

**MINUTES  
FREEPORT PROJECT REVIEW BOARD  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
WEDNESDAY, AUGUST 17, 2022  
6 P.M.**

***NOTE: the site walk for the Freeport Crossing Multi-Family Residential project at 22 Main Street was postponed at the request of the applicant (it was originally scheduled to be held prior to the start of this meeting).***

**Attending:** Guy Blanchard, Chair, Jason Donahue, Lynn Hamlen, James Monteleone, Tod Yankee and Caroline Pelletier, Town Planner

**Excused:** Linda Berger and Ford Reiche

Chair Blanchard called the meeting to order at 6:01 p.m.

**ITEM I: Information Exchange**

1) Update on Staff Approvals

Ms. Pelletier advised that they are put in the digital packet now. There were three staff approvals done in the past month. There was replacement signage for a new tenant, Soccer Post going in down near Shaw's in the Freeport Crossing Plaza. They were just new sign faces. She did a leach field relocation for a lot in West Cove Subdivision. That subdivision was approved by the Board many years ago. They had a hydrogeologic assessment so in order to move any septic, they have to get the hydrogeologic assessment updated for the lot and we had to review it and set up on that. The third thing she did was some seasonal temporary outdoor seating for Sunrise Café. They installed some seating and came in to get a permit under the new ordinance provisions. It will have to go away by the end of October. They are also doing some parking lot restriping to bring their ADA parking into conformity which is a requirement of our ordinance if you do restriping.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier mentioned that the Planning Board continues to talk about cannabis, site plan review and non-conforming structures. They are taking September off so Staff can have time to finish the Cannabis Ordinance and work on projects behind the scenes.

3) Update on the Downtown Vision Task Force Implementation Group

Ms. Pelletier advised that they have not met but they are scheduled to meet next Thursday so she will have an update for the Board after that meeting.

4) Rescheduling a site walk for the proposed Freeport Crossing Multi-family Residential project at 22 Main Street

Ms. Pelletier mentioned that the applicant is revising plans and asked that it be tabled. She asked if there are enough Board members that could attend a site walk prior to the next meeting at 5 p.m. or 5:30 or if we need to look at an alternative date. Ms. Hamlen advised that she may have to zoom into that meeting so, she wouldn't be able to attend the site walk. Other Board members agreed to commit to the site walk prior to next month's meeting. Chair Blanchard suggested scheduling the site walk at 5:15 p.m. on September 21 at 22 Main Street. Ms. Pelletier noted that the application will most likely be on the agenda that evening so the Board will have revised plans to look at the site but any substantial discussion will have to take place in the room not out in the field.

Ms. Pelletier also pointed out that the Board got three letters. One letter came in regarding the Regier stream crossing application and two letters regarding the Station Apartments and also an engineering memo from the Town Engineer. Those all got sent to you via e-mail today and yesterday. Paper copies are in front of you and there are copies over there on the table.

**ITEM II:** Review of the minutes from the July 20, 2022 Project Review Board meeting.

**MOVED AND SECONDED:** To accept the minutes as read and written. (Yankee & Monteleone) **VOTE:** (4 Yes) (1 Abstention-Hamlen) (2 Excused-Berger & Reiche) (0 No)

**ITEM III:** Reviews

**The Bakeshop – Exterior Alterations**

The applicant is seeking approval of a Design Review Certificate for exterior building alterations and replacement signage. Building alterations include new and/or replacement awnings, replacement decking, new railings and a winter vestibule. Zoning District: Village Commercial I (VC-I), Design Review District One – Class B & Color Overlay District. Tax Assessor Map 11, Lot 84 (123 Main Street). Jennifer Banis, The Bakeshop, applicant; Yilmaz Family LLC, owner; Sara Massey, representative.

Ms. Pelletier pointed out that this is application for a Design Review Certificate at 123 Main Street. There is a tenant going into the space that was formerly occupied by the Azure Café. It is a bake shop so it is not considered a change of use. It is strictly here because of Design Review. We did get some public comments regarding some accessibility features on the site but it is not something that is under the purview of the Board tonight. She shared that information with the property owner. Part One of this is some replacement signage. The applicant is proposing to repair an existing ground sign. It is a non-conforming sign so they can reface it using the existing materials and they plan to repair it. They will add their name on the existing kiosk that identifies the tenants on the site. The other part of the project is repairs to the existing ramp and stairs that go to the entry. The Board can see from the pictures that they have a lot of wood rot so they are proposing to replace it with composite and they are also proposing to extend the existing railing system and replace it with a cable-style guard and will have composite posts and rails. They are also proposing to replace the awnings. There was an awning on this building fairly recently. Going back through the files, there have been various awnings on various places over the years but not where they are proposing today. They have an awning over each door with just plain black canvas and they are proposing some seasonal closures which they did have a version with the last tenant. They would be up seasonally canvas and vinyl, aluminum door frame. One of them has a door facing Main Street and the other has two doors because they have access from the stairs and the ramp. That is a quick snapshot and the applicant is here if the Board has any questions.

The applicant did not have anything to add. He felt Ms. Pelletier summed it up well. Mr. Yankee asked if there are any ADA issues involved? Ms. Pelletier noted they are not proposing any site changes so it is not something the Board would get into. Mr. Monteleone had questions about signage and Ms. Pelletier advised that the ground signs cannot project over the public right-of-way or they can't be in the public right-of-way. In this case, it is hanging over the public right-of-way so they are just taking the base and resurfacing it.

Chair Blanchard opened the meeting up to public comments. Mary Davis, President of FEDC pointed out that they are so happy to see someone in this location. It is such a prime location when you come into Freeport. She said Wahoo! There were no comments provided on line. Chair Blanchard requested a motion.

**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.

*Canopies will be added over two of the existing entrances. No changes to the overall size and scale of the building will be altered. Based upon this information, the Board finds that this standard has been met.*

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

*The height of the building will not increase. 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.

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

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

*The rhythm of solids to voids in the front facades will not be altered. 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 changes to previously approved openings 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.**

*Angled awnings will be added over two of the building entrances. 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 is seeking approval to add/replace awnings over the two entrances to the tenant space. Both awnings will be plain black canvas with no signage on them. In addition to the awnings, the applicant is proposing to repair the existing wood steps and accessible building entrances. The surfaces of these structures will be changed from wood to composite and will most likely be black in color. The existing northern entrance has a section of railing that will be replaced and extended. The railing has a cable style guard and will have composite posts and rails. One of the entrances has a winter vestibule that the applicant is proposing to replace and add a second one at the second entrance. The vestibule will have an aluminum frame, aluminum door and clear vinyl sides. The one on the northern entrance, will have two doors to maintain accessibility to the space. Based upon this information, the Board finds that this standard has been met.*

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

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

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

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

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

*An existing non-conforming wood sign (since the sign projects over the public right-of-way) will*

*be repaired using the existing sign face, and just changing the logo (shown as Design C in the submission) on the existing sign panel. The signs will remain black and white in color and be 42” in width and 24” in height. The sign logo will be as shown as Design Option C in the submission. A small panel (1’x3’) with the business name will be added to the existing kiosk sign. No other signs are proposed. Based upon this information, the Board finds that this standard has been met.*

