

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, JUNE 19, 2019

Prior to the meeting, the Board held a site walk for the proposed LL Bean Outsider Building Renovation project at 1 Casco Street

PRESENT: Geralyn Campanelli (Chair), Gordon Hamlin, Ford Reiche, Adam Troidl, Suzanne Watson, Drew Wing and Caroline Pelletier

EXCUSED: Guy Blanchard

CALL TO ORDER: Chair Campanelli called the meeting to order at 6:05 p.m. She thanked the Board for its commitment as well as Staff and held up a huge stack of information she was provided with.

ITEM I: Informational Exchange

a) Update on Staff Approvals

Mr. Pelletier explained that she did a couple of staff approvals. The first was a septic system replacement in the Kelsey Brook Subdivision off Litchfield Road and a replacement of snow removal equipment at L.L. Bean's Desert Road facility.

b) Review of summer meeting schedule – Ms. Pelletier noted she is aware of one Board member who will not be here in July but asked if any other Board members had any vacation time scheduled that would conflict with the third Wednesday in July or August. No one voiced any concerns.

ITEM II: Approval of the minutes from the Wednesday, May 15, 2019 and Wednesday, May 22, 2019 Project Review Board meetings.

Chair Campanelli noted that the Board has the May 15, 2019 Minutes. The May 22 Minutes will be considered at the Board's next meeting.

MOVED AND SECONDED: To approve the May 15, 2019 Project Review Board's Minutes. (Watson & Reiche) **VOTE:** (6 Ayes) (1 Excused-Blanchard)

ITEM III: Reviews

Falcon Way Subdivision – Village Open Space Subdivision – PUBLIC HEARING

The applicant is seeking final Subdivision plan approval for a residential Village Open Space Subdivision on Falcon Way. Four lots, a road extension of Falcon Way and 46,317 s.f. of open space are proposed. Zoning District: Village I (V-I) & Freeport Village Overlay District (FVOD). Tax Assessor Map 20, Lot 13E. John Libby, John Libby Construction, Inc., applicant and owner; Adrienne Fine, PE, Terradyn Consultants, representative.

Ms. Pelletier explained that Falcon Way Subdivision is back tonight for final approval. A site walk was done earlier and the Board did a conceptual approval. At that time, the Board granted a waiver to allow the surface of the road to be gravel. They are making improvements to Falcon Way to bring it up to the Subdivision standards with the exception of the waiver granted to allow the gravel surface. The Board also did not require any connectivity to abutting parcels off the end of the road due to various site constraints and open space lacking in the area for connectivity points. The Board did have a memo from the Town Engineer attached to the Staff Report concerning his comments on Frost Brook Lane. It is a private road and the Town does not have any standards. Falcon Way, being part of a subdivision is being upgraded to the Subdivision standards. The Town Engineer did have concerns about the width and make-up of Frost Brook Lane which is not a subdivision road so Ms. Pelletier does not know if the Board could make them upgrade it to that. She

asked the Fire Chief to go and look at it. When he looked at the Ordinance and the proximity to a hydrant, he doesn't think he can require sprinklers. He could get the truck down Frost Brook Lane even if it isn't the perfect road. When he came off Frost Brook and headed into Falcon, he did have a hard time getting the fire truck in there. He suggested that they consider adding some pavement to that turn but he did not realize that they are proposing adding some improvements to that already and realigning the entrance. Ms. Pelletier reached out to Adrienne Fine and put a condition in here to consider that she work with the Fire Chief to make sure that his concerns regarding that turn are addressed. If they need to tweak it and add a little more pavement, they do that so the truck can get down there. Otherwise, it is pretty straight forward. This is a Village Open Space Subdivision so they have open space that shows up on the Village Open Space Map. The remainder of the area of open space they will provide a fee in lieu of which would be a rate set by the Council which is currently 80 cents per square foot. There are no outstanding items with the application.

Chair Campanelli noted that she and Mr. Troidl were not at the site walk at the previous meeting or the preliminary hearing but both of them have read through all the information and feel they are up to date on things.

Mr. Reiche asked Ms. Pelletier to explain in greater detail what Adam Bliss was talking about. A couple of meetings ago, Mr. Reiche didn't believe he had any real questions about the road and now his report suggests that it be widened by four feet. Ms. Pelletier explained that early on, it didn't get raised as an issue. In the beginning, the only recommendation was from Earl Gibson, Public Works Supervisor recommending that they pave the apron onto Main Street and they go back 10 feet. Nothing was ever raised about the road and Mr. Bliss only raised it last week as a concern for him. She feels Adrienne Fine can address Mr. Bliss' point and the existing conditions out there.

MOVED AND SECONDED: To open the Public Hearing. (Hamlin & Troidl) **VOTE:** (6 Ayes) (0 Nays)
(1 Excused - Blanchard)

Adrienne Fine of Terradyn Consultants explained that Ms. Pelletier summarized the project very well but noted there are four lots of 20,000 sq. ft. for each because they are served by septic systems, public water and underground electric utilities. The open space covers all the concerns for steep slopes and wetlands on the site. She pointed out where they will be providing storm water management for the project. They will provide swales and culverts throughout the roadway and direct storm water to those underdrain oil filters. That was all reviewed by the Town Engineer and he approved a storm water permit as part of his memo. Falcon Way is going to be a private road through the subdivision standards and meets all those standards except it will be a gravel surface. It will be 18 feet wide with 2-foot shoulders on each side. The length is about 630 feet. The road currently goes to where two driveways come off at the existing homes. From there up to Frost Brook Lane the road is going to be improved to meet subdivision standards and from there down to the end, it will be a new road. She displayed a plan showing the entrance to Falcon Way. She pointed out the existing road and that is what the Fire Chief was turning onto and having troubles. They are proposing to expand the road to meet the standards and that includes a 15-foot turning radius at the intersection. It will provide 26 feet with the gravel at the property line. It is a 10-foot improvement and the alignment of the road will be intersecting at 90 degrees. Today it is really skewed and steep so they don't think there will be a problem turning onto it but they will reach out to the Fire Chief and work with him to make sure he understands the plan and it does meet the standards. If they need to expand the shoulder at that location, it should not be a problem. She displayed a plan showing on the right the entrance onto Frost Brook Lane with the paved apron going 10 feet onto the road. Ms. Fine noted she went up and measured Frost Brook Lane in a few places, there is a flat gravel surface that goes 18 or 19 feet throughout the whole length. It does get narrower at the intersection with Falcon Way today but they are improving that condition already with their proposed improvements to the intersection. It is closer to 14 feet right in front of the road there but with them providing a turning radius, it will be a wider road in the future. She provided traffic numbers to the Board. The increase in traffic was four vehicle trips increase during the p.m. peak hour as a result of this project. They didn't feel it was a concern for traffic. They are improving the entrance and the intersection of Frost Brook Lane with Falcon Way. She requested that the project be granted.

