

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 18, 2019
6 p.m.

Attending: Chair GERALYN Campanelli, Guy Blanchard, Gordon Hamlin, Ford Reiche, Suzanne Watson and Interim Planner, Caroline Pelletier

Excused: Adam Troidl and Drew Wing

CALL TO ORDER: Chair Campanelli called the meeting to order at 6:07 p.m.

ITEM I: Informational Exchange – Ms. Pelletier advised that our Town Engineer has offered to come to the Board and do a crash course on storm water and/or DEP type permitting. If the Board is interested, we can have him come either at the beginning or the end of a regular meeting, depending on what the Board wants. He could do a 15-minute cliff note version or we could have him talk for two hours. She was thinking of an abbreviated version and she would put it on a shorter agenda so no one has to come for extra time. There was general agreement by the Board to schedule 15-30 minutes for a presentation on storm water and an overview of some of the DEP permitting. She will work with Mr. Bliss and put him on a short agenda but it most likely will not be in January.

A) Update on Staff Approvals

Ms. Pelletier did not have any.

B) Discussion on upcoming Design Review / Overlay District working group

Ms. Pelletier advised that the Board talked about the Working Group at the last meeting. We will have Sam Kapala and Jamel Torres from the Planning Board, Ms. Campanelli and Mr. Troidl from Project Review Board, Keith McBride and Dan Bacon from FEDC and most likely Ben Smith from Northstar Consulting who we have been using as a Planning Consultant come and attend the Working Group meetings to start looking at the Design Review District and the Overlays. There will be two meetings in January; one to talk about Design Review and one to talk about Overlay. There will probably be a third meeting to regroup and see what the group thinks we should do and then she expects a member of that group will reach out to Planning Board and Council to see if there is support to keep going forward with examining Design Review and the Overlays. If they are doing something else and if that is the case, the Working Group will keep plugging away and hopefully work with the consultant to get us to rfp and we will keep that project moving forward. She is hoping with the timing that it will all align and we can get it in the budget for the next fiscal year starting July 1 but that's moving forward. She plans to extend it to the Council but whether they choose to assign someone is unclear.

ITEM II: Approval of the minutes from the Wednesday, October 16, 2019 and Wednesday, November 20, 2019 Project Review Board meetings.

Ms. Campanelli noted that the Board cannot vote on the October 16 meeting because we need that quorum that was here for that meeting and we do not have Mr. Wing or Mr. Troidl tonight.

For the November 20 meeting, Ms. Pelletier pointed to page 7 at the bottom and noted that **MOVED AND SECONDED** To approve the motion as read, Mr. Troidl seconded the motion, not Mr. Blanchard.

MOVED AND SECONDED: That the Minutes be amended to indicate that Mr. Troidl seconded the motion at the bottom of Page 7 and not Mr. Blanchard. (Blanchard & Watson) **VOTE:** (5 Ayes) (2 Excused-Troidl & Wing)

MOVED AND SECONDED: That the Board adopt the November 20 Minutes as read and amended. (Watson & Blanchard). Mr. Blanchard asked if only three Board members could approve this. It was decided that the motion be tabled and Ms. Pelletier mentioned in the meantime, the correction would be made.

ITEM III: Reviews

LL Bean – Corporate Campus Renovations

The applicant is seeking approval of a phasing plan for their recently approved Design Review Certificate and Site Plan Amendment for site alterations and exterior building alterations at their property on One 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; John Moynihan, LL Bean, representative.

Mr. Reiche recused himself from the entire short agenda. He has a business relationship with L.L. Bean which are the first two items and under the Board’s Rules and Procedures, it is an excusable conflict of interest if he runs the risk of impropriety. While he does not have a stake in the outcome of these, it has been his practice to recuse himself from L.L. Bean’s proposals before the Board. He is the applicant on the third and last item.

Dave Lockman from L.L. Bean explained that he is pinch hitting for John Moynihan this evening because he is travelling. This approval has to do with their site plan for their project where they plan to renovate their campus. When they first came to the Board and received initial approval for this, they did not break the sitework up into multiple phases. They are learning about ordinances in Freeport and were not aware that there was a requirement for them to provide to the town a letter of credit for the value of the sitework and for the duration of the sitework. The purpose of that is to ensure that once the earth starts to get moved and removed and replanted, there is an insurance policy that it gets completed. This particular letter of credit at the beginning of it is for a value of just under \$4M and it is extremely expensive to carry a letter of credit for this amount. When they looked at their schedule, they found two logical breaks in their sitework, in other words, two very distinct phases. He believes the Board has a map and drawing that shows two phases. For a timing perspective and a value perspective, the first phase is planned for the fall of 2019 and completed in the summer of 2021. The full value of that is roughly \$2.8M or about 70% of the total sitework. Once that work is done, they will not begin the next phase of sitework for almost a full calendar year. If they didn’t break this up, L.L. Bean would be required to carry a letter of credit for the remaining balance of their sitework for one year where they have no intention of doing sitework. Their request is to break their sitework into two phases. The first phase will be from the fall of 2019 to the summer of 2021 and the value of that work is \$2.8M and the second phase will start in the summer of 2022 and it would move to the fall of 2023. The value of that would be \$1.16M so it is about a 70/30 split. The duration between those two phases is about one year. Their request of the Board is to approve them breaking this up into two phases.

