

MINUTES
FREEMPORT PROJECT REVIEW BOARD
FREEMPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, AUGUST 25, 2021
6 PM

PRESENT: Guy Blanchard, (Chair,) Linda Berger, Ford Reiche, Adam Troidl, Tod Yankee and Caroline Pelletier, Town Planner

EXCUSED: Geralyn Campanelli

Chair Blanchard called the in-person meeting to order at 6:03 p.m. and explained that the Board held a site walk at the Desert of Maine before tonight's meeting.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that she forgot to bring in the Staff approvals tonight. She will show them to the Board next month.

2) Update on Planning Board agenda items

Ms. Pelletier explained that the Board talked about the solar language the Council asked them to look at. They talked about some amendments to the Board of Appeals to make our language consistent with State law. They talked about the Remote Participation Policy which we will talk about later. This month they will have a public hearing on this policy. If you live near the water, you would have received notice that there will be a public hearing on changes to the Shoreland Zoning to make our language consistent with the State.

3) Update on the Freeport Downtown Vision

Ms. Pelletier advised that the Council did approve funding for Phases 2 and 3. There is some work going on behind the scenes to get those projects started. There will be a Design Week coming up in October with dates to be announced. There will be a series of open houses, workshops and public meetings on different topics that pertain to the village. The Board may have noticed some of the early action projects that are underway. There is a painted crosswalk on Holbrook and painted lobsters in front of Linda Bean's which are supposed to be traffic-calming measures. There is a North Freeport Parklet which a lot of people are enjoying their ice cream on. There has been some clean-up and improvements to the hot dog carts behind Starbucks and the Historical Society. If the Board wants a more in-depth plan, she will be happy to bring a member of the Project Team in as they move forward.

ITEM II: Review of the minutes from the June 16, 2021 and July 21, 2021 Project Review Board meetings.

Chair Blanchard noted we do not have enough members in attendance to approve the July Minutes. We will do them next month. We do have the June 16 Minutes to approve.

MOVED AND SECONDED: That we approve the Minutes of June 16, 2021 as written and read.
(Troidl & Berger) **VOTE:** (4 Yes) (2 Excused-Yankee & Campanelli) (0 No)

ITEM III: Reviews of Tabled Items

Desert of Maine – Change of Use and Site Plan Amendment

The applicant is seeking approval for a Change of Use and Site Plan Amendment to add the use of Nature-Based Commercial Enterprise to the existing uses on the site. The proposal includes adding a miniature golf course on the property. Zoning District: Rural Residential I (RRI). Tax Assessor Map 22, Lot 8 (95 Desert Road). Heestand Family Holding, LLC (Mela and Doug Heestand), applicants and owners; Thomas Emery, RLA-- Harriman Architects and Engineers, representative.

Ms. Pelletier explained that the Board just did a site walk on this. The applicant is changing the use of the property to add the new use of Nature-Based Commercial Enterprise to the new Nature-based and Art Overlay District. The parcel is in the Rural Residential Zone so the standards of the Overlay District and underlying RR-I apply. A mini golf course is proposed. We have talked about landscaping, associated lighting and parking improvements. There really hasn't been a lot of changes since the last two times they met with the Board. They did provide some information on traffic this time and they did work with Adam Bliss on engineering regarding stormwater. He reviewed the plan and provided a memo with his comments. It is on private utilities. They are a public water supplier. They are not proposing an expansion to their septic at this time. They did tweak their lighting plan and are proposing parking lot lighting on 16' fixtures as required by the Ordinance. They will be full cut off and they did include a photometric plan. No signage is included in this but they are aware if they want to add signs in the future, they will have to return to the Board. Doug Heestand is here if the Board has any questions.

Mr. Heestand noted this is the third time he has come to the Board. Most of the work that has been done during the past month has been engineering around stormwater so that is the bulk of it. Two representatives from Harriman have been hard at work so he wanted to turn it over to them for a walk through the changes.

Tom Emery introduced himself and Frank Crabtree, a Civil Engineer from Harriman's. The first plan is to show the Board the context. A plan was displayed and the mini golf area was pointed out and also the existing campground road the Board walked down earlier this evening. He next displayed Drawing C30-1 showing the drainage and erosion control plan. He pointed out Treatment Pond 1 and Treatment Pond 2 and explained that the stormwater that currently flows in that direction with the new parking lot will continue to flow in that direction and be captured in the Treatment Pond and filtered out and discharged toward the drainage ditch. Similarly, the new mini golf and existing parking lot flow in a direction he pointed out and the stormwater will be captured and treated and discharged to the drainage swale. They met with Adam Bliss and discussed stormwater and the approach they were going to take to this. He feels it was indicated in his comments.

The landscape buffer plan was displayed and explained. The berm will have mixed plantings and there is a fence along the edge of the parking lot to screen headlights. He pointed to the 15' existing buffer line. Mr. Heestand will meet with the abutter and shift the parking and fencing as needed to provide the greatest buffering for the view from the house toward the parking and mini golf. The mixed plantings will include indigenous materials such as red maples, spruce and pine trees. As discussed on site, they did end up putting area lighting for the parking lots. They have electrical engineers on staff and they tried to work with things like the lower bollard lights. Once with lighting professionals you are into a lighting plan, you have all the legal responsibility that goes with it. That is why they ended up with 16' tall poles for fixture height. It gives them a trade-off between having a shorter pole and having to have more of them and having the tallest poles and having fewer of them so there is no unsightly impact on a nice location like this.

Mr. Yankee asked what kind of fence is proposed between the abutter and the parking lot? Mr. Emery advised that it will be a 6' tall stockade fence. Mr. Yankee noted that the current landowner has demonstrated the best of intentions to continue to be a responsible neighbor going forward, he asked if there is some way the Town can consider when changes are made to the Ordinance in the future, that

the manner in which a business is operated should also be considered part of the approval process. He is not sure there is much we can do about it now but he thinks it is something the Board should consider going forward.

Ms. Berger mentioned the fencing and the height of the fencing that is currently on this plan. If it is approved as is, it is approved and the Board will know that it is what it is approving. If they want to adjust that down the line or next week, it has to come in to be changed or the Board will have to hold off an approval. Ms. Pelletier agreed. Ms. Berger mentioned that if the Board adds a condition that if they increase the fence height, the Board can't put something on this such as *agree with your neighbor*. Ms. Pelletier advised that the Board could add a condition if it wants to give them flexibility. On the site walk there was mention that an 8' fence or something higher might be preferred, so the Board could add the condition that: At the agreement with the neighbor, the applicant could change the height of the fence to 8' in height with Town Planner approval. This could save the applicants from having to come back to the Board.

Ms. Berger referred to the paperwork for the previous meeting and recalled there was discussion about two on-site restrooms being available and the 650-gallon allowance for waste water calculations. Now it says they are proposed to use the restrooms in the Center and she wants to be sure where the Board is at with this proposal. Mr. Heestand clarified that the plan all along was to use two restrooms that they have in the Welcome Center. They built those with future expansion in mind. They were given three options for a septic and they chose the largest one. It is sized for 625 gallons a day and it gets fairly light use during most days. He feels there is quite a bit of capacity left over. He has visited a lot of mini golf courses and typically he sees one bathroom per course. They are installing a water meter on those bathrooms to monitor how much flow is going through the septic and see if they need to make an adjustment. For now, it feels like more than enough. Ms. Berger thanked him.

Chair Blanchard asked if any members of the public wished to speak on this application. There were no public comments provided.