MOVED AND SECONDED: To close the public Hearing. (Troidl & Hamlin) **VOTE:** (6 Ayes) (1 Excused-Blanchard)

Mr. Troidl brought up the Village Overlay and the way it reads is that the Board rarely sees Design Review but in a subdivision, we do so Codes Enforcement will look at the building design. Ms. Pelletier explained that there are different standards that get triggered based upon the nature of the development. In this case, for a subdivision where it is one or two-family, they get reduced setbacks and when they come in for a building permit, he will have to issue a design certificate with some of the building design requirements within the district.

Mr. Reiche asked about the septic easement with the abutter. Mr. Libby noted that it is not completely resolved. They have an agreement. He has to get a partial release from his mortgage to make this all work and they are happy to do this because their septic is on his property. They will swap the exact amount of land to make his septic conforming. He has a letter noting it will take a few more weeks because he is working with his title insurance company to work out the fee involved to have this done which is considerable. They have a plan. Mr. Libby is not gaining any additional land. Mr. Reiche asked if Katrina Van Dusen finalized their conservation interest. Ms. Pelletier explained that they will not be taking the open space. It will be retained by the Homeowner's Association. Ms. Van Dusen stated that the Conservation Trust values the fact that the gully will be protected by the open space there but it wasn't a piece of land they initiated or had any interest in at this point. Chair Campanelli added that there is no connectivity to any trails.

Findings of Fact:

11.1 Pollution

The parcel is located within the watershed of Frost Gully Brook, an Urban Impaired Stream. The brook and its wetlands do abut/are in the parcel and the location is shown on the plan. There is an area of FEMA Zone A flood plain on the property, abutting this area and the boundaries are shown on the plan. There is approximately 46,317 s.f. of open space on the parcel which directly abuts the flood plain, wetlands and brook. This open space will be protected from future development. Each lot will be served by a private wastewater disposal system and each lot meets the required State minimum lot size of 20,000 s.f. for lots with septic systems. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

Each lot will be connected to the public water system. In a letter dated 04/25/19, Aric Odone of MaineWater notes that they have the capacity to serve the project. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

Each lot will be connected to the public water system. In a letter dated 04/25/19, Aric Odone of MaineWater notes that they have the capacity to serve the project. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion.

Erosion control plans have been reviewed and approved by the Town Engineer (see memo dated 06/11/19). Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

The applicant is proposing an extension of Falcon Way. The road would be 630 feet. A gravel road is proposed and the waiver to allow gravel was previously granted by the Board at the 03/20/19 Project Review Board meeting. In a memo (dated 03/13/19), the Town of Freeport's Superintendent of Public Works did request that the portion of Frost Brook Lane that is within the Route One right-of-way be paved and further suggests that an additional 10 feet beyond the right of way be paved to provide safer travel conditions due to the increase in use of the private gravel road. This has been added as a condition of approval. Adam Bliss, Town Engineer, did review and approve the plans for the reconstruction and extension of Falcon Way (06/11/19). Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

Each lot will be served by a private wastewater disposal system and each lot meets the required State minimum lot size of 20,000 s.f. for lots with septic systems. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, each lot owner will be required to contract with a private waste hauler for the disposal of solid waste. In a letter dated 04/24/19 from Adrienne Fine, it is stated that during construction the disposal of land clearing and construction debris will be managed by the applicant and stumps and brush will be removed to a licensed facility. Building contractors will handle their own construction debris. Based upon this information, the Board finds that this standard has been met.

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

There are no known historic sites or significant wildlife habitat identified on the site. Based upon this information, the Board finds that this standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

The parcel is in the Village 1 Zoning District and the Freeport Village Overlay District. There is an area in the gully that is in the floodplain and in which no development is proposed. This is a "Subdivision – Village Open Space"; 70,313 sf of open space is required. Approximately, 46,317 sf has been identified as being shown in the Secondary Conservation Area on the Village Open Space map, and the additional 23,966 sf will require a fee to be paid in lieu of open space (based on current fee set by the Freeport Town Council and in effect as such time that the fee is paid). Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

The subdivision plan was prepared by Wayne Wood, licensed land surveyor with Wayne T. Wood & Co. In a letter dated 04/24/19, Aaron Cannan from Katahdin Trust states that the applicant has the financial capacity to complete the project. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

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

11.12 Impact on Ground Water Quality or Quantity

Passing test pit locations were determined by Mark Hampton Associates, Inc. and the locations have been shown on the plan. Each lot will have a private septic system. The brook and gully will be protected by the abutting required open space which remained undeveloped. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

The developed area is in Zone C, areas of minimal flooding, on the FEMA Flood Insurance Rate Maps (FIRM). The parcel is located within the watershed of Frost Gully Brook, an Urban Impaired Stream. The brook and its wetlands do abut the parcel and the location is shown on the plan. There is an area of FEMA Zone A flood plain on the property and the boundaries are shown on the plan. No development is proposed within the flood plain. Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

Wetlands were delineated by Mark Hampton Associates, Inc. and the location of wetlands are shown on the recording plan. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

The parcel is located within the watershed of Frost Gully Brook, an Urban Impaired Stream. The brook and its wetlands do abut the parcel and the location is shown on the plan. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

The Town Engineer conducted the review and stormwater permitting for the project. The parcel is within the Frost Gully Brook watershed, an urban impaired stream, which means that a reduced permitting threshold was applicable. In a memo dated June 11, 2019 (attached to the staff report) the Town Engineer concludes that the Stormwater Management plans meet the standards of the Freeport Subdivision Ordinance and the Maine DEP Chapter 500 Rules. Two conditions of approval are proposed: that the applicant obtain a Maine Construction General Permit and the applicant enter into a Maintenance Agreement for a Stormwater Management System, with the Town of Freeport, and to be recorded in the Cumberland County Registry of Deeds. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

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

11.18 Phosphorus Impacts on Great Ponds

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

11.19 Impacts on Adjoining Municipalities

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

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

MOVED AND SECONDED: To accept the motion both written and read in the Staff Report. (Troidl & Hamlin) **VOTE:** (6 Ayes) (0 Nays) 1 Excused-Blanchard)

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision plan for John Libby Construction, Inc. for a four lot Village Open Space Subdivision on Falcon Way (Tax Assessor Map 20, Lot 13E), subdivision recording plan dated 12/17/18 and revised through 04/24/19, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, including but not limited to clearing of the site, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Pay a Pavement Maintenance Impact Fee to the Town of Freeport, to be based upon the road length and the current impact fee effective at such time that the fee is paid. Applicants for building permits will also be required to pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at such time.
 - C. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in an amount to be reviewed and approved by the Town Engineer, in a form acceptable to the Town Attorney. The performance guarantee, in accordance with Article 12.9 of the Freeport Subdivision Ordinance, shall cover the cost of all site work, including the road, erosion control, stormwater

- management, landscaping and demarcation of property lines, etc., along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount of \$TBD, be paid.
- D. Establish an inspection account, in the amount of \$2,000.00, for inspection of the site improvements by the Town Engineer.
 - E. The developer have a pre-construction meeting with the Town Engineer.
 - F. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
 - G. Final legal documents be submitted to the Town for review and approval.
 - H. The applicant pay a Village Open Space Fee in lieu of providing the land, based upon the required square footage of 23,966 sf not being provided with land, and the current fee effective at such time that the fee is paid.
- 3) The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
 - 4) Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
 - 5) The portion of Frost Brook Lane that is within the Route One right-of-way be paved and an additional 10 feet beyond the right of way be paved to provide safer travel conditions due to the increase in use of the private gravel road.
 - 6) The applicant work with the Freeport Fire/Rescue Chief to address concerns about the turn onto Falcon Way.
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Maguire Construction – Approval Extension

The applicant is seeking an extension of a previous Site Plan Approval for a new 7,493 s.f. building and associated site improvements at their property on US Route One (South). The building will be used for office for a construction company and workshop space. Zoning District: Commercial I (C-I). Tax Assessor Map 23, Lot 66-1. Maguire Construction, applicant and owner; Tom Farmer, Landscape Architect, representative.