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

Ms. Hamlen proposed that the motion to approve a Certificate for Design Review be approved as written and read in the Staff Report. (Hamlen & Yankee) **VOTE:** (5 Yes) (2 Excused-Berger & Reiche) (0 No)

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for The Bakeshop, Jennifer Banis, for exterior building alterations and signage at 123 Main Street (Tax Assessor Map 11, Lot 84), to be built substantially as proposed, application dated 07/30/22, finding that it meets the standards of the Freeport Design Review Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Hamlen & Yankee) **VOTE:** (5 Yes) (2 Excused-Berger & Reiche) (0 No)

**Regional School Unit #5 – Amendment to previous Conditions of Approval**

The applicant is seeking approval for amendments to the past conditions of approval for the track and field and the use of a PA system at the track and field complex. The proposed changes include clarifying what is included in the limitations on the use of artificial noise makers and proposed changes to the timing and frequency of athletic events. Information on amended use guidelines will also be presented by the applicant. Zoning District: Village I (V-I). Tax Assessor Map 11, Lot 24 (21 Morse Street). Regional School Unit #5, applicant and owner; Craig Sickels, Athletic Director, representative.

Ms. Pelletier pointed out that back in 2017 the RSU got approval for the track and field complex over on the Morse Street and High School property. When that went through, there was a lot of public involvement and concern about things like lighting, traffic and noise so the original approval was granted with a lot of conditions pertaining to the timing of events, noise makers and lighting. They then came back in 2019 and got approval for a PA system. They previously had not had one. When they came in for that approval, restrictions were changed to allow for a couple more games during playoffs but they still had quite a few restrictions on the use still pertaining to the noise and sound. The RSU is back tonight for an amendment of the most recent past conditions of approval. In the Staff Report you had three things. When they put the PA system in, they had to provide documentation that it complied with the decibel levels of the ordinance. They did do that at the time the RSU was having another study done to verify that was still the case. She has not seen that yet. They had a condition regarding the use of certain noise makers. Cow bells were prohibited but they did not make it into their use guidelines so they are proposing to clarify their use guidelines that they cannot use cow bells. The use guideline is a document is not anything the Board has to approve. It is approved by the RSU but they are making sure the

conditions of approval are in there so the two are related. The third condition they had was timing about play so no athletic event could begin later than six o'clock with the exception of Freeport High School Triple Header Soccer Games which would start no later than seven. They are back today seeking changes on the timing to allow additional events. A summary of the changes they are looking for are fall practice times instead of ending at 7:15 would now end at 8:45. Right now they cannot allow music and they are seeking to allow music during playoffs. They currently have restrictions on the number of night games and are asking to remove that. Right now, third parties cannot use the lights if they are using the facility and they are looking to change that. They are looking to change the weekend hours from eight to nine. They are before the Board today to change the three past conditions. No matter what they do, they still have to comply with the Freeport Zoning Ordinance for regulations pertaining to sounds and lighting. She noted there have not been a lot of complaints but did notification to everyone within 200 feet and picked up almost 90 abutters because of all the condos. Craig Sickels is here from the RSU and she believes they did some outreach to neighbors before they came forward to the Board. He can answer questions.

Craig Sickels advised that the first sound check was done by the installers and he got a second opinion to do the same exact sound check. His documentation indicated that it is still in compliance with the Sound Ordinance. He reviewed some of the things that were in the packet. Tim Wright is the neighborhood representative and took the information to the neighborhood using a neighborhood Facebook page. He received feedback indicating that there were a few people that were vocal and in support of the changes and a few people that were against all the changes. There was constructive conversation around start times. For the music, most are okay with how it is written for the playoffs only. There was no push back in announcing who scored a goal.

Mr. Sickels noted that this spring marked the fifth anniversary of the facility and it has been three years since they came back to the Board. This is an attempt to streamline and consolidate the guidelines for use. There were quite a lot of limitations at the onset of this project that are unusual compared to other facilities in neighboring towns that have turf fields with lights. Prior to this facility being built, there were no restrictions on start times. Right now, there are no restrictions on start times on our baseball field, our softball field or our tennis courts but we have a restriction on start times on this facility. They think there is a lower impact than what people thought might be with traffic, lights and noise and they feel the facility is not being used to its full potential. He explained that the changes would be for fall only. In the spring they have less teams using the facility than they do in the fall. He shared his projected practice schedule out to September 16. He is looking to move the start times to 3:45 and then 6:15 or 6:30 depending on if it is soccer or field hockey. He shared the results of a survey of a dozen schools in Maine that have turf fields with lights. He has to be off the practice field in the fall at 7:15 but he is looking at 8:45 to end practices. There is not another school on this list that has restrictions for music but right now we can't play music unless it is the national anthem and a half-time routine for the cheerleaders. They are asking to use music pregame for playoffs and tournaments. Right now, they have restrictions on the number of night games per team that is either four or five. They are looking to not have any restrictions but there are restrictions because they have six soccer teams, two field hockey teams and a football team and they all cannot play every game at night. It just does not happen. Right now, a third party cannot use lights so if a University of Maine wanted to come and rent out our facility for a soccer game, they would not be able to play under the lights. Restrictions of use on Saturday and Sundays, no one else has those and they are looking to go from 8 a.m. to 9 p.m.

Mr. Monteleone asked how close is the nearest abutter? Mr. Sickels speculated that they are 50 to 100

yards away. The condos are probably the closest and they are approximately 20 yards from the fence which is the property line and the facility is 30 yards from the property line. Ms. Pelletier noted there is a very small condo on the Snow Road which is the closest. Mr. Monteleone asked if these restrictions have impaired the school's ability to generate revenue from being able to utilize the fields by third parties? Mr. Sickels noted they cannot charge admission but they do have concession sales.

Peter Wagner, Director of Community Programs advised they are responsible for renting spaces owned by the School District. He advised that they lost revenue from tournaments and other organizations that want to use the turf for fuller days on weekends. Mr. Monteleone asked if the code restrictions affected fan or family participation in events? Are you getting fewer people coming to games because of these restrictions? Mr. Sickels mentioned that before this facility they didn't have lights so their varsity games started at 3:30 or 4 o'clock and there were not a lot of spectators there. At a Boys Soccer Game, they might have had 40 spectators there. Now moving games to 6 o'clock, games are no longer just a game. They are community events. The restrictions have not limited the amount of people, the restrictions have limited the amount of use that our kids are not benefitting from because we can't move games later so we can get more of a full practice before the games. They are seeing larger attendance at the later games. Mr. Monteleone asked if what is being proposed is what Mr. Sickels wants or is it an effort to meet in the middle and get something that is reasonable and likely to be approved? Mr. Sickels said yes but also recognizes the need to be a good neighbor. Given their history of practice slots, the fourth slot gives them more options and moving the start time of a varsity game to 6:15 or 6:30 frees up an hour and a half before those games start with more turf time.

Ms. Hamlen asked if the neighbors were notified about tonight's meeting? Ms. Pelletier advised that we have notified everyone within 200 feet of the entire parcel boundary which is large. Mr. Sickels advised that this has already gone to the School Board and they have already seen and approved these proposed changes he is presenting tonight. Mr. Donahue feels this is good for everybody since sports are good for the community. The only thing he is disappointed about is that they don't get cowbells.