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 parcel is in the Rural Residential I Zoning District and the new Nature-Based and Art Overlay District (Section 428 of the Freeport Zoning Ordinance). The proposal includes adding a miniature golf course on the property. Additional overflow parking is also proposed. An existing mobile home is proposed to be demolished. The only new structure proposed is a small shed associated with the golf course (16'x20' shed). The mini golf course will cover an area approximately 27,000 s.f. in size. Some existing tent camping/rv sites will be displaced. Regrading of the existing developed area will be required, and some additional clearing will be required as part of the design for stormwater management. The course has been designed to incorporate water features and native plant species. The applicant is proposing a berm, supplemental landscaping (including a mixture of evergreen and deciduous trees) and a six-foot tall fence. The Based upon this information, the Board finds that this standard has been met.

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

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

The parcel is not within the Design Review District. The proposal includes adding a miniature golf course on the property. Additional overflow parking is also proposed. An existing mobile home is proposed to be demolished. The only new structure proposed is a small shed associated with the golf course (16'x20' shed). The mini golf course will cover an area approximately 27,000 s.f. in size. Based upon this information, the Board finds that this standard has been met.

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible.

Vehicular traffic to the site will not be altered and is existing from the end of Desert Road. A traffic Assessment letter (dated 8/1/21) was prepared by Gorrill Palmer and included in the submission. 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.

A traffic Assessment letter (dated 8/1/21) was prepared by Gorrill Palmer and included in the submission. This did include information on the required parking needs and the proposed parking. There are currently 52 parking spaces at the main parking lot. A total of 68 new parking spaces are proposed with this project. The parking areas and ADA parking have been designed to be compliant with the requirements of Section 514 of the Freeport Zoning Ordinance. 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.

Stormwater management and erosion control plans were prepared and included in the submission. The Town Engineer did review the plans and, in a memo, dated 08/19/21, does indicted that the requirements for stormwater management and erosion control have been met. A suggested condition of approval is that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport. Based upon this information, the Board finds that this standard has been met.

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

The Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be though a private system. The submission included information that the existing restroom facilities will be adequate for the new use. Additional work will be needed to determine if the septic system size will be appropriate. If an expansion is needed, permits will be required from the Local Plumbing Inspector. 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.

Any new signage will be for circulation. 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 mini golf course will cover an area approximately 27,000 s.f. in size. Some existing tent camping/rv sites will be displaced. Regrading of the existing developed area will be required, and some additional clearing will be required as part of the design for stormwater management. The course has been designed to incorporate water features and native plant species. A portion of the course will be ADA accessible. The golf course itself will include landscaping and water features; native species will be used. 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.

Details on lighting have been included in the submission. All fixtures will be full cut-off. A photometrics plan was included in the final submission to demonstrate that the requirements of Section 521.A have been met. Based upon this information, the Board finds that this standard has been met.

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

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

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

The golf course itself will include landscaping and water features; native species will be used. The applicant is proposing a berm, supplemental landscaping (including a mixture of evergreen and deciduous trees) and a six-foot-tall fence. Based upon this information, the Board finds that this standard has been met.

- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;
 - (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 Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be through a private system. The submission included information that the existing restroom facilities will be adequate for the next use. Additional work will be needed to determine if the septic system size will be appropriate. If an

expansion is needed, permits will be required from the Local Plumbing Inspector. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and a Site Plan Amendment for Heestand Family Holding, LLC for a Change of Use and Site Plan Amendment to add the use of Nature-Based Commercial Enterprise to the existing uses on the site at the Desert of Maine (Tax Assessor Map 22, Lot 8), to be built substantially as proposed, plans dated 08/04/21, revised through 08/18/21, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions provided additionally that the stockade fence shown on the south property line can be increased to a maximum of 8' in height with approval of the Town Planner.
- 2) Prior to any site work, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the to be reviewed and approved by the Town Engineer, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - b) Establish an escrow account, in the amount of \$4,600.00 to cover the cost of plan review and inspections of the site improvements by the Town Engineer.
 - c) The developer have a pre-construction meeting with the Town Engineer.
 - d) The applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds. (Reiche & Troidl) **VOTE:** (5 Yes) (1 Excused-Campanelli) (0 No)

Chair Blanchard asked if the motions have to be read in their entirety? Ms. Pelletier explained that they didn't need to be. It was necessary when we were on zoom so people could clearly understand. For now, the Board can say, as read and written.

ITEM IV: Reviews

Downeast Woodworks Addition – Change of Use and Site Plan Amendment

The applicant is seeking approval for an After-the-Fact Change of Use and Site Plan Amendment for an addition to their property on US Route One. The proposed addition will extend the current building with an additional 1800 square feet of building space and 450 square feet of new pavement. A proposed rain garden will be added to mitigate the new impervious surface. Zoning District: Commercial 1 (C-1). Tax Assessor Map 25, Lot 7-1 (95 US Route One). Downeast Woodworks/ Max Jennings, applicant; 95 Route One, LLC, owner.

Ms. Pelletier explained that Max Jennings is here and his family own the Downeast Woodworks building on U.S. Route One. When they came in for an addition, they found out that not only did they need approval for the addition but they also need an after the fact change of use. A lot of this is existing conditions but they have a couple of things they are planning and are here to introduce them tonight. The building has been there for a

decade. They are proposing to add 1,800 sq. ft. of building space and 450 sq. ft. of new pavement. Access is existing, the parking is existing. They are going to do a little clean-up to and make sure they provide ADA parking according to any requirements. They do need to work out some stormwater details with Adam Bliss, our Town Engineer. We will need to see the details on the proposed rain garden. They are working on that. They need to get a capacity letter from the Sewer District and that is forthcoming. No new signage is proposed. They will have some lighting that is required for egress and they will provide information. They are not requesting any changes to the existing buffering. They will have to remove a little bit of vegetation for the addition. They do have an overhead door that is visible from U.S. Route One so Section 527 for Commercial Districts do apply to any of the changes before the Board tonight.

Mr. Jennings, employee and son of the owner of Downeast Woodworks, explained that they were in the process of doing this. He welcomed any feedback or questions the Board had on their planned addition and the change of use retroactively.

Chair Blanchard asked what color the garage door will be? Mr. Jennings advised that it would be white and the siding on the addition will match the existing building. He will provide lighting details to the Board next month. For the rain garden he has decided on a couple of perennial native grasses to include in there and Adam Bliss requested some more specifics around that. He has had difficulty contacting the Sewer District but wanted to point out that they are a shop of three people and the previous use was for a daycare or some sort of school and they had more use for the Sewer. Their current usage is about 39 gallons per day. They have one single toilet and while he understands they need a capacity letter from the Sewer District, he hasn't yet gotten a response from them. He feels they are very comfortably within the limitations of the Sewer District. They have contracted with Pine Tree Waste Services and they provided two containers. One is for recycling which they mainly fill up with cardboard and the other is for trash. Any scrap wood is brought in their own trailer to the Town's Recycling Center where they pay to dispose of it there.

Chair Blanchard mentioned this was a concept review. Mr. Troidl noted that the existing building is not noticeable and this addition is another 30' back from the front of it so he doesn't know how much of it will be seen. Chair Blanchard opened the meeting up to the public. There were no public comments provided. Chair Blanchard thanked Mr. Jennings and mentioned that the Board would see him next month.

Wilbur's of Maine- Outdoor Freezer – Design Review Certificate

The applicant is seeking approval for a Design Review Certificate to add an outdoor freezer to their property with a screening wall to obscure visibility. The screening materials will match the existing building façade. Zoning District: Commercial District III (C-3), Design Review District I - Class B & Color Overlay District. Tax Assessor Map 8, Lot 4A (174 LWR Main Street). Andrew Wilbur/ Wilbur's of Maine, applicant; FCW, LLC, owner.