Ms. Pelletier introduced this item. They came before the Board two years ago. It is located on Route One South between Cold River Vodka and Maine Optometry. It is for a construction office and they will have a paint shop. They got approval in the past. They had a condition that their storm water plans get approved by the Town Engineer. Due to various reasons, it took a bit longer to get that done. They then had to get financing, approvals and permits to start the project and were not able to start construction within the two years. The two years are set to expire at the end of this month and she explained what the Ordinance states. They are here for an extension of the Site Plan Approval tonight. In their review, two things came up. Apparently early on they had a smaller building and in the original approval, the building footprint was increased to a little over 7,400 sq. ft. Although the building reflected that on the plan and in the supporting documents, there was a typo by the applicant and then carried into the Staff Report that noted it was 6,300 sq. ft. The Staff Report does have a condition to note the correct square footage of the building footprint so it is not an increase. It is cleaning up the paper trail. There was one change that did come up and a condition was added in the Staff Report. They did make some changes to the building façade since the original approval. Tom Farmer is here tonight and he can talk about it with the Board. Otherwise, it is pretty straight forward. There are no other changes to the plan.

Tom Farmer, Landscape Architect introduced Bob, Barbara and Tanner Maguire as well as their new civil engineer that has worked on the latest revisions. They have a new civil engineering firm for various reasons. The old one dropped the ball which led to a lot of confusion and delay. It has been over a year and when the Maguires decided they were ready to start construction, realized that a lot of the original conditions of approval were never met by the old engineering firm. They hired a new firm and resubmitted a lot of the information Mr. Bliss was looking for and they got final approval in April. They went to their bank for financing and they realized that they probably could have gotten 30% of the site work finished by the deadline, but they got nervous because the two-year deadline is next week. That is the summary of why they are here asking for an extension. They have their funding from the bank and are ready to start. He recommended that they wait until they get an extension. He feels Ms. Pelletier did a great job summarizing. He has been working with her reviewing both submissions, one from two years ago and what they are now proposing. They resolved all the issues

except the one she just brought up. The Site Plan hasn't really changed from 2017 but they did add a rain garden. The elevations are pretty much the same. They are now proposing two doors in the center instead of the one they originally proposed. He displayed the plan showing the façade you would see driving north on Route One. All the materials, colors and light locations are the same.

Chair Campanelli mentioned that the original plan had the larger number. Mr. Farmer agreed it was the 7,400 and they looked at the old files and found that it appeared to be a typo left over from the preliminary submission that got carried over to the files cover letter. The Storm Water Report that was prepared and the Final Plan that was submitted and being reviewed by Adam Bliss shows the 7,493 number.

MOVED & SECONDED: That the application for Maguire Construction be approved as written and read and as amended in the Staff Report. (Reiche & Troidl) **VOTE:** (6 Ayes) (0 Nays) (1 Excused-Blanchard)

Proposed Motion: Be it ordered that the Freeport Project Review Board grant an extension of the previously approved Site Plan for the proposed Maguire Construction Project on US Route One (Tax Assessor Map 23, Lot 66-1), to be built substantially as proposed, plan dated April 2, 2019, finding that no municipal ordinances affecting the approvals have changed and therefore the application would still meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The Findings of Fact and conditions of approval related to the Board's 06-28-17 approval are still applicable with the exception of condition 3.g, as the plans have since been reviewed and approved by the Town Engineer is regards to stormwater management and erosion control.
- 3) The building square footage previously referenced as 6,300 sf, is correctly noted as 7,493 s.f.
- 4) This approval includes the updated building façade as included in the plan set.

Doten's Construction – New Buildings

The applicant is presenting conceptual plans for a new development which would include a lot split, a 2,400 s.f. building for retail/office, a 2,560 s.f. car wash and associated site improvements at 392 US Route One. Zoning District: Commercial I (C-I). Tax Assessor Map 26, Lot 41. Doten's Construction, applicant; 392 Doten, LLC., owner; Rebecca Lizotte, Doten's Construction, representative.

Ms. Pelletier advised that last night there was a new Zoning Ordinance Amendment that was made by the Town Council. She cautioned that Board members would have to change their thought process in the Commercial Districts. In Section 409 Commercial I, there is now no limitation to the number of overhead doors. To go along with Section 527, the Board has the language in front of it tonight which she read into the public record. She recommended that the Board change its thought process tonight and keep it in mind. This is a pretty straight forward Site Plan and the applicant is here to get some feedback so they can go ahead and work on final plans. Our Town Engineer suggested that if they were going to retain both lots, they consider looking at a shared access for the two sites. It is not something the Board can require but that was his feedback. They will meet with Mr. Bliss and get their storm water plans approved before they come back to the Board. She asked the Board to keep in mind Section 527 and perhaps ask the applicant how they are going to address the standard for pedestrian access and also it would be helpful to give them some feedback on what they are thinking about landscaping. Otherwise, there are no outstanding items.

Rebecca Lizotte with Doten's Construction advised that this site plan was not amended based on last night's vote. What they were trying to achieve was hiding the overhead doors. She showed how they tucked the car wash behind what was supposed to be office space.

Aesthetically they are going to match the doors as much as possible. The gray doors will match the siding. Car Wash doors generally need to be able to self re-set. A lot of people hit them and when they hit them, they don't want them broken or people trapped inside. When the doors are hit, they go into alarm mode and they roll all the way up, re-set and then set themselves back down. They are not going with the red or blue. It will be gray to match the building so they don't stand out as much as possible. The front building will be a similar façade. They do not have a ton of detail on that yet. She assumed the car wash would be the hot topic and hopes to get quick feedback on that before going further. They are working with a landscape architect and provided a detail on plant species. Their architect provided a list of plants she would suggest and will plot them as they go down the road with this project. As for the pedestrians, they got mixed feedback on that. She is not sure how people are going to be walking to a car wash. They would be walking to a retail building so she understands that. Some people do not like the idea of pedestrians on Route One but other people do. She is not sure where they are on that and they don't have it in there right now other than the existing bike paths in front of their buildings. She requested feedback.