Ms. Pelletier pointed out that their approval is good for two years but to keep that approval valid, they would have to substantially start the construction which the Ordinance defines as completing 30% of the cost of all sitework. They do anticipate that they will complete 30% of that total cost of sitework in the first year so that approval will stay valid for the whole duration. This is really to clarify that phasing of the performance guarantee to make it more financially practical for them to complete the project and comply with the Town’s requirements.

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

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

No changes to the previously approved plans 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

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

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

- (1) The project will not result in water pollution, erosion or sedimentation to 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.**

The parcel is not within the Marine Waterfront District or the Shoreland Area. Other than phasing of the development, no changes to the previously approved plans 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 Freeport Zoning Ordinance.

MOVED AND SECONDED: That the Freeport Project Review Board approve the proposed motion as read and written in the Staff Report. (Blanchard & Watson) **VOTE:** (4 Ayes) (2 Excused-Wing & Troidl) (1 Recused-Reiche) (0 Nays)

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for LL Bean for a phasing plan for the Corporate Campus Renovation Project (Tax Assessor Map 20, Lots 98-ETC & 101), to be built substantially as proposed, application dated December 11, 2019, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The findings of fact and conditions of approval of the July 24, 2019 Project Review Board approval of the LL Bean Campus Reconfiguration Project are still applicable, with the exception of the following:
 - a. The Board approves the Phasing Plan for the buildout of the development, as presented in this application, with Phase I sitework to be completed between 2019-2021 and Phase II sitework to be completed between 2022-2023.
 - b. Prior to the start of any sitework for each phase of the project, the applicant will be required to establish a Performance Guarantee, in the amount to cover the cost of all site work associated with the project phase, 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 the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate adopted by the Freeport Town Council, be paid.

The applicant is seeking a Site Plan Amendment for removal of existing pine trees which are to be replaced with new landscaping. Design Review District I – Class B. Zoning District: Village Commercial I (VC-I). Tax Assessor Map 11, Lot 64-ETC. LL Bean, Inc, applicant and owner; Andy Seymour, LL Bean, representative.

Dave Lockman of L.L. Bean advised that he is pinch hitting for Andy Seymour who had child care issues. He explained that they have mainly pine trees along Justin’s Way, adjacent to their flagship store that are dead or dying. They would like to replace them with the landscape plan that was submitted with their application. He offered to read the names of the plants they are proposing to use but he has no idea what they are or why they were selected.

Chair Campanelli mentioned that with the pictures there is enough information and she feels they are pretty good plants and are used in other landscaping that Bean’s has done. There were no questions raised by the Board.

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

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

The applicant is proposing to remove the existing Austrian Pines and other lower growing vegetation located along the side of the existing structure along Justin’s Way. A replanting plan is proposed within the footprint of the existing planting area and includes species such as Arborvitae, Crabapple, Bayberry, grasses and other low growing species. Based upon this information, the Board finds that this standard has been met.

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

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

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

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

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

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not

detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

No changes to parking and circulation are proposed. Based upon this information, the Board finds that this standard has been met.

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

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

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

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

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

No new signage 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.

There are no special features associated with this project. Based upon this information, the Board finds that this standard has been met.

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

No new 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.**

The applicant is proposing to remove the existing Austrian Pines and other lower growing vegetation located along the side of the existing structure along Justin's Way. A replanting plan is proposed within the footprint of the existing planting area and includes species such as Arborvitae, Crabapple, Bayberry, grasses and other low growing species. 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.**

The parcel is not within the Marine Waterfront District or the Shoreland Area. The applicant is proposing to remove the existing Austrian Pines and other lower growing vegetation located along the side of the existing structure along Justin's Way. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: That the Freeport Project Review Board approve the proposed motion as stated and read in the proposed Staff Report. (Hamlin & Blanchard) **VOTE:** (4 Ayes) (2 Excused-Wing & Troidl) (1 Recused-Reiche) (0 Nays)

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for LL Bean for a the removal of trees and new replacement landscaping at the Flagship Store (Tax Assessor Map 11, Lot 64-ETC), to be built substantially as proposed, application dated 11/27/2019, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, the applicant do the following:
 - a. Establish a performance guarantee in the amount to cover the cost of all proposed landscaping, with the amount to be reviewed and approved by the Town Engineer, and in a form acceptable to the Town Attorney. Along with the performance guarantee, a non-refundable administrative fee, at the rate adopted by the Freeport Town Council, be paid.
 - b. Establish an inspection account, in the amount of \$200.00 for inspection of the site improvements by the Town Engineer.