Ms. Pelletier advised that Andy Wilbur is here and Wilbur's of Maine has a pumpkin-colored building on Lower Main Street and Meeting House. They want to add an outdoor freezer with a walled enclosure. The wall will be 8' tall to enclose it so it won't be visible. The materials in the siding, the trim and the colors will all match the existing building. This qualifies as a site feature for Design Review. Since it is visible from the right-of-way, it is before the Board tonight.

Andy Wilbur mentioned that it is a straight forward process. They have a full wall that they use to obscure the two dumpsters and want to replicate it for the freezer as well. Mr. Troidl asked if it would start after the heat pump? Mr. Wilbur noted it will be between the tree and the heat pump so the western edge of it would be close to the alleyway between two buildings. The freezer will start in line with the eastern building and go down 16'. The end of it will probably line up with the end of the heat pump.

Chair Blanchard asked if there were any members of the public that wish to speak on this application? There were no public comments provided.

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

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

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 or 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.

No change to the existing roof shape is proposed. Based upon this information, the Board finds that this standard has been met.

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

No changes to any building façade materials may be proposed. Based upon this information, the Board finds that this standard has been met.

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

The applicant is proposing an outdoor freezer with wall enclosure. The area is already cleared and district setbacks will be met. Based upon this information, the Board finds that this standard has been met.

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

The applicant is seeking approval for a Design Review Certificate to add an outdoor freezer to their property with a screening wall to obscure visibility. The screening materials will match the existing building façade with Hardie Board siding and wood trim. The wall will be eight feet in height (due to the slope); the nearby wall screening the dumpsters is six feet in height. The freezer itself will be about 8'x15' and the enclosure will be 10'x17' feet and sided to match the façade and trim of the nearby existing structure. Based upon this information, the Board finds that this standard has been met.

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

changes in hours of operation. See Special Publication: "Sign Application Requirements".

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

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate Wilbur's of Maine, for an outdoor freezer and enclosure at 174 Lower Main Street (Tax Assessor Map 8, Lot 4A), to be built substantially as proposed, application dated 08/03/21, 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) Prior to installation, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Berger & Reiche) **VOTE:** (5 Yes) (1 Excused-Campanelli) (0 No)

Linda Bean's Maine Kitchen and Topside Tavern Addition – Site and Building Alterations

The applicant is seeking approval for a Design Review Certificate to modify the design of the second story of the previously approved addition to an existing restaurant on Main Street. No changes to the site plan are proposed. Zoning District: Village Commercial 1 (VC-1), Design Review District 1 - Class C & Color Overlay District. Tax Assessor Map 11, Lot 107 (88 Main Street). David Matero Architecture, applicant and representative; 88 Main Street, Freeport, LLC, owner.

Chair Blanchard explained that this applicant has been before us a couple of times already and what is being proposed now are additional modifications to that design. Ms. Pelletier added that the Board knows Mr. Matero quite well now since he has been here a few times for an addition to Linda Bean's Maine Kitchen and Topside Tavern at 88 Main Street. In this case, it has been determined that the designs they had will not work so they have had to make alterations to the material change. They also want to add some enclosed doors on the front so they can get more use out of it and close the doors in case of inclement weather. This does not affect the site plan or the footprint. It only affects the second story façade. This is strictly Design Review and any restrictions from past approvals are still applicable. They are still working out the impervious calculations.

Mr. Matero advised that he brought boards in case the screen doesn't work. He grabbed the easel and displayed his design. He noted that they started this design project a year and a half ago and in that time a lot of things have changed. The scope of the project is quite similar but what has become very important now is outdoor seating. They expanded the outdoor seating as much as they can on this infill project. The first-floor walk-up ice cream window remains the same. Their balcony that extends out remains the same. What has changed from when they presented before is they had a glass roof to cover the outdoor seating that had a very low slope. Structurally it doesn't work and a glass roof is not such a good idea when you consider the dirt, bird droppings and anything else that would need to be cleaned off. As they got into the engineering, they have switched it to a polycarbonate roof which directs light all over so it makes the inside of the rooftop lighter without showing all the dirt and allows them to expand the structure (which he pointed out). The difference in the design is that it

has to be 2-12 slope. They are sloping the roof from the front of the façade to the back where they can discharge all the stormwater and snow. That raises the roof of their building basically so it lands on the roof of their addition on the back and they added glass. What the Board is looking at is a sloped polycarbonate roof with a glass surround and a beam that will be able to handle a bifold door that they hope will only be closed in inclement weather. Those are the major changes they have made. They are trying to show is this infill currently. As the Board knows, there is an ATM machine and a gap in their townscape. The Polo building is much taller than their building so they are stepping down with a transition from a glass roof addition to the Linda Bean Restaurant and trying to show in drawings that it is stepped back. As you are walking down, this is set back. You will see a glimpse of the roof overhead but that is actually part of trying to draw people in. They have to try to create an experience and a safe environment and they are trying to create that with sort of a newer building that will draw people into the restaurant and outdoor seating so they can capture their patrons all year round. The biggest change is the roof structure and the ability to close the space with bifold doors. That is why they are back for the third time.

Mr. Reiche was trying to understand how this building relates to the sidewall of the Polo building. There is a dormer there and double windows. He asked if one of the windows will be covered up? Mr. Matero advised there are no windows on the side of the Ralph Lauren building. It's all clapboards and their sign. There is a door facing the street but nothing on the side that would affect them. The information board will have to be moved that will be obstructed by this. There is nothing they are affecting in terms of how Ralph Lauren operates other than they will block up their signage. Mr. Matero added that the second time he came to the Board was when they had to modify the design of their first-floor plan to account for all the utilities that go between the buildings so their second floor still does the cantilever and they are only a foot or so from the Ralph Lauren building but everything they are building is non-combustible and accepted by the Codes Officer.

Mr. Troidl added that he is uncomfortable with the height but it has always been a funky void space there and he thinks in this case the 3-D is helpful but it actually is a weird force perspective so he doesn't think you will notice it as much it looks like you are on that. Mr. Matero added that it is clearer on the model they built and the second floor of the Linda Bean Restaurant has a really low ceiling, it is less than 9' tall but seats over 100 people. It was built as a bank building and has a really low second floor. It is a pretty squat building. The doors are new. There will be a gas fireplace on the side and there might be some temporary heaters. The plan is not to heat it but to temper it so that people can eat in there in the winter time. Mr. Yankee asked what is the purpose of the doors? Mr. Mateo advised that it is to keep dry in a rainstorm or in zero-degree weather. Mr. Yankee asked if people would actually be seated in there in zero-degree weather and Mr. Mateo advised that the plan is to do that with a gas fireplace and some temporary heat. Mr. Yankee mentioned that if the doors are closed, it should be considered indoor seating. Mr. Matero did not know if indoor seating affects this. They have accounted for all the seating in terms of their parking requirements. Their goal was to not have to insulate it per the energy code but in terms of whether it is considered indoor seating or outdoor seating, he doesn't know if it affects anything in terms of what the Design Review Board needs to review. Mr. Yankee feels that it would. He mentioned if they are going to be seating people and the doors are closed, not being an expert but he feels that would be inside seating. Mr. Matero noted he felt they could call it indoor seating. They still have the outdoor seating across the balcony and when those doors are closed, beyond that is restaurant. Mr. Troidl feels the only impact will be a fire code or energy code. Ms. Pelletier added that it is still part of the restaurant whether it is indoor or outdoor. Ms. Pelletier mentioned that when they apply for a building permit, if the Codes Officer says the code is applied that way and they didn't meet it, they will have to come back to the Board.