Chair Campanelli pointed out that she has concerns for how much is going on in this lot. She asked Ms. Lizotte what she meant when she said the Police didn't want the car wash on the back. Ms. Lizotte mentioned that it is more optimal for traffic to have the car wash forward of Route One so that everybody is coming in and immediately turning and exiting out. She displayed the plan again. There is back space that is not visible from Route One so if you are driving by patrolling the area, etc. that back corner behind the car wash is essentially only viewed from the highway side of things and not optimal for security and safety purposes. If anything is going on back there, nobody will know about it. They plan to have surveillance cameras for security there but they have asked Freeport Police if they would add that as a noted route. When they are driving by, please feel free to drive in because they are concerned about the dead space. It is there because they were trying to strategically place the buildings to hide the overhead doors. If you look at it, there is only 1 ½ doors visible from Route One. The others are hidden. They didn't want to wait for last night's vote because it has been such a long process already. With the vote last night, she would prefer to put the car wash forward. The car wash will only have automated drive-through bays. There will be one touch bay, one touchless bay and one vacant bay. She explained the differences in them and after determining which one does better, the third one will be for expansion if it goes well. They will own this business and it is new to them.

Chair Campanelli mentioned that if Ms. Lizotte is going to move it, it will be a new site plan and she expects she will be back. She pointed out that she lived in a neighborhood once that had a car wash and the issues were queue lines, water run-off and toxic stuff. She feels these things need to be addressed. The queue line on Route One will be a big issue and with the way Ms. Lizotte has this site plan, there will be problems with people coming in and out of the car wash. She would be interested in seeing how they could share access with the neighboring lot because of trying to cut back on curb cuts on Route One because of pedestrian safety. Ms. Lizotte advised that they are retaining that lot but they have no development plan for it right now. Right now, this is one lot with two existing curb cuts. One is 110 feet and they will be reducing that down to the 40 or what it needs to be. The other one is an existing 75-foot curb cut. The lot has been surveyed but is not yet registered. Ms. Watson asked Ms. Lizotte to describe the food aspect. Ms. Lizotte advised that they do not yet have one. There is a higher possibility that it will be an office.

Mr. Hamlin requested that Ms. Lizotte point out on the Site Plan how the traffic would flow. She doesn't want to have people backed up on Route One. Mr. Troidl mentioned that he feels it would be better to have the car wash tucked in the back. Both properties are skewed so it might help circulation if it was reoriented a bit to use the skew to their advantage. If there ever were a combined access to the other lot, it might work as well with a center entrance.

Mr. Reiche has concerns with the congestion. There is a lot going on for that site. For pedestrian access, the Ordinance says that we should provide five feet of paved or appropriate sidewalk. He asked how it would work in this stretch of road where it doesn't exist yet. Ms. Pelletier read a section of the Ordinance. Chair Campanelli pointed out this is a sensitive spot. The Board cannot keep waiving it but we are not doing anything to push this question forward and it is hard to tell an applicant what to do. She is not willing to waive it anymore.

Ms. Lizotte noted that their landscape architect was trying to come up with some creative ideas especially if it was for an office and a car wash and who is walking there. The landscaping will be in the 15-foot setback around the property. Mr. Troidl advised that in general, the car wash building meets the requirements of the Standard. He likes the stone base and if both buildings look like that in general, it will fit the bill. He is not willing to waive the pedestrian requirement. Chair Campanelli noted her concern about the Site Plan and that the Board is not putting a motion forward so Ms. Lizotte will be coming to the Board again. Mr. Troidl mentioned the Board is not trying to design this for them so he is trying to think how it could be better. Ms. Lizotte asked if it was a definite no, that the Board didn't want the car wash forward of Route One because of traffic flow, that is optimal. Chair Campanelli is not sure the Police Chief would say that. Ms. Lizotte mentioned it could be a deeper queue rather than going around the building. Chair Campanelli noted she would have to make it clear that that is the way traffic is supposed to go. On Route One, these are things the Police Chief will definitely review to make sure they are happy with. Ms. Lizotte wants the traffic to flow. It will be their problem. They will not build it and then walk away.

Ms. Pelletier mentioned that if the applicants look at it now that the standard changed last night, and they try to bring it forward and refigure the site, their next step does not have to be to come for final approval. If they reconfigure that and want the Board's feedback, they are always welcome to come back. They have an active application so they can look at some of these traffic flow concerns and come up with the best site and they can come back and weed out some of the Board's concerns before they get into engineering.

Mr. Troidl added that if you are looping around the queue, his concern is if that is a take-out food business, people are trying to back out and you get a big queue in cars and that is where you run into gridlock.

Ms. Lizotte thanked the Board for their feedback.

LL Bean - Outsider Building Renovations

The applicant is seeking approval for a Design Review Certificate and Site Plan Amendment for site alterations and exterior building alterations at their property on Casco Street. Design Review District I – Class C. Zoning Districts: Commercial III (C-III) & Industrial I (I-I). Tax Assessor Map 20, Lots 98-ETC & 101. LL Bean, Inc, applicant and owner; Kylie Mason, Sebago Technics, representative.

Chair Campanelli explained that the Board did a site walk tonight and there were two recusals. She requested that they state their names and the reason they recused themselves. Drew Wing introduced himself and explained that he is professionally involved with the project. Ford Reiche explained that he is recusing himself but would like to go through the particulars for the Board. He feels it is important to stay on the Board when you can and not be too quick to say you are recusing yourself. He reviewed the Rules of Order and Procedure for the Project Review Board. His disclosure would be that he is a business partner with the contractor and they purchased a building from L.L. Bean. Those are two things he thinks are not in themselves create a basis for recusal. L.L. Bean continues to occupy the building they own so because money is changing hands between the applicant and him is something he wants to disclose. The rules go on to say that you should disqualify yourself if impartiality could be reasonably be challenged. He feels that is the zone they are in and a project like this should have a clean beginning.

Ms. Pelletier explained that this parcel has a lot of zoning going on. Most of it is in the Industrial-I Zone. A little bit is in the Commercial-3 Zone. 600 feet from the center line of Main Street is in Design Review One and then there is a current Overlay District on top of that. She mentioned that the building is there. It is an existing storage space that they are converting into office space. They have been doing some other stuff that has not triggered review from the Board at this point but the Board has seen some activity going on at the site.

They are not proposing any changes to the entrance off Route One. They did submit some information on traffic. The Board got an e-mail today with some comments and concerns raised by Adam Bliss, our Town Engineer. It is in the Concord Gully Watershed which is an urban-impaired stream. There is an existing Site location of Development Permit

from the DEP for which the applicant would need to amend. They have already begun that process. Most of the storm water review will be done at the DEP level. They will need to get some review by Adam Bliss because we do have some local ordinances, Section 529 and Chapter 53 which is a post construction storm water management ordinance. He will do some review on that. Both the Commercial District and the Industrial District have different buffering and landscaping requirements and they did point out a lot of the existing vegetation that they are retaining. They will berm and supplement so Kylie can address that. It is a concept. They are here to get feedback so they can work on their final plans and come back to the Board.