Reiche Residence – Bartol Island

The applicant is seeking approval of a Site Plan Amendment for the clearing and removal of vegetation at their residential property on Bartol Island. Since this parcel is in the Island District, a Site Plan Amendment is required by the Board. Zoning District: Island District (ID) and Shoreland Area (SA). Tax Assessor Map 20, Lot 89. Bartol Island, LLC., applicant and owner; Ford Reiche, representative.

Ms. Pelletier pointed out that the Board has a letter pertaining to this project from the forester. Because this parcel is in the Island District it has to come to the Board. There are specific requirements in Section 427 of the Ordinance. Statement #5 was added to the letter which the forester has to state.

Mr. Reiche provided a picture on his iPad. He explained that this matter would normally go before the Codes Enforcement Officer because it is the Island District. He has been there for eleven years and has not cut any trees in the 75 feet of their frontage and does not believe the prior owners had either. He explained the process he had to follow. Most of the trees he is proposing to remove are dead or are diseased and dying. He is cutting less than half the trees which he is permitted to cut with the flagging and he circled the flagging on his pictures. He offered to answer questions but the Board did not have any for him.

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

a. Preservation of Landscape.

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

The proposal submitted by the applicant includes cutting and pruning of trees within 75' of the water. About 75 trees within about 1,000 feet of shoreline will be removed. Some of the trees are dead or diseased. The applicant has submitted a plan from Gregory E. Foster, from Timberstate G. Inc., who are licensed professional foresters. The plan has been developed to comply with regulations for clearing of vegetation in the Shoreland Area and the Standards per Section 426.D.4 of the Freeport Zoning Ordinance. 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 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, façade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Planning Board shall incorporate the findings of the Board of Review in its findings. If the structure is located in the Route One Corridor between the Yarmouth Town line and Desert Road, and the Planning Board determines that the structure may not be compatible with its surroundings, it may require that the Design Review Board conduct an advisory review before the Planning Board makes a final decision.

No new structures 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.

Access to the site and buildings will remain unchanged and will be from the private section of Bartol Island Road. 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.

Access to the site is existing and no changes to parking or vehicular circulation are proposed. Based upon this information, the Board finds that this standard has been met.

e. Surface Water Drainage.

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

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

f. Utilities.

All utilities included in the site plan shall be reviewed for 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 Planning Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

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

g. Advertising Features.

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

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

h. Special Features.

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

No changes to any special features are proposed. 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.

No additional lighting is proposed at this time. 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.

Access to the site is from Bartol Island Road and no changes are proposed. All Public Safety Department Heads have reviewed the proposal. 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 proposal submitted by the applicant includes cutting and pruning of trees within 75' of the water. About 75 trees within about 1,000 feet of shoreline will be removed. Some of the trees are dead or diseased. The applicant has submitted a plan from Gregory E. Foster, from Timberstate G. Inc., who are licensed professional foresters. The plan has been developed to comply with regulations for clearing of vegetation in the Shoreland Area and the

Standards per Section 426.D.4 of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

- I. Environmental Consideration. 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.**

The parcel is in the Island District and per Section 426. B of the Freeport Zoning Ordinance, in the Island District, "Clearing and removal of vegetation subject to Sec. 426.D.4" is subject to Site Plan Review. The proposal submitted by the applicant includes cutting and pruning of trees within 75' of the water. About 75 trees within about 1,000 feet of shoreline will be removed. Some of the trees are dead or diseased. The applicant has submitted a plan from Gregory E. Foster, from Timberstate G. Inc., who are licensed professional foresters. The plan has been developed to comply with regulations for clearing of vegetation in the Shoreland Area and the Standards per Section 426.D.4 of the Freeport Zoning Ordinance. 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 Section 602 Site Plan Review.

