not to say that can't change. They might backtrack and come back but that is the only thing the motion before you is doing tonight. The next steps for Subdivision would be preliminary and that is when they start to do some of the engineering. Typically for Subdivision, they don't get into the engineering until they know the building is in the right approximate place because they are not going to want to start designing stormwater if there could still be significant fluctuation in the overall layout.

Mr. Monteleone added that given the amount of focus on Design Review, it might be prudent to circle back on a discussion on Design Review before the much more cost intensive developments as to the Site Plan Engineering Review because he perceives that is not as controversial or a matter of concern that this Board is concerned with as much as this Board is concerned with design issues. He would move that we provide the preliminary status and ask that we have a return conversation on design before we get into the next steps of the Site Plan and Subdivision Plan. Chair Blanchard agreed but feels the Board has enough information tonight to be able to move on the motion that is before us and after that point having a site walk, we can think more about site plan on that site walk and we can think about Design Review a bit more on the site walk as well. He thinks it would be prudent if the applicant came back if they were potentially changing the exterior for more feedback before advancing the design too far. He feels that is a good idea based on the feedback he has heard today. He is not sure that is something that is necessarily required. Ms. Pelletier added that it is up to them to make a decision that works. The way the weeks fall, they do have another week they could work on getting revised material if they wanted to bring something back and just come back next month or at another meeting. They could do that. She thinks a site walk will be beneficial and suggested that the Board circle the site because there are grade changes you don't realize. It is actually a little higher than Town Hall and seeing the connections and all the corners we talked about. She is sure it could be beneficial for the Board. If the Board took action on the concept and if they want to go ahead and start the engineering and work on the preliminary, that is really up to them. If something changes, it might change their stormwater design. It is up to them.

The Board suggested scheduling the site walk the evening of the next meeting which is August 17 at 5:15 p.m.

MOVED AND SECONDED: That the Project Review Board determines that based upon the information submitted by the applicant, submission dated 06/27/2022, that the review of the Site Inventory Map, site Analysis and Conceptual Plan for LWS, LLC for a proposed residential subdivision (Tax Map 11, Lot 132) is considered complete as the Board finds that the appropriate areas have been determined for development and no open space is required. Subject to supplemental design. (Monteleone & Yankee)

Mr. Monteleone explained that the purpose of the supplement is to make clear before we invest people in this project, we let's make sure we are all on the same page about design. Right now, he feels we are not but we could be.

Mr. Reiche noted that this is usually the easiest step in our approval process. It is usually viewed as everything is here. We will figure out so much in subsequent meetings. He is concerned that embedded in this approval there is also something we usually take for granted that the development is appropriate for the site and the open space allocated is appropriate for the site. All his concerns and of others is the scale. He thinks we need to reach this finding affirmatively to vote for this. He read criteria into the public record and explained that he does not want to vote in the affirmative and have us in a position that we cross that bridge. He is not across that bridge. Mr. Yankee agreed with him. Mr. Monteleone added that we are moving for approval at this stage is general site location, the lack of issues with open space and the general number of units. We have the scaling issue for this project and how those units are incorporated into it and whether it appears large or small. In terms of the fundamental question of the number of units, we don't have an issue with the public utilities here. We don't have a problem with the number of units, we have a problem with the manner in which they are placed. Mr. Reiche feels that is the essence of the motion but we will vote on it.

Ms. Pelletier explained that open space subdivisions are not required in the downtown so there is not an open space requirement. They calculate the net residential acreage, they have to show the wetlands, there are no steep slopes, no flood plains and no water bodies. They go through the four-step design process but they don't have to set any open space aside. Zoning would allow that they could cover 90% of the lot. The issue of the scale of the building is a 100% Design Review issue. Based upon what they gave you for the land analysis, do you think they are putting it in the right place? They have the net residential acreage and there is no land per dwelling but do you feel like they should show wetlands or some other feature of the site?