Dave Lockman of L.L. Bean advised that he is responsible for their real estate and construction. He thanked the Board for their time today and pointed out that they have not yet officially named the building so for now they are calling it their new corporate headquarters. They are not calling it the Outsider Building. He pointed out that this project is very important to their organization. It is a new home for their employees and places for them to work. It should have a big impact for their population of folks who work for them. He will be here to answer questions.

Kylie Mason of Sebago Technics thanked the Board for coming to the site walk this evening. She provided a quick orientation to the Plan and mentioned that Nicole would go through the building elevations, facade and general floor plan. They also have a traffic engineer with them tonight. She displayed their plan and oriented the Board. The building currently has some office space, a cafeteria and some warehouse space which will be converted into an office space. There is an area of loading docks where they will reduce the impervious and create new green space, creating a small parking lot, making one dedicated service area and creating a new entrance for L.L. Bean employees so they are not walking in to the back of loading docks. They will be removing the ball field skin and returning it to a green field for multipurpose field use. They will have a large berm 6 feet in height along the side of it. It is intended to help screen the building and provide some landscape buffer where it is difficult to do it out at the street. It will also give L.L. Bean employees who are walking around the campus the feeling that they are in the L.L. Bean campus and not just walking along the building with a view to Route One.

She pointed out a section of a building that is being demolished and that they are creating a roof garden but really what it is, is a terraced area that is a demolished building and on the foundation, they can do some patio and improvements. She finds it interesting and fun to talk about. She explained all the utility improvements they are proposing. There are areas in the back parking lot where they are repairing an eroded slope. It is part of this project and part which is being approved by DEP. She pointed out where three outfalls exist. They are meeting Chapter 500 Standards. This is a Site Location Development Permit. It is an urban-impaired stream. They are providing excessive treatment and while she believes Mr. Bliss will do his review, she believes DEP has historically, and by ordinance, meets all the Freeport standards and the Storm Water Maintenance Agreement with the Annual Reporting is part of that Storm Water Agreement and they are all fine with that.

From a parking standpoint, they have gone through and done a calculation and even with the 41 new spaces, they are creating a surplus on the site. It will be in the next packet but she wanted the Board to have a copy. It shows that we have a surplus of parking meeting today's standards. She wanted to call attention to Mr. Bliss' memo, the Stonewood Center is an H/R function. It is not a call center. 300 additional employees is a general growth number that they hope to reach. It is not the number of employees moving from Stonewood to this facility. That is not what they are proposing. At that location there are 150-175 employees. She doesn't know where the confusion came from. Historically the site had received approval for a much larger number when it was entirely warehouse and distribution. That was part of a 1985 DEP Permit.

They have met with staff, with Mr. Bliss, Mr. Adams, Ms. Pelletier and the Fire Chief so they have had a number of meetings. While they are here for concept, their intention is to submit next week with the hope that they can come and receive approval in July.

She displayed the façade of the building. They have an existing building which is pretty much warehouse with a little bit of office space in it and they are converting it to an office building. They are taking the existing facade off because it

looks very warehouse-like and will be replacing it with a high efficiency, high performance glass and insulated metal panels. They will have a base of blue stone along two sides of the building. One side will face Route One and the other south elevation of the building will also have that blue stone. They will be adding a wavy slat system over the building to bring some kind of visual interest referenced to the outdoors. It could be waves, rolling hills, the forest trees so it is a 2-inch x 2-inch wood look flat so that it creates a flowing along those two faces of the building. She shared views with the Board. She shared a view of the proposed "tree house" which will give an opportunity on the second floor to get outside and they wanted to make sure those people had easy access to the outdoors. This façade is 350 feet long and it is only 34-35 feet tall so they wanted to give it a little interest to it by adding the tree house. She pointed out where the tree house is proposed for Chair Campanelli. It will be a mix of indoor and outdoor use.

Derek Holmes, Traffic Engineer provided a brief overview of the Traffic Report and addressed the comments raised by Adam Bliss. The site was originally granted a MDEP permit sometime in the 80s when it was responsible for all permitting including traffic. MDOT took over the traffic permitting process in 1997. Today L.L. Bean has 900 employees and with this renovation will have 1,200 employees. They did a traffic analysis of what is happening out there and what would happen if you added 300 employees to the facility. They did apply a seasonal adjustment factor. They considered putting a signal at the intersection but this is not something they would generally support because adding a signal would affect Route One traffic. He offered to answer questions.

Ms. Mason explained that if employees are parking in the Double L lot, they are exiting from the Double L exit. They met with Nick Adams and the Fire Chief. The Police Chief did not attend. Mr. Troidl mentioned converting the ball field to a grass field, and asked if any consideration was given to planting shrubs or trees behind the guard rail. Ms. Mason explained that they considered it but there are electrical lines running underneath it and she didn't want to propose anything in the right of way. Chair Campanelli asked about a crosswalk at Double L Street and what happened with it. Mr. Holmes noted this is a State Road and Mr. Lockman agreed that their employees would love to have a crosswalk there. They would be happy to discuss what process to follow in order to put one there since they realize there is an issue there. Chair Campanelli agrees there is a need for a crosswalk there since there is no sidewalks on both sides of the bridge. Ms. Mason noted that there is no sidewalk for them to land on or walk on so they have to be careful about leading them into a road without sidewalks. They will look into it but will look at it separately.

Chair Campanelli noted that at one point there was discussion at Traffic and Parking about putting a crosswalk at Double L. While it is not totally relevant to this but she asked what happened with that. Mr. Lockman advised that since it is a State road, he is not sure if they would need State approvals in order to place a crosswalk going across it. Their employees would love to have a crosswalk there and he would be happy to talk about a process to be followed in order to put one there to safely cross that road. They recognize there is an issue there and would be happy to have conversations around how to improve it. Chair Campanelli agreed she would like to see that since there are not sidewalks on both sides of the bridge. Ms. Mason noted there is no sidewalk for walkers to land on and no sidewalk for them to walk down. She is aware that they have to be careful about leading them into a road without sidewalks. She will have to keep working on that separately. Chair Campanelli agrees that it is separate.

Ms. Pelletier pointed out that Rod Regier, abutter, provided a letter since he could not be here tonight with concerns for lighting, storm water runoff and some invasive species. Ms. Mason advised that there will be no increase in light. All the fixtures will be LED and will have directional lights. There is no trespass in terms of night sky and no property line trespass. There will not be any glare since it will be pointing down. It will be an improvement to the lighting. Ms. Mason advised that this plan does a lot to address Chapter 500 Standards but goes beyond in treating to offset the impaired urban streams requirement and healing some of the areas that have been contributing over the years. She explained the areas that will be repaired. This plan has a lot to heal storm water. As for Bittersweet, they would love to do more to control it but until they can find something that will consume it, they are stuck wrestling with it. They are not applying herbicides so it makes it tough. Chair Campanelli feels cutting it down and trying to keep it from reproducing helps a lot.