Chair Blanchard opened the meeting up to the public. There were no comments provided. Mr. Monteleone advised that he is prepared to move the request for approval but would like to extend it beyond what is being requested. Chair Blanchard shared his thought that doing this would be a change to what was presented to the abutters and that would be his hesitation. Mr. Sickels advised that he did present this information when he reached out to the neighbors. Mr. Monteleone added that what is being requested here is not unreasonable and speaking for himself, the Board would be open minded to doing more with supplemental notice to abutters if the Board is interested. Chair Blanchard noted he would be okay with that approach. It sounds like the RSU is taking baby steps. They have had a couple of years to find out how the system works and what the noise is like to hear from the neighbors and have come back to us again. If things change in the future and they find this is working well, he would be happy to have them come back again. Mr. Monteleone pointed out that they don't have to wait three more years. Mr. Sickels wanted to point out that the PA system is programmed to not go above the ordinance decibel level at the property line. The highest it can go is what the Town ordinance is at the property line.

**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 is currently developed and used by Regional School Unit 5 for the Morse Street School, Freeport High School and the Joan Benoit Samuelson Track and Field. The project is in the Village I District (V-1). The parcel abuts the Village Commercial I (VC-I) District and 295 on one side. The amendment only pertains to modifying past conditions of approval. Based upon this information, the Board finds that this standard has been met.*

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

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

*The parcel is not within the Freeport Design Review Districts. No new buildings are proposed at this time. 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. 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. 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 changes affecting 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.

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

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

*No changes to any signage 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.

*The applicant is proposing to amend past conditions of approval, in particular in regards to the timing of use of the facility. The changes before the Board tonight, relate to "Special Features" (Section 602.F.1.f) and are regulated by Section 515. "Noise Regulation" of the Freeport Zoning Ordinance and Section 521.B "Section 521.B – Athletic Field Lighting in the Village 1 district". Section 515 sets average decibel levels for various zoning districts and in addition, does include a standard that "Athletic events in the Village 1 (V-1) District shall not use amplification for any reason after 10PM, except as allowed in Sec. 515. E below." (without a special permit from the Codes Enforcement Officer). Section 515 sets standards for athletic field lighting, in particular this section does include standards for the timing of the use of the lighting. The applicant will be re-*

*testing the previously installed PA system to confirm that the noise levels are still within the allowances of Section 515. "Noise Regulation" of the Freeport Zoning Ordinance. The RSU 5 Guidelines for Use of the Joan Benoit-Samuelson Track and Field have been updated to reflect the proposed amended conditions of approval. The 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 changes to any exterior lighting are 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 any landscaping are proposed. Existing landscaping and buffering will be retained. Based upon this information, the Board finds that this standard has been met.*

- i. Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- (1) The project will not result in water pollution, erosion or sedimentation to surfacewaters;
  - (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
  - (3) The project will conserve shoreland vegetation;
  - (4) The project will conserve points of public access to waters;
  - (5) The project will adequately provide for the disposal of all wastewater;
  - (6) The project will protect archaeological and historic resources;

**(7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

*This parcel is not within the Marine Waterfront District or the Shoreland Zone. The lot will be connected to the public water and public sewer system. There is an existing Site Location of Development Permit from the Maine Department of Environmental Protection for this property. 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 Board approve as written and read in this week's Staff Report. (Monteleone & Donahue) **VOTE:** (5 Yes) (2 Excused-Berger & Reiche) (0 no)

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and amendment to the previously granted condition of approval, for Regional School Unit # 5, regarding the use of the facility and the (PA) system at the Joan Benoit-Samuelson Track and Field (Tax Assessor Map 11, Lot 24), submission dated 07/06/2022, to be built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance with the following conditions of approval:

1. This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her 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 shall submit an updated verification from a qualified professional that the PA system still complies with the applicable decibel levels as previously presented and in accordance with the current standards of the Freeport Zoning Ordinance.
3. The schedule for athletic events is amended as proposed by the applicant however must still comply with the applicable standards of the Freeport Zoning Ordinance and in particular, the standards of Section 515 and Section 531.B, pertaining to noise and lighting.
4. The applicant will not permit non-school officials from using artificial noisemakers, including but not limited to, air horns, blow horns, sirens, cow bells and other artificial means of noise generation.  
(Monteleone & Donahue) **VOTE:** (5 Yes) (2 Excused-Berger & Reiche) (0 No)

**Regier Property – Stream Crossing**

The applicant is seeking approval of a Shoreland Zone Permit to install a rock ford stream crossing on their residential property on South Street. Since the area of the stream crossing is in Stream Protection, 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 the applicant was here last month or the month before and got approval for two stream crossings on their property. They were still working out the details on the third one they wanted to do. The third on the property is not functioning and the channel in the stream has relocated itself as you can see in the photos. The applicant worked with Sebago Technics and National Resource Conservation Service to come up with a new plan. They will move the new crossing down stream a little bit and install a rock ford. Because a portion of the property is in Stream Protection they have to come to the Board since it is considered a structure. You also have to review it for Shoreland Zoning. As with the last two, they will need permitting from DEP and Army Corps of Engineers that are independent of your review so, but want to note that the applicant has been in contact with both of those organizations. The applicant is here to walk you through the application.

Rod Regier of 56 South Street advised that last time the Board approved two crossings and he mentioned there was a third one but his plan was not ready for it. He apologized for having to go through this a second time. He displayed photographs and pointed out where the major course of Concord Gully Brook flowing from the boat yard below him

paralleling Route One crossing the dip on Varney Road and ending up on Pine Street. There are three substantial tributaries going into it and all three of them have culverts that are plugged, displaced or bypassed or all of the above. He talked about two of those last time and this is the third one. He pointed it out on the photographs. There is a sewer line running underneath it. The actual sewer pipe was armored with concrete should something be exposed and the stream is cut far enough down that it reveals the armored concrete for the sewer line so this is something that has to be dealt with. As before, he explained he wants to get access to his own property and this is access for maintenance and potential emergency repairs for the Sewer District. It also is simply a matter of dealing with erosion control and environmental help in the Harraseeket River with the salt drains. He explained his photos and mentioned that the Board has plans from both the L.L. Bean's engineer and the NRCS which led to the guidelines and plans in front of you. He is dealing now with the Army Corps of Engineers and the Maine DEP and hopes we can go forward with this this evening.

Mr. Donahue noted he is curious about how the rock structure works relative to the situation today. Mr. Regier noted that the NRCS Engineer has a lot of experience dealing with stream flows and he pointed to the culverts that were in the original stream channel and how the engineer is proposing that to return the stream to its original channel. More discussion followed.

Chair Blanchard opened the meeting up to the public but there were no public comments provided.