Mr. Matero added that they do have a means of egress from inside that space if the doors are closed. It doesn't count as an emergency egress. If the Board looks at the floor plan, there is an exit inside that space that goes into the staircase that goes down. They meet the code compliancy. There is also a bathroom available for the

extra people in the restaurant. Their parking analysis was done to account for the extra seating for the restaurant. Ms. Pelletier advised that she will have to look at how the Ordinance defines the parking if they can potentially use those 365 days a year because they can enclose it. Mr. Yankee requested that the Codes Officer take another look at this with respect whether it is indoor/outdoor. It sounds like it is insulation building code/potential fire code and potential parking depending if it is going to be used year-round indoor.

Mr. Troidl added that even where the interpretation of that was, if he had to insulate, it would be in the walls and wouldn't make any difference to the aesthetic design. Mr. Matero added that calling it interior space in terms of what we are dealing with today is fine and if they have to increase their parking lot, they will work it out with the owner and the Town. Going back to the previous discussion with the Desert of Maine, Mr. Yankee feels reviewing plans, the Board also has to consider how the space will be used or how the facilities will be used in the approval process. The two can't be separated. Mr. Yankee asked if it were indoor space, would it also affect the glass on top of the roof? Mr. Matero advised that it would not. He advised that there is a lot of steel to make this work and it is already a challenge separately to have the steel separate from the interior and exterior space in a restaurant. This is just another challenge they are trying to get away from which is why they recommended no permanent heat in that space. He wanted to make clear that in terms of the design, it remains the same.

Ms. Berger mentioned that in a prior approval the Board did, there was discussion about parking spaces and wasn't there an excess of space at the time? Mr. Matero advised that the excess of space has been utilized now with the addition to the restaurant. Ms. Pelletier advised that the parking standards go up for interior dimensions and there are certain areas that are exempt. The Board looks at the outside and the general square footage but at the end of the day, internally they have a hallway or stairway that is exempt. It doesn't make sense to calculate it now because the interior design is not finalized and then it is not always right so we do it once they have their final design and come in for a building permit. If they don't have parking in their possession, they can buy a lot or build a lot or they can get parking from the parking pool. They are only before the Board tonight for Design Review for that second story façade appearance. For past approvals, that parking still needs to be resolved and Tod is right, we are going to have to carefully look at realistically how it is being used and how it ties into the parking calculation.

Mr. Troidl advised that whether it is used 9 months a year or 12 months a year, it is going to require the same amount of space and if the Board is just approving Design Review, then if the Codes Enforcement Officer rules something else that changes their design, they will come back. Ms. Pelletier mentioned that regardless of conditions the Board put on, Mr. Adams is going to have to look at it for the current building code when the applicant comes in. The Building Code has changed so if they don't meet it, Mr. Adams is not going to issue a permit. If he has to modify it, in Design Review she cannot approve it so will have to come back. She feels that it is a restaurant but the one aspect of the space by adding the doors with a temporary heat source, they are changing the use which could impact parking and the design. She clarified that the Board is reviewing the application for the Design Review Standards, the Design Review Ordinance, the scale, the materials, compatibility and site features. The Board has already approved the use and the footprint, square footage and all the other things that go along with that. Mr. Yankee added that the Board approved the use that would be considered outdoors. He asked if the Board approved the use that it would be indoors? Ms. Pelletier advised that it does not make a difference for the use.

Chair Blanchard asked if any members of the public wished to provide comments on this application? There were none provided.

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

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

No changes to the overall size and scale of the building will be altered. The design of the second story façade will be altered to include additional covered area for outdoor seating on the second level. The building will still comply with District setbacks. Based upon this information, the Board finds that this standard has been met.

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

The height of the addition will increase. The height will be taller than the remaining structure but lower than that of the abutting property. Based upon this information, the Board finds that this standard has been met.

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

The new addition will maintain the proportions of the building's front façade through the incorporation of some of the same architectural features. The design has been made to use some compatible features while also drawing attention to the outdoor area. The relationship of the height and width is compatible with neighboring properties. 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 applicant will maintain the existing rhythm of solids to voids in the front façade. Although the lower portion of the alley will be enclosed with a fence, the area above will remain partially open allowing for space between the two abutting buildings. 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.

There will be a glazed roof over some of the outdoor seating. The proposed material of the roof will be polycarbonate (glass was previously proposed). The roof will extend over the deck, towards Main Street to cover the outdoor seating on the second level. The roof will be slightly angled to allow for water/snow to properly drain from the roof. Based upon this information, the Board finds that this standard has been met.

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

The first level of the proposed addition will remain unchanged. The second level will still provide outdoor seating. There will be a roof over some of the outdoor seating. The proposed material of the roof will be polycarbonate (glass was previously proposed). The front façade of the second level will now have bifold doors which can be closed in inclement weather. The south wall will be tiled with a gas fireplace insert on the inside. The second story façade will consist of mostly glass and metal. The side of the wall facing the Polo building will remain non-combustible as required per Codes. Some windows on the rear façade as proposed to be removed as they would now interfere with the modifications to the interior layout. 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 width of the building will be shortened to create an alley between two abutting structures. A gate will be used to enclose the alley area. Based upon this information, the Board finds that this standard has been met.

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

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

10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review

District shall be reviewed for the following: materials, illumination, colors, lettering style, location

on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

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

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for David Matero, for exterior alterations to the second story building façade (of a previously approved addition) at Linda Bean’s Maine Kitchen and Topside Tavern at 88 Main Street (Tax Assessor Map 11, Lot 107), to be built substantially as proposed, application dated 08/04/21, 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 conditions of the December 2020 and April 21, 2021 Project Review Board approvals are still applicable.
- 3) The final parking requirement for the proposed addition be determined as such time that the applicant apply for a building permit from the Freeport Codes Enforcement Officer, with the calculation to be reviewed and approved by the Town Planner. (Troidl & Yankee) **VOTE:** (5 Yes) (1 Excused- Campanelli) (0 No).

Ms. Berger mentioned that it says final parking requirements be determined, so will that already be in the works? Ms. Pelletier advised that it will be in the works. They can’t get a Certificate of Occupancy until they show they meet the parking and parking is a big deal.

Nighthawk’s Kitchen – Design Review Certificate

The applicant is seeking approval for a Design Review Certificate and Site Plan Amendment for new signage and a 230 square feet outdoor seating area at their restaurant in Freeport Crossing. Dumpster screening is also proposed. Zoning District: Commercial 1 (C-1), Design Review District 1 - Class C & Color Overlay District. Tax Assessor Map 7, Lot 1 (200 Lower Main St). W/S Freeport Properties LLC, Katie Wetherbee, Senior Director, applicant; W/S Freeport Properties LLC, owner.

Ms. Pelletier mentioned that this applicant has also been before the Board. Katie Wetherbee is the contact for the Freeport Crossing also known as the Shaw’s Plaza with Mast Landing Brewery. When they came in for Site Plan Review, the Board might remember that they got approval for not only the artisan’s food and beverage for the brewery but there was a small area of 1,000 sq. ft. for a restaurant. Now Nighthawk’s Kitchen wants to go in. We couldn’t find that there were signs where they wanted to put them so, therefore, they have new signs and have to come before the Project Review Board. They also have a little bump out for outdoor seating and want to

add some outdoor seating on the existing concrete. Visibility is limited but since they were coming, it made sense to include everything at one time. They will have a little bit of outdoor seating on the side facing the parking lot. They also did a little bit of parking restriping to make their ADA parking closest to the restaurant and will make sure this area is ADA accessible.

Ms. Wetherbee did not have anything additional to add. Mr. Troidl mentioned the outdoor seating on the plan. He asked if it is existing concrete that is already there? Ms. Wetherbee advised that yes, it is existing. She mentioned that there is a mailbox. They plan to work with the Post Office to relocate that in the existing concrete area. Ms. Berger asked if this will be separate from the Mast Landing outdoor area? Ms. Wetherbee clarified that it is separate but the two operations work together but it will not be Mast Landing beer served there.