Mr. Reiche noted that he understands that our Subdivision Ordinance does not lend itself perfectly to applications like this. Mr. Yankee withdrew his second and suggested that we table this and do a site walk. Chair Blanchard added that he has no problem with the areas shown for development on the plan. It is a small-ish lot and they are not going to orient the building any differently. As part of this design process, they might open something up here or shift something but in concept, he feels it is fine and he would be comfortable with the motion.

MOVED AND SECONDED: To table the application. (Yankee & Berger). **ROLL CALL VOTE:** (4 Yes) (2 No-Monteleone & Donahue) (1 Excused-Hamlin)

Ms. Pelletier explained the process that can take place.

Regier Property – Stream Crossings

The applicant is seeking approval of a Shoreland Zone Permit to replace two existing stream crossings on their residential property on South Street. Since the area of the stream crossings are in Stream Protection and changes in the design of the existing structures are proposed, review of the project is required by the Project Review Board. Zoning Districts: Rural Residential I, Rural Residential II, Stream Protection and Shoreland Area. Tax Assessor Map 20, Lot 95 (56 South Street). Rod Regier, applicant and owner.

Ms. Pelletier explained that this is something the Board has not seen before. Most of what you do is Site Plan Review but every once in a while, you see something different. We have some areas in Freeport but not many, that are stream

protection that is a Shoreland Zoning regulation. Certain types of structures in the stream protection require review and approval from the Project Review Board. In her 20 years this is the first time the Project Review Board has done anything in stream protection. They are not here for a standard Site Plan Review. They are here for a Shoreland Zoning permit. We recently updated the Shoreland Zoning Ordinance and took it out of the Zoning Ordinance. It now stands alone. We also did some updates to the Coastal Waters Ordinance because we had to make sure both documents were consistent with State Shoreland Zoning minimum requirements. She pointed out that the Board has to look at this application based upon the standards in Article XIII.8.a of the Coastal Waters Ordinance so you have findings based on that. A lot of them actually pertain to piers, docks and wharves and other structures. The Board will see that he is not going to have to put a dock number on the structure because it doesn't fall on that. After you do that, it does cross reference you back to Section 404 which is the Shoreland Zoning Ordinance administration of permits. When you look through this, you might have noticed that some of these standards sound familiar. In Section 602 Site Plan Review, you have that very last standard of environmental considerations. Those nine or so standards are actually shoreland standards. We just apply them to every project. This is the current version that those nine standards were updated so these are those nine standards that were broken down due to the uniqueness of this project, it goes into more detail than normal. We talked about this with the recent project down there. We have an urban impaired stream and part of it is on this applicant's residential property. There are two stream crossings with significant erosion issues in the watershed of the urban impaired stream so the applicant is taking on this project to replace those two crossings in a different shape and format to improve the conditions in the watershed. One of them is going to be a rock ford and one of them is going to be a bridge. They have been working with the Town, the DEP and the Army Corps of Engineers. DEP came back yesterday that these are replacements and they won't need permitting from them. There is still a process with the Army Corps because there is some work in the stream and the applicant has been working with the Army Corps again independent but she wanted to mention it to the Board. Rod is the landowner and has been working with the USDA Natural Resources Conservation. They helped him do the plans for the two crossings. He can walk the Board through the details.