### **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 applicant is proposing to replace one existing stream crossing with new structure of a different design and in a location below the existing non-functioning crossing. The crossing is being replaced to improve the current conditions of ongoing erosion in the Concord Gully Brook which is an Urban Impaired Stream. The crossing, as shown in the submission, will be a rock ford. The crossing 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 crossing will replace an old crossing that is no longer functioning. The new design will change to a ford and will be moved from the location of the old crossing due to slope issues. 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 crossing were developed by Sebago Technics with the USDA – NRCS (United States Department of Agriculture – Natural Resources Conservation Service) also providing guidance to the property owner. The plans include methods for erosion and sedimentation control and bank stabilization. The new crossing is 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 crossing 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 one stream crossing (two additional were previously approved) 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 one stream crossing (two additional were previously approved) and nothing will be built on, over or abutting a float, pier, wharf, or dock. 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 Article XIII.8.a of the Town of Freeport Coastal Waters Ordinance**

**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 new stream crossing 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 crossing 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;

*In addition to the new ford, the project will include removing the old culverts (and the 50-75 c.y. of fill associated with them) that are blocked and no longer functioning (they are no longer located within the stream due to the water creating a new stream channel over time). The current channel area has a steep slope and significant erosion; part of the project will include stabilizing a portion of the existing bank with rip rap and cleaning up the deposition in the original channel and cleaning up some existing dead vegetation. The object of this will be to reestablish a full channel and flood plain in this area which will slow the water flow and stop the water from cutting the channel over an existing sewer line. 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 a stream crossing 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.*

**Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of Section 404 of the Town of Freeport Shoreland Zoning Ordinance.**

**MOVED AND SECONDED:** To approve the application as written and read in the Staff Report. (Donahue & Hamlen) **VOTE:** (5 Yes) (2 Excused-Berger & Reiche) (0 No)

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Rod Regier, for one stream crossing and bank stabilization at his residential property at 56 South Street (Tax Assessor Map 20, Lot 95), to be built substantially as proposed in a submission dated 07/28/2022, 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. (Donahue & Hamlen) **VOTE:** (5 Yes) (2 Excused-Berger & Reiche) (0 No)

#### **Freeport Station Apartments – Multiple-Family Dwelling – PUBLIC HEARING**

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

Ms. Pelletier explained that the Freeport Station Apartments is a multiple-family dwelling proposed in the existing two lots on the corner of Depot and Mill Street that the Board reviewed in June. Because it is a multi-family dwelling in the VC-I Zone, due to the number of units, this project is requiring three levels of review from the Board, Design Review, Subdivision Review and Site Plan Review. In order to streamline the process, we conduct them all at one time but they all have their own rules and regulations. With regards to process, with Design Review the Board would have to issue a Design Review Certificate. It doesn't have a conceptual and then a final process. The Board just wants to continuously give the applicant feedback as they move forward with their plans. For Site Plan, they typically would show the Board a concept which they did at the last meeting but you would only take action on the final plan. Subdivision, due to the size of the project would be the most involved of the three so at the last meeting you took action on the conceptual subdivision plan so that is saying that they have the building in the right space given the constraints and features of the lot. At this point they are here for preliminary review so the subdivision process would require you to take action on the preliminary plan.

Basically, they took that concept you acknowledged was the right layout for the site and now they have done some additional work and engineering and while everything is not wrapped up in preliminary, but they are getting close. If the Board takes action on the preliminary plan, the next step would be for them to finish their engineering, their legal documents and any outstanding clean-up we flagged and come back for approval.

We gave the applicant some comments and included comments from the Town Engineer. She would say at this point they are mostly clean up, just cleaning up some clarifications. Most of the changes we made could be incorporated into the final submission. There is nothing huge there. The building will be connected to public utilities. They did have capacity letters from the Water and Sewer District. This is a subdivision so any electric utilities on the site would have to be underground. They did submit a lighting plan and cut sheets. They wanted to have decorative sconces on the building but due to the fixtures and the location, they are in excess of what is allowed in our ordinance. Our ordinance is pretty strict on what is allowed at the property line. They will make tweaks to that before they come back. We talked about access to the site. There are multiple curb cuts to the site now. They would be proposing to close off existing entrances except for the one on Depot Street that goes through a parking lot and gives access to the site. When they come back, they will submit some additional documentation showing how that is going to be maintained and that they have rights to ensure that they will always have access to the parking lot there. The Town Engineer flagged the issue of traffic. In this case they will have 67 units of various sizes but they are proposing only 24 or 25 parking spaces on the site. They are looking for a little guidance on traffic if what they submitted was adequate. They did give Mr. Bliss additional information that he will review. She asked if the Board has any thoughts on traffic? Due to the size and nature, they won't trigger any State traffic movement permit. They won't get high enough for a threshold. We talked about parking at the last meeting that this is in the VC-I Zone and we have the shared parking concept so they can meet parking on or off site in a number of different ways. Typically, the final determination on the number of spaces will be added as a condition. They would have to make sure they provide that parking before they get a certificate of occupancy. As a side note we also talked about how the Planning Board has been talking about lowering the parking requirements for multi-family residential and they did make a recommendation to the Council and that discussion is still ongoing. For Stormwater management, this is in an urban impaired watershed. It does require review from the Town Engineer for Municipal Standards. While he is doing that, they won't trigger any DEP review. For Design Review, we talked a lot at the last meeting about building design and the applicant can go into detail about that. They did revise their submission and included some additional information. The Board gave them some clear directive to look at the A and B Buildings in the nearby area so they included some information on that in their submission and made some changes. One thing in review that came up was the standard in the Subdivision Ordinance regarding the retention of natural or historic features so this building is next to the church which is part of the downtown Historic District. She believes the building is listed individually as well so the Ordinance says the Board should seek the advice from the Maine Historic Preservation Commission in reviewing such plans. They did have a letter from the Maine Historic Preservation Commission in their packet noting the property next door. They didn't give any specific advice so she thinks that is something we need to talk about with the applicant and give them guidance on what the expectation of the Board is or what the applicant would have to demonstrate how that standard has been met.

David Latulippe of CJ Developers introduced Hillary Rocket and noted he was unable to attend the last meeting. He will provide the Board with a sense of why he is looking at Freeport. Mr. Rocket advised that he has not done any projects in Freeport but he has done projects in Topsham and Bath. The first one he did was Brunswick Station, the Train Station and other projects. He started looking in Freeport a couple of years ago and had a study done that came back very positive for marketing apartments for downtown Freeport. He has this property from L.L. Bean and has great ideas and is excited to get started. He hopes the Board will like the plans.

Mr. Latulippe offered a quick overview. He feels this is a unique project with 67 units but most of them are studio or single-family units. They are really looking for employees to keep our town vibrant. It is not a lot of 2, 3 and 4-bedroom apartments which you see on Desert Road. There are 86 spaces required in the current ordinance that might go down but 24 will be provided on site and 4 are ADA spaces. 62 spaces will be leased and they have been in contact with L.L. Bean and they have excess spaces in close proximity.

He displayed a plan showing the Site Plan and noted not much has changed. They went through it on the site walk. The changes that have happened from their first presentation and at the request of the Board, they added an entrance on the side of the building to give more access. He pointed out another entrance as well as three private entrances on Depot Street. That is pretty much what has changed on the site. Everything else has stayed the same.

He displayed a landscape plan noting the pastor (Eric Smith) is here. They are only showing plants on their property because that is all they can. Hillary will be working with the pastor asking him what he wants but they will clean up that corner and get rid of the invasive plants. He pointed along the building's edge and noted there will be robust planting. The Landscape Architect tried to keep that grass buffer grassy but they want to work with the Town to get some street trees. There are a couple there that need to be adjusted but they are on Town property and they will work with the Town Council.