The physical location for the dumpster enclosure area was approved before but they said they would come back when they wanted to install the enclosure. They are still not ready to install it but wanted to get it approved. They want to get Nighthawk's Kitchen open and operating. Ms. Berger asked if once they open, will they still need a food truck? Ms. Wetherbee advised they won't have one at this time but they want the right to use a food truck and would come in to get a permit.

Chair Blanchard opened the meeting up for public comments. There were no public comments provided. He requested that someone provide the motion.

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

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

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 or 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.

No change to the existing roof shape is proposed. Based upon this information, the Board finds that this standard has been met.

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

No changes to any façade materials is be proposed. Based upon this information, the Board finds that this standard has been met.

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

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.

There is 230 sf of existing paved area near the restaurant entrance will be used for outdoor seating; cut sheets of outdoor dining fixtures have been included in the submission. Chairs will be red metal and the tables will be gray powder-coated aluminum. Dumpster screening is also proposed and will be

six-foot high, wood, solid board enclosure with steel gate framing. 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".**

Two new signs are proposed: one on the front façade facing the parking lot and one on the rear façade facing Desert Road. The sign over the main entrance will be approximately two feet in height and nine feet, two inches in length. The sign face will be plexiglass and aluminum powder coated with LED internal illumination. The rear sign will be powder coated aluminum letters with exterior illumination. Cut sheets of the proposed exterior lighting gooseneck fixtures have been included in the submission. Based upon this information, the Board finds that this standard has been met.

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

Mr. Reiche noted that the motion includes the dumpster provision for WS Freeport Properties.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for WS Freeport Properties, LLC, for outdoor seating, a dumpster enclosure and new signage at 200 Lower Main Street (Tax Assessor Map 7, Lot 1), to be built substantially as proposed, application dated 08/04/21, 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) Prior to installation of signage, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer. (Reiche & Troidl) **VOTE:** (5 Yes) (1 Excused-Campanelli) (0 No)

Foiled Hair Salon – Change of Use and Design Review Certificate

The applicant is seeking approval for a Change of Use and Design Review Certificate at 32 Main Street. The use will be changed from Retail to Business & Professional Office (Beauty Salon). Replacement signage is proposed. Zoning District: Village Commercial 1 (VC-1), Design Review District 1- Class B & Color Overlay District. Tax Assessor Map 11, Lot 124 (32 Main St). Foiled/ Gabriela Cortellino, applicant; Bowe Family LLC, owner.

Ms. Pelletier mentioned that the Board doesn't see a lot of change of uses in the Village because a lot of times they are coming in and although they are changes of use, they are not physically changing anything different on the site. They are doing things that could have been handled by Staff approval but in this case, with workloads, vacations and Board attendance, we couldn't get them to Staff Review quicker. It would have taken them longer so this is the quickest way possible and the reason this change of use is before the Board tonight. They are not making any site changes. There is parking on site. Before they open, we will see the updated parking calculation once we see their interior layout. They will have to prove that parking is being provided either on site or through the parking pool for all the uses. Details are in the Board's packets. They are going to do replacement signage

that was included in their submission. Their dumpster is on site which they can use for solid waste. Anytime we change a use, we need proof from the Sewer District that they have the capacity to serve. She thinks they are on vacation so that is a condition of approval. The applicant and the owner are here tonight if the Board has questions.

Ms. Cortellino did not have anything to add and noted that she felt Ms. Pelletier covered most everything. Chair Blanchard asked if any members of the public wished to provide comments on this application. There were no comments provided.

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 already developed with an existing structure and existing site improvements. No changes to any site features are proposed. Based upon this information, the Board finds that this standard has been met.

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

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

The parcel is in the Village Commercial I District and the Design Review District I. No changes to the exterior of the building or to the site are proposed. Based upon this information, the Board finds that this standard has been met.

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

Vehicular access to the site remains unchanged and it to a small parking areas with access from Grove Street. Based upon this information, the Board finds that this standard has been met.

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

pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

Parking is required in accordance with Section 514 of the Freeport Zoning Ordinance. There are six parking spaces on-site and any additional required parking will need to be provided through the lease parking pool. The total number of spaces required for all of the uses is 9.4 spaces; 1.15 spaces of which are required for this use. 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 to the site are proposed. Based upon the size and nature of the development, information on surface water drainage was not submitted. Based upon this information, the Board finds that this standard has been met.

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

The building is connected to public utilities. Obtaining a capacity letter from the Freeport Sewer District has been added as a condition of approval. 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.

Proposed signage has been included in the submission and is all replacing existing signs. The background of the signs will be white Dibond and the lettering will be black, as shown in the submission. There will be two replacement sign panels (2.75 sf each) on the existing ground sign and one wall mounted sign (17.3 sf) on the Grove Street façade. No new signage lighting is 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.

Since this is a commercial use, per Town of Freeport, Chapter 28, Solid Waste Disposal Ordinance, the applicant will be required to sort their cardboard from their other waste and contract with a private waste hauler for waste disposal. There are existing dumpsters on the site. Based upon this information, the Board finds that this standard has been met.

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

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

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

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

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

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

- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;
 - (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 Shoreland Zone or the Marine Waterfront District. The building will be connected to public utilities, with obtaining a capacity letter from the Freeport Sewer District being a condition of approval. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and a change of use for Foiled – Gabriela Cortellino at 32 Main Street, to be built substantially as proposed, application dated 08/03/2021, finding that it meets the standards of the Freeport Zoning Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
 - 2) Prior to any work on the building, the applicant obtain a Building Permit from the Freeport Codes Enforcement Officer.
 - 3) Prior to installation of the sign, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer.
 - 4) Prior to applying for a building permit, the applicant obtain a written capacity letter from the Freeport Sewer District with a copy to be forwarded to the Freeport Planning Department.
- (Berger & Yankee) **VOTE:** (5 Yes) (1 Excused-Campanelli) (0 No)

Denney Block- Extension of Approved Building Plans 56 Main Street

The applicant is requesting an extension, Design Review Certificates and a Site Plan Amendment for a previously approved three-story building plan for a redevelopment project at 56 & 58 Main Street. The approval consisted of removal of a portion of an existing structure and the construction of an addition between two existing structures. The applicant received approval from the Freeport Town Council in May 2015 for a Contract Zone for the property. Zoning District: Village Commercial I, Design Review District I – Class B and C, & Color Overlay District. Tax Assessor Map 11, Lot 109 (56 Main Street). Denney Block Freeport LLC/ Alfred Yebba, applicant; Denney Block Freeport, LLC, owner.

Ms. Pelletier explained that they Mr. Yebba was here for an in-fill building on Main Street. The Board worked quite a while on this project. A contract zone worked its way through the Planning Board, Project Review Board and then the Council. He then came in for the demolition of a portion of a Class C Building and waited the four-month notice period and got the Site Plan approvals, Design Review approvals and everything was recommended and then we had the pandemic so they have not yet built the building but they did go through all that. They are here to seek approval of an extension. They are doing that within the time guidelines so their permit is still valid for about a month or so. She didn't realize that Design Review only allows the Board to grant a one-year extension but Site Plan Review allows the Board to grant a two-year extension. That is what the Ordinance allows and is how it is set up. The important thing here is having standards change that will impact the application. Any permission from past approvals will still be valid and that is noted here. The extension dates are specifically called out in the motion so that Design Review would give them another year from the date of expiration and Site Plan Review will give them two years.

Al Yebba feels Ms. Pelletier summary was pretty comprehensive. This was an unfortunate casualty of the pandemic and he hopes to get construction back on track in the prescribed timeframe of the extension.