MOVED AND SECONDED: That the Freeport Project Review Board approve the proposed motion as read and written in the proposed Staff Report. (Blanchard & Watson) **VOTE:** 4 Ayes) (2 Excused-Wing & Troidl) (1 Recused-Reiche) (0 Nays)

Proposed Motion:

Be it ordered that the Freeport Project Review Board move to approve the printed Findings of Fact, and the Site Plan Amendment for Bartol Island LLC, at 54 Bartol Island Road (Tax Assessor Map 20, Lot 89D), for the clearing and removal of vegetation, to be built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance, submission dated 11/14/19, with the following conditions of approval:

- 1) This approval incorporates by reference all supporting 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 of approval.

ITEM IV: Discussion and review of the recently completed Historical Inventory Project.

Ms. Pelletier explained that the Board has copies in their packets so she put the same summary which the Board has seen before. The six or so sheets that were attached for the additional parcels that were discussed a month or two ago have since been completed. The Board got the data back in August but has not had a chance to review it. We need to figure out what, if anything, this Board is going to do with this data in this study you chose to have done, how we are going to review it and move forward. We have the Working Group that will start to look at Design Review and some of the Overlay. She does not know if the Board will want to work towards reviewing this in more detail, coming up with a recommendation or what it wants to do with this data. She would like to get this out of the Board tonight but welcomes other thoughts on it as well.

Mr. Blanchard feels that one of the obvious things the Board should probably perpetuate moving forward is changing the designations from A, B and C to contributing or not. That would make it so much easier for this Board as well as future boards and applicants just knowing does it matter, does it not? We have all that information. If during the ordinance drafting, if there needs to be explicit recognition of the survey that was done or maybe the property files that had been compiled as survey data from first done in the 70s through this most recent survey. He does not know how that group wants to use that information that we now have and he feels it has been fleshed out pretty well in these survey forms. He is glad the Board did this. It is a lot more information than the Board has ever had when it comes to these buildings and questions on what is original and what is not and what is important about these buildings. Now we have it written down in front of us. Ms. Watson feels it is good that it has come together like this.

Ms. Pelletier pointed out that when this was done, the request was for A and B buildings and not Cs so they flagged these couple as "needing to be done." They all came back contributing. Is the Board's assumption at this point going to be that any current Class C buildings, which would also include any vacant parcels that are constructed be considered, if you go forward with this process, non-contributing because we didn't inventory them. Mr. Blanchard feels we should check the year-built date to make sure the Class Cs fall out of the period of significance that Kleinfelder provided. They are from 1790 to 1930 and they are probably in the tax assessing records. He noted that Donna Larson provided him and Mr. Hamlin with a map that had the year-built data. He explained that the digitally-generated map was large and is probably rolled up and put away somewhere. Ms. Pelletier offered to look for it. Mr. Blanchard suggested trying to confirm it. He is confident the consultant flagged the ones that are obvious since it is part of their review. Ms. Pelletier advised that she was surprised at the one at 12 School Street which they had come up with since it had undergone extensive renovations approximately ten years ago. It does have wood siding and the renovations came before this Board in the early 2000s. The renovations were minimal enough to keep it contributing. Mr. Blanchard wanted it made clear between which bay windows are original and which ones are not. He referenced No. 14 Alterations, Added Dormers and Bay Windows and then No. 16 Significant Elements of Style, also Bay Windows. Essentially what is on the front of the house is a bay window and on the side of the house is another bay window. He wants these clarified as to whether they were original or a later addition and it should be made clear because future Boards will not know. Ms. Pelletier advised that the consultant is willing to make edits so she will reach out to them.

Mr. Blanchard mentioned that the consultant surveyed the two properties on West Street and he recalled the Board discussing that they not do them. He noted there is a neighborhood of similar houses around the corner. Ms. Pelletier agreed that the Board did not want to include the two buildings. Mr. Blanchard explained for a future expansion of Design Review and the Board wanted to go in that direction, that would be one to consider since it is a mixed-use neighborhood. Ms. Pelletier advised that it is Village-I and is primarily residential so she will make sure that we don't pull those in at this point. Other than that, Mr. Blanchard feels the consultant provided the information the Board asked for and is helpful.

Ms. Pelletier asked the Board if they wanted to dig deeper into this historic inventory and make some recommendations to the Working Group or are they going to pass it along to the Working Group? Chair Campanelli did not want to put this on somebody and then they miss the point as to why we did it. She feels a letter needs to go out with the information and direct that. She explained the different components of the Working Group and that it might end up going to a consultant. She feels it is important that we are following the process along so we have input into this work.