When they got feedback from the Board, they felt the look and feel was not quite right so they tried to soften it and go with more historical colors. They added an entrance to an area that was blank before and also added two windows. They tried to dress up the corner of Depot and Mill by adding the bay windows and now you can start to see the prominence of the entrances trying to give it a streetscape feel. He displayed a before and after slide and noted they are trying to incorporate some of the things that Russ presented to the architect.

He was not familiar with A and B Buildings so he and Caroline started walking around town and she pointed out different buildings and features we may like so they tried to incorporate as many as they could. This was the inspiration of the bay windows and how they added all the trim while trying to make it a little more exciting. The first rendering was pretty square so they now have the trim pieces and the 2x2 grills. He displayed a recent copy showing a porch feature from Freeport Community Services that people commented on so it was the inspiration on a lot of the porch features trying to keep the shingled roof with pillars. He displayed a slide showing the entrances on Depot Street and the Mill Street entrance. He noted the trim details that have been added. They looked at the A Buildings so the landscape architect picked up on the granite steps and the Board can see where they were added to the front so they are trying to bring some Main Street down to Depot Street and fill it in that way. He had a slide showing the back of the building. He had a slide showing some of the other inspirations from B Buildings. He had a slide showing some of the roof lines and trim details.

He pointed out that Freeport has a series of buildings that are long and rectangular so it is a feature that is fairly common along Main Street. There will be four accessible apartments and it was important to Hillary to include that in so these will be handicap accessible apartments incorporated into the original design. It is nothing that was required but is something that he is going to be doing as well as energy efficiency on all the building materials. They are trying to keep the highest standards. He mentioned that Caroline brought up traffic. Right now, you have 80 parking spaces that are retail oriented so those generate trips every hour because they are retail. They will reduce it down to 24 so those spaces are when someone leaves in the morning and comes back in the afternoon. At the end of the day there will be a significant reduction on that so they are comfortable. The other questions that came up was on historic and they sent a letter to the Maine Historic Preservation Commission. They acknowledged it but didn't make any comments since they didn't have any concerns. If they have to do more, they can because typically, they are not a shy group. They are pretty comfortable with it because only a corner of their rear property abuts the corner of their rear parking lot. They met with a couple of citizen groups that expressed concerns. At the end of the meeting, they were pleased. One was supposed to come tonight to express support but experienced a death in the family and had to go out of town.

Chair Blanchard suggested starting with Site Plan, then move on to Subdivision and do Design Review last. Mr. Monteleone asked if up for review and action tonight is both preliminary Subdivision approval and Design Review and Site Plan? Ms. Pelletier clarified that the motion is just for the preliminary Subdivision approval and the standards for the Subdivision Ordinance. That being said, the Board does not want to ignore the other two and not give them feedback. Mr. Yankee mention access to the parking area. Right now, people are used to using that as public parking. He will assume there will be signage saying it is for residents only or guests. Mr. Latulippe noted that it would be a lot more convenient parking across the street in the parking garage but is not anticipating any gate arms.

Ms. Hamlen explained that she likes the way they have designed the parking and rather likes the ell in that corner. The way it is broken up, visually it is inviting. She likes the way they were able to get 24 spaces behind the building and the shared parking would be across the street. She also likes the different elevations where it is flat along the parking lot but

along the side and front it is bermed up which she thinks makes it more interesting and suggests more removal from pedestrians walking by. In looking at the sheet that showed plantings, Mr. Latulippe showed deciduous trees, quantity 5 and they are all along the parking lot in the back. There are no trees shown on the front. Mr. Latulippe explained that they only have a 5-foot setback and want to talk to the Town. The existing trees are on Town property so they don't want to interrupt those but actually want to improve them. He feels trees are needed along Depot Street. Mr. Donahue noted he is curious about plant submissions and Mr. Latulippe agreed to get him a list of the submissions.

Mr. Donahue mentioned his interest in the way the steps lead up to the one-bedroom apartments and feels they look more inviting to a retail space. He wonders if there is a way they could be narrowed. Mr. Latulippe agreed they should not be so inviting. Mr. Donahue referred to the westerly corner as you turn into the drive, he would like to know about the material that is planned and would prefer something that is less institutional. Mr. Latulippe did not know but offered to provide that information. Ms. Hamlen went back to the steps and added that she feels they do a nice job breaking up this very long façade. There are three other sections that have nothing leading up to them because there is no apartment behind them. She wonders if there is some way to further break up that long façade even if it is a faux entrance. Mr. Latulippe suspected it may be the grades involved but offered to talk to the architect to see if he could create a little porch setting for them so it would give you the feel without the access.

Chair Blanchard suggested moving on to Subdivision. There were no questions or comments provided. He then suggested moving on to Design Review. Ms. Hamlen noted when Mr. Latulippe did the comparative slide showing the first version versus now. The dark used to be dark blue and now this is a softer green. She likes the softer green since it is softening and is a little more natural and less industrial looking. Mr. Donahue asked about the masonry base and Mr. Latulippe advised that it is a traditional New England brick. Mr. Donahue suggested raising a real lintel above the windows and adding a few more courses of brick before starting the siding. He feels the header is too low. Mr. Donahue referred to the corner of Depot and Mill Streets and suggested using double hung windows on the edge of Mill Street and not use bays. Mr. Yankee added that he likes the way it looks now and the changes that have been made are very appealing. He asked if the double hungs are true double hungs that can be opened and closed. Mr. Latulippe replied yes. Mr. Yankee noted his two concerns are the wide walk-ins and the double hungs. He would prefer to not see towels hanging out or a bunch of stuff stored out on the porch. Will the roof be accessible or is it just a plain roof? Is it an opportunity for a roof top garden or could it be used as a patio. Mr. Latulippe advised that they looked into it but it is cost prohibitive. Ms. Hamlen asked if the flat roof would be an issue and Mr. Latulippe advised that it would be internally drained and most of Freeport has flat roofs.

Mr. Monteleone mentioned that the Board is looking for the building to fit in with its surroundings. One of the features that seems to be very common in the downtown buildings is wood framed windows. Even if it is superficial, he thinks it would add some commonality and similarity to other downtown buildings. Mr. Latulippe added that the trim is going to look like a wood frame. These are not your store front windows with aluminum. This will look like a traditional window.

Ms. Hamlen mentioned that looking at the northeast corner, it is the one on the parking lot, she asked if the reason we put the bays in is to make that corner more important? Mr. Latulippe asked if they should do it on the other side? Ms. Hamlen advised that she likes it without the bays because looking at the picture, it looks more harmonious and stream lined. Mr. Donahue felt that it needed more importance. Mr. Latulippe offered to play on it and if the architect comes up with something better, he will give the Board some options.

Chair Blanchard added that he thinks the bay windows are a huge improvement to that corner. He actually likes the new color and feels it is more appropriate and residential. He thinks the porches are a huge help. The trim, the grid lines and the latticework you are seeing in the bay windows and on those flat projecting bays along the elevations are just that kind of subtle detail he thinks that shows it is a residential building. It makes that distinction. He feels this is an improvement. As far as Design Review goes, he does not have any major issues and appreciates the applicant took a look at the A and B Buildings for comparison purposes in developing and making adjustments to this rendering. Mr. Latulippe gave Caroline a lot of credit for bringing him on a walk. 45 minutes later he had a whole bunch of ideas and was able to communicate them to the architect. He thanked him for taking the guess out of it.