Mr. Yankee asked how many times an applicant can get an extension. Ms. Pelletier advised that the way she looks at Design Review, they can only get that one-year extension but she has seen it done about three times in Site Plan Review. There is no limit but she feels it depends on the standards and there is a lot of interest in the downtown and we are doing a lot of revisioning work so it wouldn't surprise her if the Town decided to change some standards. This will give them a little more time to figure this out and there is no grandfathering of approvals. Mr. Yankee is guessing the economic environment will continue to change as well.

Chair Blanchard asked if any members of the public wish to comment on this application. There were no comments provided.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review grant an extension of the previously approved Design Review Certificate and Site Plan Amendment for Denney Block Freeport LLC, at 56 Main Street (Tax Assessor Map 11, Lot 109), for demolition of a portion of an existing structure and construction of a building addition and associated site improvements, to be substantially as proposed, application dated 08/04/2021, finding that no municipal ordinances affecting the approvals have changed and therefore the application would still meet the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Any conditions of approval from the 09/18/19 and 10/16/19 Project Review Board approvals are still applicable.
- 3) The one-year extensions of the Design Review Certificates will expire on 9/18/2022 and 10/16/2022. The extension of the Site Plan Amendment will expire on 10/16/2023. (Yankee & Troidl) **VOTE:** (4 Ayes) (1 Abstention-Berger) (1 Excused-Campanelli) (0 No)

Chair Blanchard disclosed that the next applicant lives in his neighborhood and they discussed him purchasing the building in December but he has not talked about the project and the first time he saw the plans was when the Board received them last week. If there are no objections, he will not recuse himself. No objections were raised.

Goodfire Brewing & Mr. Tuna- Change of Use and Site Plan Amendment

The applicant is presenting conceptual plans for Change of Use and Site Plan Amendment. The use will change from restaurant to restaurant and Artisan Food and Beverage. Parking and vehicular circulation will be moved to the back of the building with a proposed driveway entrance on South Freeport Road. Exterior building modifications are also proposed. Zoning District: Commercial 1 (C-1). Tax Assessor Map 25, Lot 5 (117 US Route One). LLC/David Redding applicant; Mr. Tuna 117 Route One, LLC, owner

Ms. Pelletier advised that this building is the old Conundrum Building and Old World Deli on the corner of South Freeport Road and U.S. Route One. Part of the building was used as a restaurant and the other half was also used as a restaurant but now, they are changing to Artisan Food and Beverage which is a permitted use. They are proposing some Site modifications here. The property as it exists today has some unique access from U.S. Route One. There is a triangular property line between the big statue and the two buildings. The applicants would like to close off the entrance on the Route One façade so that the access to the site is on the South Freeport Road to the rear parking which is parking for the site. They have reached out to the Town and also to

DOT because we need some clarification on who the actual entrance permit for the modifications will actually come from and so far, there are no objections. Relating to access, the Town Engineer did say he would want more information in looking at the safest entrance there and then providing information on traffic. This is U.S. Route One South so the requirements are that they submit a parking study analysis so that is something they will need to include in their final submission to show they meet parking. They also need to show that they meet the requirements for ADA parking. Although they are taking up a lot of impervious area, they still need to show they will treat the impervious areas. They have had preliminary discussions with Adam Bliss, our Town Engineer. They have been working on stormwater management and erosion control which the Board will see when they come back. They still need a capacity letter from the Sewer District which will be forthcoming. Final submission will need to include basic signage and lighting. The Board had some building renderings in their packets and the applicants will walk the Board through the extent of the changes they are proposing. This is in the Commercial District so Section 527 is applicable so the Board should consider that for the proposal's landscaping and building designs and any signage when they show the Board. Landscaped buffers are another requirement down there. Since they are changing the use and site features, they will need to demonstrate how they are meeting the pedestrian connection requirement with the abutting properties. Again, it is a unique property line the way they kind of blend together and it is something they can address.

David Redding noted he is a new Freeport resident and thanked the Board for being here. He mentioned he would talk a bit about himself and his business and then Mr. Tuna a/k/a Jordan Reuben. They will then turn it over to team members and each of them will comment on the more specific aspects of the plan. They hope to answer any and all of the Board's questions and hopefully turn this around quickly so they can reilluminate this iconic spot for Freeport. He and his wife are Freeport parents who met in medical school back in Biddeford and have pretty much done all of their adult activities here in Maine. He turned his home brewing into a business which started in 2017. They still have their production and brewery down in Portland on the East End. When they saw the enthusiasm, excitement and changes happening in Freeport north of Portland, it seemed like a fitting opportunity for them to expand their businesses and bring some of their success to this community. He mentioned that Mr. Reuben and his fiancée just closed on a property and will become Freeport residents as well. They are both invested in the community wholeheartedly. Essentially what they are looking to do is transferring one business from the El Jaffe Conundrum Restaurant to Mr. Tuna and adding a new use which is the Artisan Food and Beverage and purchased a small pilot system that will describe the footprint a bit. Their basic plan is to re-illuminate this amazing spot and provide site modifications that will bring it up to ADA standards that make it safer and also add some stormwater management that will be good to protect what they are aware of is a threatened wetland behind the property.

Tyler Holmquist noted he works with a landscape architect here in Freeport. He described the site improvements adjacent to the building and displayed a plan. There is not much difference in what is currently in parking and what they are proposing there. He started on one side of the building and worked around. A new proposed concrete walk in the front is being proposed to unify the entries to Goodfire Brewing and Mr. Tuna as well as the service walkways in the back there. Working their way around, there is some bicycle storage. There will be bike racks on some type of pavement pad. As the Board can see from around the building are the outdoor eating space for Goodfire. On the Goodfire side, all the land is set back and bound by a fence. Right now, the thinking is a wood fence that matches the wood façade additions to the architecture. On the Mr. Tuna side, the Board will see that the outdoor seating extends to the property line into the setback. There are egress doors that exit right into that setback area. Without being able to go over that line, it would be hard to provide outdoor seating on that side. In the center it is worth noting that this is an area to go in and there is a shared bathroom so that is a shared space for that. As mentioned before, it is a pretty odd property line the way it cuts across so their thought was to close down that entry to Route One and have less of a conflict between the neighboring properties and the dangerous intersection there. The entry where it exists now, they are proposing

to maybe define it and narrow it down slightly. The materials for the outdoor seating area are ADA compliant so that is the thinking right now. For plantings, currently there are a few invasive species they are proposing to eliminate. They will replace the Norway Maples with Pin Oaks. All of the plants they are proposing are native and will do well. Out front between the service entries and the main entries they are proposing some pepper bush which is a nice medium height groundcover. They will plant between the neighboring property some Bayberry and Red Maples. In the back to provide some shade between the Mr. Tuna side and the Goodfire side, they will plant some Honey Locust and Red Oaks. He displayed a plan showing some light locations. Those will be on every other fence posts. The thinking is that they will be low vintage fence post lights that will face down and give some illumination to the outdoor spaces. The fence material will lighten the density up a bit so it is more transparent and the height is only 3' tall so you can actually look in and see what activity is going on there. He showed a quick detail of the two entry signs. They will conform to Town standards. The materials and colors will be determined.

He displayed a plan showing the Goodfire Brewing outdoor seating area and the architectural façade they are modeling the fence after. He pointed out the bike rack area. He also pointed to the Mr. Tuna entry. He next displayed the view looking at the two entrances. He explained the plans displayed. On one plan he explained that they are replacing the paving on their side of the property line with the loam and seed. He pointed out the fence that does encroach into the setback but is within the property line. The final views are overlooking the outdoor seating areas.

