

**MINUTES  
FREEPORT PROJECT REVIEW BOARD  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
WEDNESDAY, MAY 22, 2019  
6 p.m.**

**PRESENT** GERALYN Campanelli (Chair), Gordon Hamlin, Guy Blanchard, Ford Reiche, Adam Troidl, Suzanne Watson, Drew Wing and Caroline Pelletier

**CALL TO ORDER:** Chair Campanelli called the meeting to order at 6:05 p.m.

ITEM I: Informational Exchange

a) Update on Staff Approvals

Ms. Pelletier noted that she does not have any Staff Approvals tonight.

b) Discussion of upcoming meeting dates.

Ms. Pelletier advised that the Board has a workshop scheduled on June 5 from 5-6 p.m. and she assured the Board that they would be out no later than 6 p.m. It will be with the firm that will be conducting the Historical rfp. It will be to specifically look at the sampling of the ten forms that they do for the sample properties and for the Board to give them feedback to see if they are on the right track. Because of our timing issues, the firm chosen was Kleinfelder from Augusta. They had done some work on North Main Street for the State when they did the paving project. They are planning to come to Freeport tomorrow and grab the files. Tessa Quartrucci has been interning and went through the State data base and added all those records so Ms. Pelletier feels we are a little more ahead of where we thought we would be.

Chair Campanelli pointed out that the regularly scheduled meeting will be on June 19 with a site walk at 5 o'clock. Ms. Pelletier expects that to be a full agenda. If anyone has a conflict and can't be there, she would appreciate them letting her know in advance. Mr. Wing noted he would not be attending.

ITEM II: Approval of the minutes from the Wednesday, March 20, 2019 Project Review Board meeting.

Chair Campanelli explained that she, Mr. Blanchard and Mr. Troidl were not at that meeting

**MOVED AND SECONDED:** That we have reviewed the Minutes from the March 20, 2019 Project Review Board meeting and approve them as presented. (Hamlin & Watson) **VOTE:** 7 Ayes) (0 Nays)

ITEM III: Reviews

**Reiche Residence – Bartol Island**

The applicant is seeking approval of a Site Plan Amendment to remove a connector portion of a single-family dwelling 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.

Mr. Reiche recused himself and then presented. Mr. Hamlin recused himself because of his personal relationship and Mr. Wing recused himself because he is professionally involved in the project.

Ms. Pelletier explained that this project came before the Board in 2016. It is in the Island District and when it was approved, there was a limitation on how many buildings could be on the property and how

many accessory structures were permitted. It is a dwelling and a garage and at that time the Board required that it be connected with a full conditioned connector which the applicant did not want in the first place but the Board required it and felt it was needed to meet the standards. A couple of years later the project is underway and there is a recent amendment to the Island District Section of the Freeport Zoning Ordinance that took away the limitation on accessory structures. The applicant is back before the Board with a Site Plan Amendment for a residential structure to remove that connector between the house and garage. Nothing else is changing. The Board needs to be aware that because this is an Island District and there is overlay with the Shoreland Zone, the regulations had to be forwarded to the DEP for review and get their blessing for compliance with the State's Shoreland Zoning Laws. We did that but it is not the most timely process. She believes it is 45 days. We haven't heard back so we set this up with a condition that if it is approved, it is not effective unless applicable amendments of the Island District are approved by DEP. Otherwise it is straight forward. Staff did not identify any concerns.

Mr. Reiche pointed out that Ms. Pelletier described the situation. It is very simple. He had to put the connector in to comply with the Ordinance and the Ordinance does not exist any more subject to DEP approval. He would like to not build any more building than he needs to. He offered to answer questions. There were no questions raised and Mr. Reiche left the room.

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

**a. Preservation of Landscape.**

*The applicant is seeking approval of a Site Plan Amendment to remove a small portion of a previously approved dwelling that served as a connector between the main dwelling and an attached barn. Only the connector portion of the dwelling will be removed. The location and remainder of the house and barn will remain unchanged. There will be no changes to the overall height of the structures or to setbacks. No other changes are proposed. Based upon this information, the Board finds that this standard has been met.*

**b. Relation of Proposed Buildings to the Environment.**

*The applicant will meet the space and bulk standards for the Island District, as set forth in the Freeport Zoning Ordinance. No change to the remaining building locations are proposed. Based upon this information, the Board finds that this standard has been met.*

**c. Vehicular Access.**

*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.**

*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.**

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

**f. Utilities.**

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

**g. Advertising Features.**

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

**h. Special Features.**

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

**i. Exterior Lighting.**

*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.**

*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.**

*No additional landscaping is proposed and no additional clearing will be required for this change. Based upon this information, the Board finds that this standard has been met.*

**l. Environmental Consideration.**

*The applicant should follow the DEP Best Management Practices for Erosion Control to minimize the impacts of erosion and sedimentation during construction. The parcel is not within the Marine Waterfront District. This approval is contingent on the recently adopted amendments to the Island District section of the Freeport Zoning Ordinance being approved by the Maine Department of Environmental Protection. If the specific language regarding the limitation on the number of accessory structures is not approved, this approval will be null and void and the original approval with the connector would still be applicable. 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:** To accept the motion as written and read in the Staff Report.