Mr. Reiche felt it made sense to have a letter that goes with it to put it in context. Mr. Hamlin suggested that with the letter the Board have a workshop with the Working Group to give them some feedback. Mr. Blanchard hopes that the Working Group wouldn't look at this and just toss it aside. Starting over would not make sense. Chair Campanelli noted they wouldn't start over but they might not understand the importance of it either. That is her concern. Some of the people are not going to know the Ordinance like this Board does. She likes the idea of a workshop with the group once they get further along in the process because the design guidelines are going to be important in that process and the goal would be to combine them so there are not a lot of different sets of guidelines but when the guidelines get written, the preservation component is in there. Ms. Watson agreed. She suggested a letter to start out and then a workshop down the road. Ms. Pelletier pointed out that the workshop could actually be quite a way down the road because she

feels the Working Group is going to look at it and ask if they should do anything? Should they decide to do something, it will really involve the Council because they are the ones who will review it and recommend. If Council and Planning Board support it, she pictures the Working Group getting the changes into an outline format into a rfp and then the consultant and Planning Board following it. At some point, she would see it probably in a workshop with the consultant and Planning Board, which is a ways away. Until the Working Group gets going, she does not know how much they are going to dig into the guts of it. Mr. Blanchard asked if the Board should recommend that we amend the Design Review Ordinance as it is currently written to replace the A, B, C designations to a C and C? Ms. Pelletier feels she should go back and pull the original RFP letter and see what that gave for purposes and reasons for wanting to do this and also dig out the outline that we started with for Design Review and see what kind of general guidelines are in there. The Board has done a lot of work and have had a lot of conversations so we can say, Hey Working Group, this is what we have looked at and this is what we touched upon. She feels it is nice to give them that and then they can choose what they want to do with it. Chair Campanelli referred to Mr. Blanchard's question. Would it be worth trying to push this change in designations forward in the Ordinance change so it gets done? Ms. Pelletier asked if he meant just the designations. Mr. Blanchard advised that the designations and maybe some of the definitions in the Ordinance would have to be amended or added based on the survey form. It is basically a Band-Aid for now until the Working Group puts together a more comprehensive ordinance. Chair Campanelli clarified that the reference would be contributing, non-contributing and not A, B or C anymore. Ms. Pelletier feels the Board could but it is a pretty big project. As soon as we start talking about Design Review and making changes, the Board will get people coming out of the woodwork. It is a big deal and affects what people can and cannot do. It is typically not something this Board would do.

Chair Campanelli feels the Board has to start thinking beyond the typical because historically things have not worked very well the way the Ordinance is done. She suggested trying to go beyond that. Mr. Blanchard feels it will change very little as far as the homes that are already designated an A or B. They will still be contributing and it doesn't change anything for their existing structure. Actually, some of the Bs fall out. Chair Campanelli noted her concern is that now that we have this information and one of these homes comes before us, are we not allowed to use this information until this gets changed? Ms. Pelletier feels we should reach out to our Town Attorney and get some legal advice but she doesn't see why the Board can't. If the Town Attorney feels we need to put a reference in it as part of the Band-Aid to the current Ordinance, that is something we want to do. Her concern is that we have the study get done and she fears it will keep sitting there for some time. That is why she wanted to know what the Board wanted to do with it. She will get some legal information. Mr. Blanchard pointed out that the Ordinance does allow for some outside information for review by this Board. Ms. Pelletier offered to make sure the Board is covered.

Ms. Pelletier mentioned the Band-Aid and asked the Board if it was something the Board wanted to pursue. Chair Campanelli suggested waiting to see what the Town Attorney says. Mr. Blanchard did not want to ideally put a Band-Aid on it but if the process to amend these ordinances and combine them is going to take more than a year, it is probably worthwhile. It sounds like it will take more than a year. Mr. Reiche feels the changes needed to clear this up are minimal. Chair Campanelli thinks it is going to be how it is presented.

Ms. Pelletier asked if the Board's thought on the Band-Aid approach, if it is a C, they won't come to the Board for anything. Mr. Blanchard feels they will still come as not contributing. His approach will simplify it. Ms. Pelletier will reach out to the Town Manager and see what he thinks the Board's best approach. We are getting into budgets so we have the opportunity for the workshops but she hasn't seen a schedule for that. She will research timing and who we can get this to and when and she will report back to the Board next month. Design Review Board comes under the Council. They can take input from Planning Board. She has to figure out how they want to approach it at this point. She will research it and come up with a procedure for the Band-Aid approach. Chair Campanelli clarified that Ms. Pelletier will check the years for the Class Cs, look for the map, check with the Town Manager and the original rfp. Depending on what happens with that, Chair Campanelli will see about the letter as well.

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

None

ITEM VI: Adjourn.

MOVED AND SECONDED: To adjourn at 6: 47 p.m. (Blanchard & Reiche) **VOTE:** (5 Ayes) (2 Excused-Wing & Troidl) (0 Nays)

Recorded by Sharon Coffin