**MOVED AND SECONDED:** To open the public hearing. (Yankee & Hamlen) **VOTE:** (5 Yes)  
(2 Excused-Burger & Reiche) (0 No)

Andy Wilbur advised that he owns the property on Bow Street and recently renovated and have apartments. He wanted to speak to the ability to develop apartments in downtown Freeport. His project is obviously very different from what is proposed but folks that are in his space really appreciate living in a downtown environment and having access to the amenities and spend a lot of time accessing the businesses, shops and restaurants and working in the downtown. Those things are historically things we had in Freeport. A lot of the buildings had upper floor apartments historically but that is not the case anymore. He is happy to see that projects such as this are being considered. He would like to advocate that as a town we do our best to support, streamline and make our processes simpler for property owners to move forward for projects.

Tyler Kolle advised that he is less taken with the idea of creating a giant building in the center of town. He feels trees would make a great deal of sense. Before the pandemic hit, the town went through the process of looking at tree coverage and tree canopy. We are down about 45% of where we should be and it is not getting better. He feels the trees in Freeport are in deplorable shape. It seems to him there are opportunities to put trees all around this building which would be a great thing for the town. He mentioned driving down Depot and found a series of parking lots and feels that somehow it needs to be broken up. To his way of thinking, he doesn't know that we need to building apartment houses in Freeport. Regarding lower cost housing, what is on Desert Road is an absolute failure. People say we need to have increased housing downtown. He would bet that within two weeks, the building will be filled by people from Portland because these rents will be cheaper and Freeport is a nice place to live. He appreciates the job Andy Wilbur did with his building.

Andy Arsenault advised that he attended one meeting to look at the design. He is really in favor of this. He grew up in Freeport and all his classmates lived downtown. He mentioned that there were single-family houses and apartment houses in town and most of them turned into parking lots. Single-family houses are not coming back to the downtown. Those lots are too valuable now. He thinks this proposal is a really fine idea. He likes the colors and the brick foundation. He is not a big fan of trees but likes a few. The building is the feature here, not the trees. He would like to see some accent trees like rock maples. He is a fan of architecture. He feels retail is changing and we have a lot of empty store fronts. He is so happy with this building. He is against the narrow steps. He would like the steps to match the building. He feels we are lucky to get this in Freeport. He would like to see if they can put radiant heat on the back side of the steps so people could come out and step on a granite step with no ice. He thanked the developer for doing this.

Stephanie Millette advised that she is a future neighbor of these apartments. She works for a small business. Her kitchen faces this building. She can see the back of FCC and the stores and never sees people unless they are going to their cars. She is excited to have 67+ new neighbors walking around and making her feel less alone. She is excited to see this demographic move in downtown. She is an advocate for affordable housing and accessible housing. She participated in Habitat for Humanity as a first homeowner. She sees the closing businesses because we have seasonal tourism and our parking lots are not full. She also mentioned there may be grants that would provide funds for a rooftop garden.

Brett Richardson, Executive Director of FEDC advised that their Board unanimously endorsed the Downtown Vision Plan and downtown housing is a huge priority. It will bring people downtown, more foot traffic, shoppers and create opportunities for young people to stay in our community that were having a hard time finding housing. It will create opportunities for them as well as elders who are looking to downsize to stay in our community but don't want to mow that 2-acre lot. This gives them a good opportunity. The FEDC encourages support for this project.

Tawni Whitney, Executive Director for the Freeport Chamber of Commerce thanked the developers for bringing this

project to Freeport. It is exactly what we need. She and Mary Davis, President of FECC consulted with 13 different businesses to help us with our Downtown Revision and the No. 1 thing they said was if you want to support commerce downtown, you have to have housing. This is an opportunity that is right in front of us and she thinks we should absolutely go for it.

Becky Lizotte of Doten's Construction and the Casco Bay Car Wash on U.S. Route One noted she supports this project as well. She wanted to applaud them with their mindfulness of the amendments. She wanted to caution us on the mindfulness of our suggestions because all the suggestions involve money and costs. She empathizes with the roof top suggestion knowing it is expensive. She is excited to support this and hopes the Board will really support them.

From online, Natalie Cole noted she supports residential development downtown and this location is a great location and three stories of development is a great development. She would like to see a few more 2-bedroom units might be helpful to young families that are trying to start families but can't make their way into a larger home market. Many people who live in more urban areas are accustomed to living in apartments and starting their families in apartments. It should be expected that that that may happen and people may need that as a resource. She would like to hear more about that. She mentioned that the comment came up that this looked more like a hotel than a residential development. In looking at the plan, she feels it is remarkably hotel-like with the 23 doors and a very long corridor. Good design guidance tends to recommend no more than 8 doors per building and she is surprised to see such a relentless plan. She mentioned the front doors that are private but look public and she thinks what you are seeing there is the response to, well, that building is so long, it should have a door and of course it should but she thinks there should be some follow through. She thinks the building would benefit from having some breaks in that corridor. Having that single extra long corridor inside makes for a living environment that is quite unpleasant and impersonal. She also had other suggestions for the Board but fundamentally supports this project but feels it is not yet good enough. It doesn't look like a place to live yet.

Mr. Monteleone pointed out that he heard on one hand that Ms. Cole expressed concern that there are too many doors but, in another comment, he understood her concern that there needs to be more doors in order to provide access. He asked if he misunderstood what she expressed there? Ms. Cole advised that what she is trying to say is she thinks more communally access doors into the communal circulation point in the building and the scale of the doors currently on the Depot Street elevation make them appear to be public doors and they are not. Other people have noted that as well this evening. She thinks the scale of the doors is fine but at least two of them should be made to be communal entrances. You should make a distinction. There should be two clear publicly accessible doors off of Depot Street so people can walk along Depot Street and meet their friends from the street rather than having to walk all along the building to go inside the building as a visitor.

Mr. Latulippe responded by pointing out that this is internal design and they have met the criteria that is in the ordinance in selecting where a building places or how many entrances they have. They added one entrance on Mill Street on the other end of the building and they are comfortable with how it flows. The number of apartment units is up to the developer to select who his market is. He did not know how to respond to the other items. They have tried to address the Board's concerns and the Ordinance that is written.

Maura Pillsbury advised that she is here on behalf of a group of concerned Freeport residents called Progressive Freeport and wanted to make clear that they believe new development should not move forward without discussion about the cost of affordability of new housing. They are concerned that all of these units are at market rate. Our state is in a housing crisis and she feels we need more affordable housing in Freeport with our proximity to Portland and the shortage of workers for downtown businesses make this an ideal base to create affordable and accessible housing. They would like to put these points forward to you because they feel that everyone is talking about how this is such a great development for our community and it is true. They feel this would be a great development for our community if they were affordable and a diverse group of people could afford to move to our community and live here. The Freeport Social & Racial Equity Committee recently recommended to the Town Council to direct the

Planning Board to develop recommendations and standards aimed at improving affordable housing developments in Freeport.