Rod Regier explained that he owns property on South Street and pointed out his property on a plan to the Board. He asked that the Board add two overlays to this plan. One is a stream overlay that he pointed out. He also pointed out two overlays showing Allen's Pond, the boat yard and the pumping station for the Sewer District. His property continues through the dip in Varney Road as it headwaters over to Pine Street. There are several tributaries for Concord Gully Brook and one is behind his field going underneath West Street. One tributary goes up more or less where we are right now and picks up the drainage area across Route One. The other tributary goes up Old Concord Road and into Bean's property. To that overlay he asked the Board to add a second overlay which is the Sewer District because there is a sewer main going from Route One more or less along the stream down to the pumping station at the bottom of Allen's Pond that was built between '75 and '76 and there is a more recent addition to the sewer line following a tributary he pointed out that was built in '89 to pick up the hotels down at Desert Road. The issue is the confluence between the streams and the Sewer District. There are 4 places on his property where streams cross over buried sewer pipe. He was going to talk about two of them tonight but he may be back to talk about a third one. He is downstream of what the Board just talked about and if you add two for the last 40 years of development uptown of impervious area, this is what happens. He pointed to a crossing going up towards Bean's, this sewer line was made in '75-'76. There were a couple of culverts put in and at one point somewhere along the way, with the increased impervious surface in town those culverts were bypassed and there is a new stream channel. You can see where maybe 20 years ago the Sewer District to protect the line underneath, the culverts were bypassed and the channel was cutting in deeper and deeper in the sewer pipe and the Sewer District dropped some rock cobble here and more recently the stream is cutting more new channels besides the rock cobble. It is active erosion around two long ago bypassed culverts. This issue with the culverts having been bypassed, he is one hurricane away from the same thing happening with a crossing (he pointed to) for his house. This is the tributary going under West Street where there is a single one-liter diameter culvert. You can see the ends of the culvert are washing away and the culvert has been plugged before in heavy storms. The stream overflows and begins washing out material and they are one storm away from this culvert being up in the air like the other culverts were.

Mr. Regier needs to be able to cross this in order to have access to most of his property. He worked with the Natural Resources Conservation Service which is a division of the USDA and has been able to not only get design guidance but also get a cost share so he is not having to bear the whole cost of this. He noted there is a perfectly selfish motive just to

get to his property. There is also a huge public benefit. One is conceptual in regard to a change on how stormwater flows. There is a different attitude towards culverts now. There is an effort around the State to remove culverts and have some kind of a natural stream bed so aquatic organisms can actually pass up them which they can't in a culvert. Both of the projects would create natural bottoms or streambeds. Both sites right now have active erosion and it ends up in the Harraseeket so that is why the RCS was willing to put federal money to try to make these fixes to stop the erosion and stabilize the crossings. His hope is to replace two crossings which have either bypassed or rotting culverts. One crossing will have a bridge built with a 17 ½ foot opening and the other crossing will be a rock ford. It won't be used very much but he needs to get a tractor across to mow the sewer right-of-way and it also gives the Sewer District the ability to get machinery there if they need to in an emergency. Right now, if the sewer main should have some sort of catastrophe, they would not be able to get to it without a helicopter or heavy equipment with the ability to move stuff. He pointed out where the rock ford would be built and where the bridge would be built. He is aware that the Board has in your submissions the plans from RCS for all this. Everything has gone to the Maine Department of Environmental Protection. It has not been easy to work with the Maine DEP because in January he had a note saying because these are existing crossings, it's okay. No permitting is required. Three weeks ago, he got a note saying permits may be required and that starts a whole chain of costs and delays. Delays are essentially fatal because RCS rules require that in-stream work has to be done during low-flow tides, July 15 to September 30. He could not do the work outside those windows. Yesterday he got a note from the Maine DEP saying a permit is not required, go ahead. The other regulatory body he is working with is the U.S. Army Corps of Engineers and they have their own schedule that has to do with a 30-day notification period for the five Maine tribes as well as the Maine Historic Commission. That is in the works and is nearing the end of the notification period and he doesn't have an approval from the Army Corps in writing. He can only say that his conversations with their staffer who is most familiar with Freeport, he has every reason to believe that this will go forward. This evening, he is hoping for approval from the Board for this to go forward with Freeport's standards.

There were no questions or comments for Mr. Regier. The Board felt the presentation was well thought out. There were no members of the public wishing to speak on this application.

Proposed Findings of Fact

Article XIII.8.a of the Town of Freeport Coastal Waters Ordinance – Approval Standards

- a. Standards. The following standards are applicable to all projects.
 - i. The project shall be no larger in dimension than is necessary to carry on the activity and is consistent with the conditions, uses and character of the surrounding area; and it shall not adversely affect water use by adjacent properties.

The proposed bridge crossing and rock ford will replace two existing crossings and have been designed to effectively allow for the passage of water while protecting the resource. The project should improve the conditions in Concord Gully Brook including the conditions on the adjacent downstream properties. The Board finds that this standard has been met.