Sam Lebel with Acorn Engineering mentioned he is a civil engineer on the project and is happy to be here tonight. These are two great companies looking to breathe life back into this site. It is kind of a gateway to Freeport from the South. As the Board can see, there has been some good thought put into this even though this submission was concept sketch. Since that time, they started to take it to the next level with real thought and detail in it. A lot of that is reflected tonight so they can move this as constructive as possible. They saw closing that Route One clear cut as a big advantage for the site. Not only will it keep cars off of Route One backing up but it will enhance that façade and make it more pleasing from that view from Route One in addition to the traffic benefits. All traffic will be routed off South Freeport Road and they will be using the existing curb cut and driveway to formalize that parking area. The landscape island is being pushed back to accommodate a really efficient layout. The landscaped island will be enlarged, will be rid of invasives and shade trees will be installed in there. The traffic flow will be simple. It is kind of a loop and a firetruck can get around it. It has all been incorporated into their site designs. From a traffic perspective and trip generation, these are similar uses to what El Jefe and Conundrum had before so there is really not going to be a lot of change in those peak hour demands are. From a stormwater perspective, Dave mentioned that we are in a threatened water shed so they have been sensitive to impervious area and stormwater. Even though the parking area is slightly being enlarged, that impervious area is basically being offset by what they are doing in front of the building so the net impervious area when you compare existing to proposed is about a wash. They are exploring how to get a stormwater VNP to at least treat a portion of the runoff before it enters the watershed again. They are really taking not only aesthetic improvements but technical improvements that are not as easy to see. Again, in back the generous sidewalk really ties everything together. It will be strategic in the way finding and getting people to their destination whether it is to Goodfire or Mr. Tuna.

Ryan Senatore with RSA from Portland. They are excited about this project breathing new life into this building. As mentioned, there are not a lot of exterior changes. They are just cleaning up the exterior facades of the building and adding some new glazing to create a better connection from interior spaces to the exterior patio. One of the biggest things they are doing is improving handicap accessibility. The two main entries will be made handicap accessible and they have a shared bathroom that the two entities will use and they will be brought up to current codes and accessible access throughout. Those are the major interior improvements they are making.

They worked with the landscape architects to make sure the building improvements are cohesive with the site improvements. They have the wood slat details wrapping the outdoor patio space the Board saw so it will be a very similar wood detail. They are also wrapping the entry to the Goodfire side as well with that wood slat cladding detail. He displayed the technical elevation drawings. They are proposing some new cut-off downlight fixtures mainly for safety and to illuminate entries as well as some cut-off sign down lights on the front of the building. They will be taking down the pretty worn stockade fence that is existing and will provide a new fresh appearance there. This summarizes the exterior improvements.

Ms. Berger asked if there is a buffering requirement on U.S. Route One? Ms. Pelletier read the buffering requirements into the public record. Ms. Berger noted that she is seeing that there is no proposed planting buffer from the Route One side. Ms. Pelletier added that they show grass and the area they noted to the Board, they don't meet that standard in that side landscape setback and she is not sure the Board has the legal ability to waive. If that is something the Board is interested in entertaining, she would need to get legal guidance if this is something to waive. It is on the front and side so pretty much everything they show all around extending into the back parking area they will have to landscape. Mr. Reiche asked if this is under Section 409. Ms. Pelletier agreed and noted that it is under Other Standards, No. 2. Mr. Reiche asked about C-5 and the Board can reduce the side. Ms. Pelletier saw that under No. 5 and explained what it contains. Mr. Reiche noted his draft is from March of 2019 that doesn't have the 5' limit. It just says you can reduce the setback. Mr. Reiche mentioned the applicant is planning outdoor seating and obviously is asking for a reduction in the setback. He was told it is just outdoor seating and is compacted stone dust surrounded by the fence so it is not the building. The building currently is in the setback and the property line hits it and goes around the corner. They are asking for additional outdoor seating and it is replacing the existing asphalt. Mr. Reiche noted they are supposed to have landscaping for 15' on the sideline but they have seating instead of landscaping. If the Board can reduce the setback to 5', it would reduce the landscape requirement. Ms. Pelletier added for a building. If this is something the Board wants to allow, we will need to get some legal guidance before they come back. Mr. Reiche mentioned this is an informational meeting tonight and Ms. Pelletier added that it is conceptual and they are hoping to get feedback. Mr. Senatore advised that the outdoor seating that is there goes within 5' of the property line so what they are proposing to add is from the dotted line out.

Mr. Reiche feels it is a very strange property line and the applicants are doing a nice thing with the property and he would be inclined to accommodate them to the extent the Board can. It would be nice to know if the next-door neighbor has a problem with it. Mr. Senatore mentioned that is the 100% next step. They have a couple of other rendering concepts they created depending on how much they are willing to work with them on this. The idea is they would be paying for landscaping to improve both properties. More discussion followed.

Mr. Troidl mentioned the split rail fence. He was advised that the fence needs to be removed and it will be re-landscaped. Mr. Yankee referred to the north property line that is the weird area. He would like to see it addressed in discussion with the neighbor. If the Board were not to have that triangle addressed and it stayed the same, he thinks it would look ridiculous as an entrance to Freeport. The applicant did not know how much control he had on that. There is a bunch of people that own it together and they are trying to do their best to liaised with them but feels it would be hard to be held to that if it isn't under their control. Ms. Pelletier advised that not only this property but the abutting property has recently changed hands. Mr. Yankee asked if there a Plan B in case they don't get a variance for Mr. Tuna's outdoor seating? He was told it would be detrimental to the overall flow but if there was no option, they would have to figure out where else they could put outdoor seating for Mr. Tuna. Outdoor seating is a way to make sure that things will move forward.

Mr. Troidl advised that the landscaping to the northeast looks like it could be successful but having those corners terminate at the property line with little triangles of landscaping right up to the asphalt would be very

strange. Mr. Redding If that is the case and they can't go all the way to the property line, they did have some options to stay further in. He mentioned that the current egress door is on the setback so potentially having the ability to not go all the way to the property line, there may be some ability to not have the setback go so far into the outdoor seating area. And modify the shape. Clearly going to the property line would be the idea scenario but there are ways to modify that. Ms. Berger asked if the outdoor seatings of the two sections are mergeable or are you keeping them separate from each other? She was advised that these are separate businesses but they are making legal arrangements to share the bathrooms under the same licenses. The reason they are trying to keep these separate is because it is the entrance to the bathrooms. The idea of dining in front of the entrance to the bathrooms is optimal. If they could get their neighbors to buy into this idea, the question is can we work with them and make it acceptable to everyone? Mr. Troidl noted there are two issues. 1, can the Board waive the requirement? and 2. If the applicants are up to the property line like they show, but the neighbor had some landscaping for another 10 or 20 feet and all work together, he is okay with that. Ms. Pelletier added that it sounds like the Board has interest in allowing that if it is possible so she will get legal guidance on it. The Board cannot require anything on the abutting property. You can only look at the property before you. She feels the Board made some good points and observations. They will most likely submit plans as shown tonight but once we get clarification, we will figure out how that could be resolved. She will get clarification on the two standards. Mr. Troidl pointed out that this is obviously a non-conforming building and property so he would like to know when it was approved and what was it under when it was approved? The Board is setting a precedent if you have a really weird property, it might get waived but if someone comes in with a green field site and has no restrictions, the Board obviously wouldn't waive it. Mr. Reiche thinks they are doing great things with this property and the plans and team are great. He is inclined to help if he can help personally. He clarified that getting consent from the neighbor doesn't solve any problems but it makes it easier for the Board in practical terms to accommodate you with a waiver. He wouldn't be struggling personally too much with this being a precedent because it is a long-standing complicated property. Ms. Berger noted that if the results from the attorney can come back quickly, we can give it to them so they at least can see the legal clarification in advance of next month, they will at least have a chance to know if they need to prepare more or not or whatever.