Chair Campanelli pointed out that this is concept and the Board is not voting on anything. Ms. Pelletier had some things for the Board to comment on so they have enough to do before they come back because it is a big project in a really important location. In the Staff Report in the applicant's submission, they did note that if the Board was willing to approve it, they would like to have a condition that they obtain that Site Location of Development from the DEP. They want to get started on the cosmetic improvements and they are aware that they would have to get approval from the DEP regardless of what the Board says. They would like to do that conditionally. To give them feedback on this would be helpful.

It is in Design Review and it is Class C. She would like to hear more feedback if they are heading in the right direction because the building façade is a big portion of it. The third thing is given with what the applicants have presented tonight and the e-mail received today from Adam Bliss about the traffic. He suggested they should do some things and one of them is a peer review. She asked how the Board feels about that at this point. She would like to hear some more thoughts. Chair Campanelli asked if the Board could request a peer review. Ms. Pelletier advised that we have worked with a few firms that we could reach out to and see if they have appropriate staff to do a peer review. They would do a traffic study and the traffic information a peer reviewer would look at it and say whether or not they agree with it. Ms. Mason feels that a peer review for a permit that is under its original permitting intentions with a nominal increase of not really changing traffic. We are talking about a longevity increase of 300 which is so under what was approved. They would not require any State permits from MDOT or DEP on this matter and the additional cost to the applicant to have a peer review would delay them from coming back.

Mr. Troidl agreed with the amount of parking for 300 spaces, he does not see a chance we could get approved for a signal so he does not know what we are really asking them to do. For him, a Site Location of Development, that would be fine as a condition. They can't do the work without getting a permit. Design Review wise, everything he has seen looks good. He would like to understand the tree house element more and Chair Campanelli agreed it would be helpful to see the section of that elevation. Ms. Mason asked if she could take the landscaping off the plan so the Board could see the building and Chair Campanelli agreed. Ms. Mason noted she will bring in the views without any landscaping so the Board can view just the building. It will be a true building elevation.

Mr. Hamlin pointed out that on the west side of Main Street there is a pedestrian walkway and also where the train trestle comes through. He asked if Ms. Mason would consider having a pedestrian walkway on their side. Ms. Mason advised that they looked at it but with the grades, it is a real challenge and would be very expensive to build. She asked that any improvement be considered separate of this project but they will continue to consider it. She reviewed the options they looked at. There is an existing crosswalk where the BREEZ stops.

Ms. Mason asked if the Board would be comfortable with them trying to submit next week with hopes of coming back for final in the month of July? Chair Campanelli noted that would be fine. She has concerns with a quorum issue. She will not be here and Mr. Wing and Mr. Reiche will be recusing themselves. Hopefully, the other four members will be here. That is her only concern. Ms. Mason noted she will submit and she will be advised if it has to be tabled because there is not a quorum. Ms. Mason mentioned the way the DEP is moving, she doesn't think they will ask for the two-part approval. They were willing to write, should it hold up the permitting, that they had no concerns with the improvements that impact the building, the façade, the demolition or the courtyard area but they would hold on the site work itself. If they think the DEP approval might take longer than the local approval, she is asking if the building work inside the building and the façade work could move separate of any site work and that the site work is bound by the Site Location and Development Permit and the building work can proceed. She asked if this is something the Board would be willing to consider? Mr. Troidl did not see why not. He has no problem with it. No one voiced any opposition.

Ms. Pelletier requested that the Board keep the L.L. Bean information. They won't resubmit anything they already submitted.

The applicant is seeking approval of a Subdivision Amendment to add additional land to an existing lot in the previously approved Bristol Subdivision on the end of Bristol Road. No open space is required and no additional buildable lots are being created. Zoning District: Medium Density Residential II (MDR-II). Tax Assessor Map 23, Lots 87-4 & 32. Aaron and Christina Francis, applicant and owners; John Schwanda PLS, Owen Haskell, Inc., representative.

Ms. Pelletier introduced the item and explained that this was before the Board in March. Lot 4 at the end was split into two lots so they had Lot 4 and 6. After that happened, they decided they wanted more land on the other side of the house so they bought an abutting parcel that is not within the subdivision. They are proposing to split that abutting parcel at the back portion to a lot in the subdivision and they have to come back and amend their subdivision recording plan which is why they are here today. The Board has an updated plan in front of it where John Schwanda added a couple of notes. He is a land surveyor and cleaned up a lot line that we asked for a little clarity on. He added a note on a lot saying that the remainder part of the lot is not part of the Bristol Road Subdivision. There was something she omitted in the Staff Report. There is the requirement that the Site Inventory Analysis Plan be completed by a Landscape Architect and Mr. Schwanda is a Land Surveyor so the Board needs to formally grant that waiver and is something that past Boards have done for projects of this size and scale if Staff didn't have any issues with the application itself or the waiver request.

MOVED AND SECONDED: To open the Public Hearing. (Watson & Troidl) **VOTE:** (6 Ayes) (0 Nays) (1 Excused-Blanchard)

Mr. Schwanda offered to answer questions but there were none raised.

MOVED AND SECONDED: To close the Public Hearing. (Reiche & Watson) **VOTE:** (6 Ayes) (0 Nays) (1 Excused-Blanchard)

Findings of Fact:

11.1 Pollution

The proposal includes adding approximately 1.4 acres from an abutting parcel to the exiting lot four in the previously approved Bristol Subdivision. No additional lots or units are being created. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

The plan involves adding additional land to an existing parcel. No additional building lots are being created and no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

The plan involves adding additional land to an existing parcel. No additional building lots are being created and no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion.

The plan involves adding additional land to an existing parcel. No additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

The plan involves adding additional land to an existing parcel. No additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

The plan involves adding additional land to an existing parcel. No additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

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

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

The plan involves adding additional land to an existing parcel. No additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

The plan involves adding additional land to an existing parcel. No additional building lots are being created. Since there will be no additional lots or units created, the Net Residential Acreage was not calculated nor is any open space required. The new lot will conform to the space and bulk standards for the Medium Density Residential II District. Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

The subdivision plan was prepared by John Schwanda, licensed land surveyor with Owen Haskell. Based upon the size and nature of the development, information on financial capacity was not required. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

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

11.12 Impact on Ground Water Quality or Quantity

The plan involves adding additional land to an existing parcel. No additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

The land is in Zone C, areas of minimal flooding, on the FEMA Flood Insurance Rate Maps (FIRM). Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

The plan involves adding additional land to an existing parcel. A wetlands report was submitted and completed by Dale Brewer of Statewide Surveys (dated 6/3/19). No wetlands have been identified on the site. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

The plan involves adding additional land to an existing parcel. No additional lots or units are being created. No rivers, streams or brooks are shown on lot 4. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

The plan involves adding additional land to an existing parcel. No additional lots or units are being created. Based upon the size and nature of the proposal, information on stormwater management was not submitted. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

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

11.18 Phosphorus Impacts on Great Ponds

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

11.19 Impacts on Adjoining Municipalities

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

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

MOVED AND SECONDED: That the Board grant the waiver proposed and read in the Staff Report. (Troidl & Watson) **VOTE:** (6 Ayes) (0 Nays) (1 Excused-Blanchard)

Be it ordered that the Freeport Project Review Board approve a waiver of Article 5.6 of the Freeport Subdivision Ordinance to allow the conceptual sketch plan to be prepared by a professional land surveyor, in that the plan was prepared by John Schwanda a State of Maine Professional Land Surveyor with Owen Haskell Inc., the fact that the previous versions of the plan were also prepared by a PLS, and due to the size and nature of the project, the Board feels that it has the information required to be able to adequately review the application for its compliance with the standards of the Freeport Subdivision Ordinance.