- ii. The total length of a project from the highest annual tide line shall not exceed one hundred twenty-five (125) feet, and no part of the project (e.g., walkway, dock, wharf, platform, ramp or float) may extend more than one-fourth of the way across the width of a water body or wetland, as measured by the total straight line distance from the highest annual tide of the shoreline on which the project would be placed to the highest annual tide mark of an opposing shoreline.

This project will be located in non-tidal waters. The Board finds that this standard has been met.

- iii. The property for which the project will be constructed shall have a minimum of sixty (60) feet of shore frontage. No more than one pier, dock, wharf, float or similar structure extending or located below the normal high water line of a water body or within a wetland is allowed on a single lot.
The crossings are replacing existing crossings, but with a new design. The Board finds that this standard has been met.

- iv. For projects in non-tidal areas, all portions of a non-residential project shall not be wider than six (6) feet.

This project is on a residential property. The Board finds that this standard has been met.

- v. New permanent projects on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Codes Enforcement Officer and/or the Project Review Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

This project does not pertain to a pier or dock. The Board finds that this standard has been met.

- vi. Construction of the project must be completed within two (2) years of final approval.

The applicant is aware that they have two years from final approval to complete the project. The Board finds that this standard has been met.

- vii. The project must not unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, and navigation) in, on, or over the submerged lands; unreasonably interfere with fishing or other existing marine uses of the area; unreasonably interfere with existing developed or natural beach areas; unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and unreasonably interfere with ingress and egress of riparian owners. No project located on a river, stream, or brook shall obstruct public access to navigable portions of such water body upstream or downstream of the project. The project may require accommodations such as steps or pier elevations allowing passage over or beneath the structure.

This project is on private property and will not impact public access ways to submerged lands; will be designed to meet and State and/or Federal requirements for fish passages; will not impact beach areas or marine activities; and, will not impact navigable waters. The Board finds that this standard has been met.

- viii. The project will not pose hazard to navigational channels, nor pose a hazard to navigation by obscuring visibility or by the display of distracting lights or reflective material. If appropriate the project will display appropriate warning lights to aid in navigation and public safety at the discretion of the Harbor Master, the US Coast Guard, or the Army Corps of Engineers.

This project is not located within a navigational channel. The Board finds that this standard has been met.

- ix. The project will not encroach into, interfere with, or pose a hazard to: municipal or federal navigational channels; existing mooring or berthing areas (commercial and recreational); public access, public rights of way, public and private launching ramps in any Freeport Coastal Waters.

This project is not located within a navigational channel or mooring areas and will be located on private property. The Board finds that this standard has been met.

- x. The project will be developed on soils appropriate for such use and construction so as to control erosion.

Plans for the crossings were developed by the USDA – NRCS (United States Department of Agriculture – Natural Resources Conservation Service). The plans include methods for erosion and sedimentation control. The new crossings are designed to improve the existing conditions of the brook which has significant erosion. The Board finds that this standard has been met.

- xi. The project will not cause water quality or other coastal resources to be degraded including developed or natural beach areas, marshes, grasses and wildlife habitats.

There are no coastal resources such as beach areas or marshes associated with this project. The project is not expected to negatively impact any wildlife habitats. The Board finds that this standard has been met.

- xii. The project shall be located so as to minimize adverse effects on fisheries, and shall not significantly impact fisheries or shellfish harvesting. Prior to approval applications may be reviewed by the Shellfish Commission.

The proposed crossings may require a level of review and permitting from both the Maine Department of Environmental Protection and the Army Corps of Engineers. The applicant is aware of this and has been in contact with both agencies. If such reviews are required, part of the review will pertain to the impacts on fisheries. The project will not have any impacts on shellfish harvesting. The Board finds that this standard has been met.

- xiii. Registration and Identification will be required on all ramps and floats.

This project does not include a ramp or float. The Board finds that this standard has been met.

- xiv. No new structure shall be built on, over or abutting a float, pier, wharf, dock or other portion of the project unless the structure requires direct access to the water body or wetland as an operational necessity. No existing structure built on, over or abutting a float, pier, wharf, dock or other portion of a project shall be converted to a dwelling unit - residential.