Mr. Reiche feels that when he reads that subsection, it is clear to him that the Board can but is the twist Ms. Pelletier is seeing in the landscaping? Does the Board have the right to waive the 15' landscaping requirement if we reduce the setback? Ms. Pelletier advised that the question is does the Board have the right to waive either of those standards? No. 5 is very specific that it pertains to the building. We are not talking about the building. We are talking about outdoor seating. She sent No. 5 to Mr. Reiche in 409. He read it out loud. More discussion followed.

Mr. Troidl does not feel they should be forced to build a sidewalk to the next office building. It does not make a lot of sense to him. Mr. Redding mentioned that he would speak to his neighbors about this. Mr. Troidl likes what they are doing to close it off. If their address of 117 U.S. Route One is still the same, and getting people to go to the right place instead of blowing by it, he didn't know if the applicants have thought about that. The Board will need more detail on the façade to make sure it meets Section 527. The shipping container in the back will be used as dry storage and they will paint it in a cool way. Chair Blanchard mentioned it would be hard for visibility from public right-of-ways the way it is tucked in there. An enclosure is planned for the dumpsters. They plan to compost their food scraps. Chair Blanchard explained what will be needed for the next round. The more detail the better. They are proposing to have a sign on the corner directing people to turn. The second sign will show to turn. They will downplay the signage on the front of the building so people are not trying to enter from the front. Awnings will have their graphics.

Mr. Yankee added that for him, it is the relationship in that corner with its surroundings. There are ways that things can be done. Mr. Redding noted that their goal is to create something that benefits both businesses.

Chair Blanchard asked if any members of the public want to discuss this application. He thanked the applicants and their team.

ITEM V: Discussion on a remote participation policy for the Freeport Project Review Board

Ms. Pelletier explained that a new law went into effect that municipalities could in certain cases hold remote meeting but they have to adopt a policy. Each Board has to adopt a remote participation policy, hold a public hearing before they can hold a remote meeting. What the Board has before it is as policy that was recently adopted by the Town Council. Her understanding is that it duplicates pretty much what State law allows prepared by the Maine Municipal Association. This language was written so that if a Board member could not physically be here for a legitimate reason and they want to participate virtually, they would be able to do that. If the Board is allowed to participate virtually, we need to offer equal opportunity to the public. The Town is working on making it so this room would allow for a hybrid meeting. One of the differences is that when we were doing it all virtual, we couldn't see the public but in this case people at home in the public we will be able to see them. It is not designed for anyone to sit at home because you don't feel like coming in or because it is controversial and you don't want to be in the room with an angry public. It is designed to make it efficient. If the Board doesn't want to do this, you don't have to. It is the Board's decision and you would have to vote on it at a subsequent meeting. From Ms. Pelletier's perspective, zoom has been good and we got a new audience and new participation. It combines the best of both worlds and works efficiently so she thinks it is great. There are people that want to participate but can't be here at night. They were able to participate on zoom while they cared for their family but they can't do that now. The Council has not had a hybrid meeting yet. They will offer this opportunity at every meeting. Mr. Yankee added that the proposed applicants or their consultants could also be remote as well. Ms. Pelletier thinks that legally the applicant or their presenter could be remote. Mr. Yankee feels for travel, that would be helpful. We have a lot of them coming up from Massachusetts and other places as well. This could be a big cost savings to speed things along in terms of scheduling and all sorts of things. Mr. Reiche recalled having people come up for a 3-minute item. Ms. Pelletier noted the Board had some of that tonight. Mr. Reiche feels this all makes sense to him. Ms. Berger asked about public hearings and Ms. Pelletier understands the Board can use it for that. Chair Blanchard feels it will give applicants a lot more flexibility. Others agreed. Ms. Berger assumes it will be indicated on the Minutes and Ms. Pelletier agreed it would have to be noted on the agendas if someone is out of town, etc. Ms. Berger asked if the Board would have to do roll call votes again. Mr. Troidl read that the roll call votes would have to be seen and heard. Ms. Pelletier advised that the agendas will be posted on the Town's website. Mr. Troidl would prefer to see the Council should consider a special newsletter mailing saying things have changed. Ms. Berger mentioned it is expensive if things need to be mailed and someone has to pay for it. Ms. Pelletier advised that in the Board's case, it is the applicants.

Ms. Pelletier noted that the next agenda is not that big so she will put this on there. It sounds like next month Goodfire will be back and perhaps the conceptual subdivision the Board did a site walk for. There is a Design Review application and the Board might have Downeast back. She can put the Remote Participation Policy on the agenda. If she can get the final edits made to the Rules of Order, she will put that on as well. Chair Blanchard feels that once the pandemic is over, people will still prefer to meet in this room.

The Board advised Ms. Pelletier that they wanted to move this forward. She will put it out to the Town Manager after we have a full board.

ITEM VI: Discussion on upcoming workshop with the Freeport Town Council and the Freeport Planning Board including possible dates and topics for discussion.

Ms. Pelletier advised that this is something everyone talked about for a while. She reached out to the Chairs and everyone was enjoying their summer and didn't want to commit to a meeting. The thought was that maybe September would be appropriate. The Council wants to have a workshop with both Boards and we would want to have a list of some things such as Design Review. Chair Blanchard suggested waiting until we have a full Board. Ms. Pelletier understanding is that the Appointments Committee will be appointing someone in the first meeting in September so we can wait until later in September. She feels this Board will want to discuss what it wants to talk about before that. Chair Blanchard mentioned an outline from the presentation that was done with the Council. Ms. Pelletier asked if there are things that stand out that we could tweak to be more efficient for the Board or applicants? She thinks the Council would be open to hearing your feedback. Chair Blanchard mentioned that the more we can streamline some of these reviews, the more we can handle in house is a good thing. Ms. Pelletier pointed out that a standard is a standard so we have to go by the standards.

Mr. Troidl mentioned that if the Council has approved funding for Phase 2 and 3 for the Downtown and are having Design Week in October, he thinks a discussion of what that process will be and obviously the Council can pass any ordinance they want and we have to enforce it, it scares him to have that Design Week and not know what the guardrails are going to be of it they just want it to be total blue sky, that's fine but everybody needs to understand that there is a process behind that that is going to have to happen, and especially with the municipal process of meetings, it will take months to actually change ordinances for those types of things. It is obvious that people want housing downtown and he does not disagree with that but there is a lot of work that needs to be done to allow someone to build a nice apartment building downtown. He hopes everyone has their eyes wide open and knows that. Whatever comes out of that October Session and whether they need a consultant and who is involved in collaborating on that. It is really about process and what people are proposing to do. We will have to wait and see but if we really want more housing downtown and want someone to break ground in the spring, people better be ready to get to it in the winter in order to change ordinances to allow it to be something that is even legally possible. Ms. Pelletier feels some of those things are independent of the village. There is value in hearing from the Board so she will put it out there on the agenda and say late September after we have a full Board or early October. It will be on the next agenda for discussion.

The Planning Board is doing the solar and the Shoreland which are big projects. After that is done, they will be shifting to an RFP for the Comp Plan. They will be taking up cannabis which was sent to them from the Council and working on making some of the Emergency Ordinance provisions permanent changes in our Ordinance. They also want to hear from this Board. Some of the big ideas will have to wait until we update our Comp Plan. The Planning Board gets its directives from the Council. She never heard from the Council if there is support to start changing Design Review or the Overlay. If there is no support at the Council level, it is not worth the Board's time.

ITEM VII: Persons wishing to address the Board on non-agenda items. There were none.

ITEM VIII: Adjourn.

MOVED AND SECONDED: To adjourn at 8:20 p.m. (Yankee & Reiche) **VOTE:** (5 yes)
(1 Excused-Campanelli) (0 No)

Recorded by Sharon Coffin