MOVED AND SECONDED: That we accept the proposed motion as written and read in the proposed Staff Report. (Troidl & Watson) **VOTE:** (6 Ayes) (0 Nays) (1 Excused-Blanchard)

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision amendment for Aaron and Christine Francis, for a one lot amendment in the previously approved Bristol Subdivision (Tax Assessor Map 23, Lot 87-4), to add additional land area from an abutting parcel (Tax Assessor Map 23, Lot 32) to lot 4, subdivision recording plan dated 05/29/19, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
- 3) Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

Since the next applicant had not yet arrived, the Board signed mylars. Chair Campanelli noted if the applicant is not here when the Board is finished signing, the Board will be done.

Change of Use – 48 West Street

The applicant is seeking approval of a Design Review Certificate, Change of Use and Site Plan Amendment at an existing property on West Street. A portion of the building will be changed from retail to daycare. A new fence and landscaping is proposed. A parking recalculation is also requested. Design Review District I – Class B. Zoning District: Village Commercial I (VC-I). Tax Assessor Map 11, Lot 5. Joseph and Jennifer Yilmaz, applicant and representative; 48 West Street, LLC, owner.

Chair Campanelli reconvened the meeting and advised Mr. Yilmaz that the Board has had a long night already and, in the future, he should make every effort to arrive on time. Ms. Pelletier introduced the item and explained that it is on the corner of West and Main Street. The parking is in the front and has a retail ski shop and on the other side there is another retail space which they are hoping to convert to a day care use. Freeport has a complex parking system in the

downtown because there are so many different property owners. We have the shared parking concept and people provide parking or they can lease parking. The Planning Board recently made significant changes to the parking requirements which lowered them. Property owners can come in and ask for a parking recalculation. A lot of people lease parking so they want to get the parking recalculated so they are not having to pay all that money to lease spaces every month. In other cases, it frees up parking spaces so they potentially may be able to use them for something else down the road. Since the applicant was coming in to change the use, recalculating the parking is part of this application based upon the new parking standard in the Ordinance. They are not proposing to pull up pavement or do anything else. They are just going to update the parking calculation. They reached out to the Sewer District for a change of use and the Sewer District provided a capacity letter. They are not doing any exterior modifications to the exterior of the building at this time. It is in Design Review and they probably will redo the signage. If it falls under the threshold of staff approval, it can be handled at the staff level. If it is over the threshold, the Board may see them at a future date to get approval for signage. Probably the biggest thing with this is the requirement in the Village Commercial-I District for a buffer zone. The applicant included a copy of the original site plan for this property and on the side abutting the Holbrook Street side, there were some plants in there. There were a couple of existing trees and they had four existing pines. Overtime the trees have been removed and they are proposing to restore the previously approved buffer plantings of the four pines to that area to meet the buffer requirement. Because it is a daycare, they are proposing to put a fence on the side of that area where they want to allow kids to play. Again, there is a buffer requirement the Board should look at. They are not proposing any structures in that area. It is just the buffer and fence and that is really everything that came up at the staff level on this project.

Joseph Yilmaz introduced himself and noted that he and his wife are partners in the building at 48 West Street and are proposing the changes Ms. Pelletier explained.

Mr. Reiche asked Ms. Pelletier about his page 128 in the Ordinance on buffer zones in 506. He read Sections A, B and C and asked for help getting through that because he is not sure that is being proposed. A buffer for a side yard shall maintain the boundary in its natural state to provide a buffer at least equal to the setback distance. This one is gone so going to Section B which says, natural features such as trees, shrubbery, etc. do not exist or insufficient to provide buffer which he feels is the case here, the developer shall landscape and where not feasible, provide fencing. He senses a landscaping obligation here. Section C characterizes it as not necessarily to obscure the activity from the abutting property but to soften the impact so it is no more adverse than the permitted uses. He is wondering whether there is a significant degree of buffering that is required and it might be more than an open fence and four trees.

Ms. Pelletier pointed out that the plan went through previous Site Plan Approvals and they had two existing Ash trees at the time it was approved and they were going to plant four white pines. That has since disappeared and she worked with the applicant to fix the problem. They could restore what was previously approved by the Board. That is one thing the Board needs to take into consideration. As you read this, it does sound there is a preference that if you are going to use the buffering, use natural methods and not necessarily the screening. She suggested having the applicant comment on the fencing and plants in that area. If the Board wants to go through the standards to break them down, it can do that and decide if they are meeting that requirement or not. The Board needs to cross reference back to Page 85 in Section 506 which she read into the public record. She explained that this property is in Village Commercial-I and the abutting property on the side on Holbrook Street has the backyard and is in Village-I so that is where the buffering requirement comes into play. Mr. Reiche found it helpful and he noted he did not realize that this had already been approved with four trees. Ms. Pelletier noted that they did have the two ash trees and that is something the applicant can comment on. They did provide good pictures of the current conditions and it is pretty bare there right now.

Mr. Yilmaz advised that an arborist advised them to take down the trees and the intention was to put them back and now is the time to put back four white pines. This plan is to install a charming white fence which will provide a barrier between the two properties. They want their kids protected and enclosed. Mr. Troidl noted the Board is approving design. Chair Campanelli mentioned there is an air conditioner unit and a sign that fell over but she mentioned that the Board will see a fence where there wasn't one before. She asked if there would be a gate in the fence and it is not shown on the elevation. Mr. Yilmaz agreed there would be a gate. Ms. Pelletier pointed out that it is Site Plan Review for

the change of use and it is also Design Review for anything visible from any of the rights-of-way. Chair Campanelli noted that the Board could ask for some landscaping in front of the fence shown on Main Street. She noted that the applicants are asking for a reduction in parking and asked if all of this parking goes with that building? Mr. Troidl explained that he does not believe this is the lot from 1989. Mr. Yilmaz advised that there is a lot of spaces there. He believes there are 26 spaces. When it is reduced, Chair Campanelli asked if he is planning to do something with the other space. Mr. Yilmaz stated that he is not planning anything now and he was a proponent of not getting rid of too many parking spaces when it was being discussed. It is reduced and allows them to have less spaces. It made sense to have this checked off of the Site Plan. Occasionally the Ski Shop will have a tent sale and in the old rules, when a tent was put over spaces, they had to rent additional parking so it will alleviate that. In this market they feel compelled to keep as much parking as possible for their tenants. The reduction in spaces would give them surplus spaces that in theory they could rent or build upon but they do not have any intention to. It is just part of the process because the new code allows them to update their Site Plan. Mr. Troidl noted that if anyone built something on those thirteen spaces, they would have to come back to the Board.