Ms. Hamlen wanted to second the last speaker. She came from a state where affordable housing was put off and ignored and now the state has a mandate requiring all towns to develop properties with 10% affordable and she understands it is a big hit for a developer. Although there is no mandate now and no state requirement for Freeport to do so, we could be leaders by just putting in one or two affordable units in. It would show intent to broaden the base or the number of people that could take advantage of downtown living and might just keep the pressure off. What you want to do is do what is best for your town willingly and not just wait when you are mandated to do it. In the spirit of what this former speaker said, it would be great if one would consider it.

Andrew Arsenault wanted to be able to speak to the affordable housing issue. He pointed out that we have Oak Leaf, Varney Square, Maple Leaf, some on Summer Street and some in Griffin Woods and some on Spring Street. We have some out by the tracks behind the Community Center and some all-around town. There will probably be more coming on line. He feels we have quite a few affordable housing units in Freeport now but thinks to hamstring a developer that is coming in and doing this, is like keeping a knife to the throat. Until we have an inventory of how many units we have downtown that are affordable now, to throw this at somebody coming with a really nice development and a good-looking building willing to invest a lot of money to build this building. He thinks we need to move forward with this one. It is the first one that has been built in his lifetime. All we have done is tear them down and hopes we will move forward with this one.

**MOVED AND SECONDED:** To close the public hearing. (Yankee & Donahue) **VOTE:** (5 Yes)  
(2 Excused-Berger & Reiche) (0 No)

**MOVED AND SECONDED:** To approve the preliminary subdivision plan submitted by 10 Depot Street as written and read in the Staff Report. (Hamlen & Yankee)

Mr. Monteleone wanted to address affordable housing and the potential that the Town Council might change this in the coming months. He wanted to note that this is a preliminary approval that requires additional approval from this Board and will be subject to anything that the Town Council imposes and make effective prior to that final approval. He feels it is appropriate to move forward with what we have here and is appropriate to be acted upon.

**VOTE:** (5 Yes) (2 Excused-Berger & Reiche) (0 No)

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the preliminary subdivision plans submitted by 10 Depot Street, LLC., for the proposed Freeport Station Apartments (Tax Assessor Map 11, Lots 127 & 128) for a 67-unit multi-family residential subdivision, preliminary plan set site layout plan sheet dated 07/2022 as written and read in the Staff Report. The Board finds that based upon the materials submitted by the applicant and the information contained in the record, the layout of the development is consistent with the information presented in the conceptual submission, that the applicant has submitted the required information per the Freeport Subdivision Ordinance and the applicant working towards the development of the final plans. The following condition(s) of approval and/or items shall be incorporated into the final submission:

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to final approval, the applicant obtain a final sign-off of the plans by the Town Engineer.
- 3) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management, erosion control, etc.

The final submission shall incorporate the submission requirements of the Freeport Subdivision Ordinance, including, but not limited to Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance. (Hamlen & Yankee) **VOTE:** (5 Yes) (2

Excused-Berger & Reiche) (0 No)

**Harraseeket Ridge Sketch Plan- Subdivision Application**

The applicant is presenting Preliminary Subdivision Plans for an 80-unit residential open space subdivision on a vacant parcel (approximately 90 acres) on US Route One North. Forty duplex structures and two new road entrances off US Route One are proposed. Approximately 43 acres of open space will be required. The Board may choose to take action on the preliminary plan as a public hearing was held at the April 2022 Project Review Board meeting. Zoning District: Medium Density A (MD-A). Tax Assessor Map 18, Lot 16 (0 US Route One). Beta Zeta Properties, LLC, applicant and owner; Thomas Perkins, representative.

Ms. Pelletier explained that this applicant has been before the Board a few times and they were before you in April for a preliminary discussion when you actually held a public hearing. They requested a tabling and have since worked hard cleaning up their submission giving the Board the additional information they requested. One of the big issues flagged was the issue of the septic systems and if they were going to meet the minimum lot area under State requirements. The applicant met with the Codes Officer and it appears they do meet the minimum lot area. However, during the process of working the State there was an issue flagged with the wells and the way they were previously designed they would have all been individual public water suppliers which has a lot of rules. The applicant is back before you. You will see that the septic systems are pretty much the same. They will be shared septic systems. They gave you information on test pits, nitrate plumes and the hydrogeologic information but they have moved to a system with three community wells. They would be public water suppliers by the State of Maine which would require regular reporting and testing. They would need an adequate provision in the legal documents to make sure that their plans to protect these community assets in the future with regards to the septic systems and the wells. She feels that the Board will need a little more information on some of the test pits to make sure they meet the limiting factor and have the applicant do an extra review. We talked about access at the last meeting. They do have to meet Municipal Subdivision and Zoning Standards but the entrance permits come from the State. Those entrance permits have been issued. Copies were in the submission and they updated their traffic information with an additional memo from the Traffic Engineers stating they feel the standard has been met. They would not trigger a traffic movement permit from the DOT. Public Safety has reviewed the plans and we would want them to get final sign-off from the Fire Chief. We sent all the applicant's information about the fire truck radius and also the sprinklers and fire protection that would be included in the final plan. There are no public utilities. They will be private well and septic systems as we talked about in the last subdivision, electric would have to be underground. They are missing information on soil test pits but she knows they have it so they just need to submit it and show that it is passing and not passing in the final submission. Due to the size and nature of the project, they do require a Site Location of Development Permit from the Maine DEP. That review is underway. They have gotten some comments and made some revisions. They also have to demonstrate that they meet the Municipal Standards. We just got the updated information on Thursday for Adam Bliss to review stormwater. The comments received today from Adam did not include stormwater because he hasn't had time to review it with high detail and at a high level, he did not feel that there were any things overly concerning and nothing that would resolve in a huge change and they could be working on that for preliminary approval. For open space there was no updated net residential acreage calculation in the submission so that needs to be submitted and we need to take another look. One of the numbers seemed off a bit but once we get the updated numbers, again it is not really a concern. We are talking about a decimal point. There was talk about the open space and possibly giving it to the Freeport Conservation Trust but there was no information on that in the submission. That would need to be included in the final submission including any legal documents. There was a phasing line included on one of the plans and they would need to include a phasing plan with timelines in some detail if they want to get that approved. Overall, she would say there needs to be some additional clean-up to the plans but there is nothing overly concerning that hasn't otherwise already been noted in Staff comments. The applicant is here if the Board has questions.

Tom Perkins thanked Caroline for all her help and displayed the plan and noted that the biggest change since April has been the wells. They were able to locate three community wells so they didn't need to move anything else so the plans in their original design are intact which is really good. Since they moved to a community public water supply, they have updated their narratives to reflect stormwater, waste water and the ground water supply. They updated their MDOT

permits. They have the high-intensity soil survey provided with the new wells. They have an updated utility plan and that has been provided as well. They have provided some updated storm calculations based on comments they got from the DEP. There were some questions about vernal pools and he provided all that information along with photos and the nitrate plume plan. Just today they got back from Caroline the truck turning requirements of the Fire Department and provided a plan showing that the fire trucks can without question, navigate their proposed neighborhood.