This project is limited to two stream crossings and nothing will be built on, over or abutting a float, pier, wharf, or dock. The Board finds that this standard has been met.

- xv. Structures built on, over or abutting a project, or other structure extending beyond the normal high-water line of a water body or wetland shall not exceed twenty (20) feet in height above the project or other structure.

This project is limited to two stream crossings and nothing will be built on, over or abutting an existing structure. The Board finds that this standard has been met.

Proposed Findings of Fact

Section 404 of the Town of Freeport Shoreland Zoning Ordinance – Administering Permits

The Project Review Board, the Coastal Waters Commission, or the Codes Enforcement Officer shall approve an application for a permit, only upon finding that the use, activity or structure complies with all requirements of this Ordinance and that it meets the following criteria:

1. Will maintain safe and healthful conditions;

The two replacement stream crossings will improve the conditions in the Concord Gully Brook and will not create unsafe conditions. The Board finds that this standard has been met.

2. Will not result in water pollution, erosion, or sedimentation to surface waters;

Erosion and sedimentation control plans have been included in the submission and will include the use of hay bales, filter fabric and silt fence. The Board finds that this standard has been met.

3. Will adequately provide for the disposal of all wastewater;

No wastewater will be created from this project. The Board finds that this standard has been met.

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

The proposed crossings may require a level of review and permitting from both the Maine Department of Environmental Protection and the Army Corps of Engineers. The applicant is aware of this and has been in contact with both agencies. If such reviews are required, part of the review will pertain to the impacts on fisheries. The project is not expected to have adverse impacts on spawning grounds, fish, aquatic or other wildlife. The Board finds that this standard has been met.

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

Vegetation removal will be limited to what is required for the installation of the crossings. An existing roadway will be maintained. Public points of access to inland and coastal waters will not be impacted. The Board finds that this standard has been met.

6. Will protect archaeological and historic resources as designated in the comprehensive plan;

No known archaeological and historic resources are known to be on the site.

7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;

The parcel is not located within the Marine Waterfront District. The Board finds that this standard has been met.

8. Will avoid problems associated with floodplain development and use; and

Portion of the project area is in a flood plain and the project will be reviewed by the Codes Enforcement Officer as a Flood Permit from the Codes Enforcement Officer will be required.

9. Is in conformance with the provisions of Section 306, Land Use Standards.

The lot is existing and no changes to the lot are proposed that would impact the minimum lot standards. This project will include stream crossings and not the creation of any other new principal and/or accessory structures that are not water dependent. This project does not include campgrounds, individual private campsites, parking areas, no new roads and driveways, signs, septic systems, essential services, mineral exploration, agriculture, an independent shoreline stabilization project, and/or the removal of hazard or dead trees. The proposed project will improve conditions in Concord Gully Brook by minimizing existing erosion issues in the Urban Impaired Watershed. An erosion control

plan has been included with the submission and been designed considering the proposed improvements and natural features of the site. There are no known archaeological resources on the site. Limited clearing is proposed and will be limited to what is required to complete the project. Plans for vegetation clearing and revegetation will be reviewed by the Codes Enforcement Officer at such time that a permit is issued for the project and will need to comply with the standards of Section 306 of the Town of Freeport Shoreland Zoning Ordinance. The Board finds that this standard has been met.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Rod Regier, for two stream crossings at his residential property at 56 South Street (Tax Assessor Map 20, Lot 95), to be built substantially as proposed in a submission dated 07/09/2022, finding that it meets the standards of Article XIII.8.a of the Town of Freeport Coastal Waters Ordinance and meets the standards of Section 404 of the Town of Freeport Shoreland Zoning Ordinance, with the following conditions of approval:

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

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

Ms. Pelletier asked if there are any conflicts on August 17th? Ms. Berger advised that she would not be available. Ms. Pelletier expects some stuff to come in so the Board should plan on a meeting.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 8:09 p.m. (Reiche & Monteleone)

ROLL CALL VOTE: (6 Yes) (1 Excused-Hamlen) (0 No)

Recorded by Sharon Coffin