Mr. Reiche asked what size pines will be installed. Mr. Yilmaz advised that they will be planting four 2-4-inch pine saplings. He is hoping the daycare operator will keep the kids from hanging on them. Ms. Pelletier advised that the buffer is supposed to be in the 20-foot side setback. Mr. Yilmaz can reconfigure it if it is something the Board does not want to see. They are changing the use, so they need to meet the requirements. Mr. Yilmaz offered to plant 2 or 3 trees in the fenced-in area and one or two on the outside. It might enhance the look of the building and also reduce the amount of trees that were in there. While it would take away from the screening, he knows that the fence will screen. The intention of the Ordinance was to require the commercial people to screen and not have residential people put additional plantings in but they have done stuff on the residential side as well.

Mr. Wing pointed out that he is comfortable with the plan as is. If tweaks are required, he would be comfortable leaving it to the Staff to work with the applicant. They are meeting the intent. Ms. Pelletier advised that if the Board does not want to prohibit them from doing that, it could add a condition that if they want to add additional trees, it could be approved by Staff. Chair Campanelli agreed.

Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

a. Preservation of Landscape:

The parcel is already developed with a structure and parking lot. Some previously removed vegetation will be restored within the side setback buffer where a fence is also proposed. Based upon this information, the Board finds that this standard has been met.

b. Relation of Proposed Buildings to the Environment:

The parcel is located in the Village Commercial I (VC-I) Zoning District and is in Design Review District I – Class B. No changes to the building footprint or façade are proposed. Based upon this information, the Board finds that this standard has been met.

c. Vehicular Access:

No changes to the existing entrance from West Street are proposed. Based upon this information, the Board finds that this standard has been met.

d. Parking and Circulation:

There are currently 26 paved and striped parking spaces on the property. The remaining retail space of 2,500 s.f will require 7.5 parking spaces (3 spaces per 1,000 sf for shared parking) and the daycare will require 5 parking spaces (1 for each teacher/aid, non-shared parking). The applicant will now have surplus parking on the site. Based upon this information, the Board finds that this standard has been met.

e. Surface Water Drainage:

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

f. Utilities:

The applicant did submit a letter from the Freeport Sewer District (dated 05/31/19) stating that they have the capacity to serve the project. No dumpsters are shown on the plan, so the assumption is that solid waste will be stored inside the building. Based upon this information, the Board finds that this standard has been met.

g. Advertising Features:

No signage has been included with the submission. Any proposed signage may be subject to review and approval for a Design Review Certificate and Site Plan Amendment by the Project Review Board. Based upon this information, the Board finds that this standard has been met.

h. Special Features:

Since this parcel is in the Village Commercial I Zone and the abutting parcel (Holbrook Street side) is in the Village I Zone, a buffer zone was required during the past site plan approval. Over the years, all of the vegetation has been removed, however the applicant is proposing to replace the previously approved four white pine trees. They are also proposing a 4' PVC picket style fence. The intent of the applicant is for this area to be used as outdoor space for the daycare. No structures are proposed for this area. Based upon this information, the Board finds that this standard has been met.

i. Exterior Lighting:

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

j. Emergency Vehicle Access:

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

k. Landscaping:

Since this parcel is in the Village Commercial I Zone and the abutting parcel (Holbrook Street side) is in the Village I Zone, a buffer zone was required during the past site plan approval. Over the years, all of the vegetation has been removed, however the applicant is proposing to replace the previously approved four white pine trees. Based upon this information, the Board finds that this standard has been met.

l. Environmental Considerations:

This parcel is not within the Marine Waterfront District or the Shoreland Zone. 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: To accept the motion as written and read in the Staff Report and the applicant would have the option to add additional trees per approval of Freeport Staff. (Wing & Hamlin) **VOTE:** (6 Ayes) (0 Nays) (1 Excused-Blanchard)

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Change of Use, Site Plan Amendment and parking recalculation for Joseph and Jennifer Yilmaz at 48 West Street (Tax Assessor Map 11, Lot 5), application 05/29/19, for a change of use for a portion of the building from retail to daycare, to be substantially as proposed, finding that it meets 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 his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Any proposed signage may be subject to review and approval for a Design Review Certificate and Site Plan Amendment by the Project Review Board.

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

Mr. Reiche asked about the public notice issue. Ms. Pelletier explained the Council talked about the issue of Public Notice and we do have to follow State Law. One of the requirements for a paper is that it can be mailed. We reached out to *The Forecaster* and it can't be mailed. They do not mail and *The Times Record* does. The Council talked about the issue and decided it was not going to change its procedure. They said if the Project Review Board wanted to talk about it, how they wanted to handle public notification in the paper sense, the Board could talk about it. For planning, to meet that requirement, we would be stuck with *The Times Record* or *Portland Press Herald*. Whether or not we talk about an additional step to add one of the local papers, the Board could do that on top of it. There would be a discussion on if there is a better way to do that and how we are going to pass that expense on. We don't want the taxpayers to incur the expense. Right now, the developer pays for a legal ad and the fee is about \$100 or \$110. If it is a single person running an ad, it is just about covering it. She could not run an ad in *The Times Record*, or in *The Forecaster* and have it covered by the current fee structure. This is a two-part conversation the Board will want to have if it wants to have it and make a recommendation. Mr. Reiche explained that if the Board has authority to do notice in its own way as long as it expands upon what the Town Council requires, he feels we should go with *The Times Record* because it meets the requirements of the Town in the Statute but additionally go with *The Forecaster* or something like that. He does business in other towns and he has never had anyone apologize to him for the fees they charge him. It is just the way it is. He suggested that we do it at the applicant's expense and we add on for public hearings. Ms. Pelletier advised that we only do it for public hearings and that would be subdivisions. We do not do it very often for Site Plans but the Board always has the option to hold a public hearing.

She suspects July's agenda will be a little lighter than we have seen in quite a while so the Board could talk about this in July. She will pull together some options for the Board to see what it is looking at for pricing. She likes the idea of sticking with the daily paper as the primary because *The Forecaster* does not publish as frequently during certain times of the year. She will pull some information so the Board can also see what other kinds of notification we have out there and see who else is circulating. Mr. Hamlin noted it might be good to talk to Yarmouth. Ms. Pelletier advised that she reached out to surrounding towns but the only one that responded was Scarborough and they are using the *Portland Press Herald*.

Chair Campanelli reported that some Board members attended the Planning Board meeting regarding the Parking Lot Overlay District. At some point, they are going to listen to some of our comments and will workshop sometime around September. We will hopefully get to have some input into that process and it is encouraging.

Ms. Pelletier asked the Board when she has big packets, if anyone has the ability to pick them up. Mr. Troidl advised that he certainly could. Other Board members agreed that if Ms. Pelletier lets them know, they will swing by and pick them up.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 8:10 p.m. (Troidl & Campanelli) **VOTE:** (6 Ayes) (0 Nays) (1 Excused-Blanchard)

Recorded by Sharon Coffin