One of the Board members asked if they could put together a comprehensive plan to show you where everything is and color code it so he explained where they located all of the soil test pits are. Every septic field is shown in orange has five test pits in each of those. The stormwater facilities are in the pink color and their wetlands are in green. Behind that the Board can see their utility plan and their house layout plan and their roads. They really looked to minimize their impact on the wetlands by selecting where they cross them. They look at their three wells which are at the center of the blue circles. The circles are the 300-foot radius required for setback to septic tanks and septic fields by the State. There is ability to request waivers if that doesn't work out but you can see that all of those are outside and away from our proposed well locations so no waivers will be required. From the hydrogeology report, the Board probably noticed that their environmental consultants canvassed the State's Data Base on wells that were there within a half-mile radius and determined that supplying this neighborhood with water would not adversely impact the capacity of the aquifer that is located under their development. He pointed out where the open space and the well locations are on a map.

Mr. Monteleone referred to the reference of the long-term health of the ground water and asked which document reaches that conclusion? Mr. Perkins advised where it can be found. Mr. Monteleone asked Mr. Perkins to point out where it identifies the impact on the broader neighborhood outside of this subdivision? Mr. Perkins thought it was on the second page in where it analyzes wells within a half-mile radius and goes into calculations about how much would be used by each household. Ms. Pelletier referred to page 3 and read the groundwater section into the public record. It says the owner of the lot is guaranteed 350 gallons a day so it was flagged.

Mr. Yankee asked for the three community wells, what happens if the power goes out? Is there back up? Mr. Perkins advised that there will be generator back-up. Ms. Hamlen mentioned that Mr. Bliss under Plans says please show the land that is preserved for open space but the tree clearing limits and the limit of disturbance. She was not on the Board when they visited this site. She asked what are the clearing limits Mr. Perkins will be subject to? Mr. Perkins advised that most of the high-quality trees are already gone. They were logged about 15 years ago. They will try to keep the ones that are there and work them into their plan. There are 45 acres that will remain untouched and he understands from the Conservation Trust that they plan to extend the trail system over there to the existing trail the Trust already owns which he feels is a great use of that space and does not touch any of the trees. He pointed out a stream buffer which is a limit of no disturbance at all that can happen on the stream that is on the back section. There are mostly small saplings, scrub brush and understory growth there. He will have a clearing plan with his final documents.

Mr. Perkins displayed their nitrate plume plan. The calculations have been provided in the supplemental narratives as well but the Board can see where the plumes are calculated to be. He noted that they are adding more detail to their phasing plan. There is a line that is drawn that delineates Phase One from Phase Two. They would like to get started following all their permitting approvals this fall. They will start with site clearing and there is a fair amount of blasting that will need to be done. They will then move forward with stormwater and site utilities the next summer and the roadways will be right behind it with the whole construction starting. Phase Two would ideally follow right along behind that. The Board can see that the dates overlap so that each phase is looking to be completed in the next three to three and a half years. Ms. Hamlen asked if people would be able to move into Phase one and the answer was yes. She asked if it would make sense to build the back part first and move your way to the road? She would not want construction vehicles driving by her door for two years but doesn't know if it is feasible.

Mr. Donahue asked if the duplex units would have a driveway from the street and would they have garages? The answer is yes and each unit will have a garage door. He asked if the development provides landscaping of the yard and street edges? Mr. Perkins advised that there will be a widened shoulder for pedestrian use and in the middle, there is a common area

with a gazebo and a place for people to gather. They will try to keep the landscaping natural with lawns and buffers to try not to disturb the trees in the area. They will have plans for their final submission.

No comments or concerns were provided.

Mr. Monteleone **MOVED** that prior to acting on preliminary approval, we request a peer review as to sewage disposal conditions and impact on existing water supplies/sufficient water. No second was provided so his motion failed.

Chair Blanchard added that by making the three community wells, they are subject to regular testing so there should be less of a concern because they will be monitored more frequently. Ms. Pelletier mentioned that if the Board wanted to do an environmental peer review, we would take the information provided by the applicant and the peer reviewer hired would be paid for by the applicant would review the information submitted with regards to the standards and give the Board guidance. They don't do their own research and we would have to be clear on what the Board is looking for. Mr. Monteleone pointed out that his motion on that peer review is not a comprehensive matter. It is focusing on a matter of water quantity, the effect on the aquifer and sewage disposal configurations. Mr. Donahue agreed that it is reasonable. Ms. Hamlen asked if the Board is allowed to approve the preliminary with the condition that this request be met.

Ms. Pelletier advised that we discussed some of these things at the last meeting because the Board did not have the information but did not want to jump the gun and require a peer review without seeing what the applicant submitted. She mentioned that yes, the Board could add a condition that they have the peer reviewing before any final approval. If it came back and something was flagged, but didn't significantly change the layout, the applicant could make a change and incorporate it into their final plan. If for some reason there is something that would result in a significant change to the layout, it would have to be revisited. What you have from the applicant is the groundwater section which deals with the quantity from the aquifer. You could have a peer review of the hydrogeologic assessment including the plume plan. Ms. Hamlen added impact on neighbors. Mr. Monteleone added impact on neighboring ground-water issues and configuration of the sewage disposal. It is not just the plume plan but the risks associated with the layout but there may be no risk whatsoever and that is what we are hoping for.

Mr. Yankee advised that he is not so concerned about that because if there was a breach in the system, it would be picked up through the testing and would be mitigated right away.

Mr. Perkins mentioned that he wanted to add a condition of a public water supplier, they need to hire a certified operator on a monthly basis to ensure that there is no contamination there. He understands the Board's concern with a peer review and would be happy to accommodate that. They would prefer that it be a condition of approval so they can move things forward but respect the Board's opinion on that.

Mr. Monteleone wanted to identify if this proposal adequately supplies sufficient water in Article 11.2, 11.3 and 11.6. He proposed another motion.

**MOVED:** That prior to approval of the preliminary subdivision plan we first review it to our satisfaction No second was provided, so the motion failed.

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board provide preliminary approval, which imposes no obligation to deliver final approval, as subject to prior submission of the materials for final approval that we complete to our satisfaction a peer review as to the plan's satisfaction of Article 11.2, 11.3, 11.6 of the Subdivision approval standards and otherwise incorporate all conditions set forth, written and read in the Staff Report.

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to final approval, the applicant obtain a final sign-off of the plans by the Town Engineer.
- 3) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management,

erosion control, etc.

- 4) The final submission shall incorporate the submission requirements of the Freeport Subdivision Ordinance, including, but not limited to Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.
- 5) Prior to returning for final approval, the applicant obtain approval from the Maine Department of Environmental Protection for the Site Location of Development Permit.
- 6) The applicant submit applicable legal documents including provisions regarding the use and ownership of the open space and draft Community Association Documents including provisions for the long-term care and maintenance of septic system and wells, including any provisions required by the State for the community water supplies, all to be reviewed and approved by the Town Attorney. (Monteleone & Hamlin) **VOTE:** (5 YES) (2 Excused-Reiche & Berger) (0 No)

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

There were no comments provided.

**ITEM V:** Adjourn.

**MOVED AND SECONDED:** To adjourn at 8:40 p.m. (Yankee & Monteleone) **VOTE:** (5 YES)  
(2 Excused-Berger & Reiche) (0 No)

Recorded by Sharon Coffin.