(Troidl & Watson) **VOTE:** (4 Ayes) (3-Recused-Hamlin, Reiche & Wing).

**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 removal of a building connector for a residential structure, to be built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance, submission dated 04/07/2019, 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.

- 2) The applicant amend any applicable building permits, as required by the Freeport Codes Enforcement Officer.
- 3) This approval is contingent on the recently adopted amendments to the Island District section of the Freeport Zoning Ordinance being approved by the Maine Department of Environmental Protection. If the specific language regarding the limitation on the number of accessory structures is not approved, this approval will be null and void and the original approval with the connector would still be applicable.

The recused members returned to the Board.

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### **Freeport Veterinary Hospital – Post Road**

The applicant is seeking approval of a Site Plan Amendment for a dumpster with enclosure and additional parking lot lights at 4 Post Road. Zoning District: Local Business (LB). Tax Assessor Map 21, Lot 42D. Freeport Veterinary Hospital, Carolyn Radding, applicant and representative; Doggone Enterprises, LLC, owner.

Ms. Pelletier explained that in 2016 this applicant came to the Board for approval. It expired and they came back. There was great debate over right, title and interest, the Board's role and how far they could interpret it, etc. We had the Town Attorney weigh in and he said that the applicant needs to show they have right, title and interest but it is not the Board's job to do the legal interpretation as to what the applicant may or may not have rights to. In this case, there is a wide right-of-way on Post Road and the applicant has deeded rights to that. The applicant came in for a parking lot expansion that crossed the property line into the right-of-way. It was approved. It went through Site Plan Review but there is a condition on there at the recommendation of the Town Attorney that if for some reason someone determines that the applicant didn't have the rights, the approval was null and void. This is a unique situation that we haven't had so Carolyn Radding from Freeport Veterinary Hospital came back and noted she has a dumpster in the parking lot which did not come up during Site Plan Review and she wants to move it. She showed where she wanted to move it to but technically it is in the front setback but the parking was approved over the front setback. Landscaping is required in the front and then she wanted to add two lights. For Staff Approval it was definitely an awkward situation and because of the uniqueness of the project and the history, Ms. Pelletier felt it needed to come back to the Board. She has three or four light fixtures and plans to add a couple more to evenly distribute the light. She plans to do a concrete pad with the dumpster and a standard fence enclosure. Other than the uniqueness, it would be a pretty straight forward application.

Chair Campanelli disclosed that she brings her dogs to this business but felt she should not have to recuse herself from this application.

Carolyn Radding, owner of the Freeport Veterinary Hospital mentioned that she considers this the nightmare parking lot because it has been a three-year project. They outgrew the parking five years ago especially since she has gotten more employees. They have two dumpsters because they get deliveries every day in boxes and they generate quite a bit of refuse. One dumpster is for trash and the other is for recycling all of the cardboard boxes. They are picked up weekly and need to be accessible to the truck that comes in and out of the parking lot. She has been trying to find a place where it will minimally disrupt any clients that are in the parking lot when the material is picked up on Friday mornings during business hours. The dumpsters are not supposed to be put on asphalt because they sink down and would ruin the parking lot. In looking at the site, on one side there is a retaining wall so it wouldn't work there. She can't put them next to the road because of setbacks. She chose a spot where her employees

would start to park so she will probably use the back and will probably add 8-9 spaces. This will be for employees to park and clients will be able to park closer to the building. In one of the first spots she wants to put the concrete pad beyond the parking so at the very least, one of her employees would not be able to park there on Friday morning but could park along the road or some place else until Casella Waste came and emptied the dumpsters and then someone could use that spot. She plans to fence it with a white fence to make it look nicer with two gates. Right now, the dumpsters are sitting in a parking space and they are pretty ugly. She felt this would a) not lose more parking. b) look a lot nicer and be more client friendly. Because the parking lot is going to expand and in the winter, they are there until 6 or 7 o'clock at night when it is very dark. She wants to be sure no one trips or falls so she wants to have adequate lighting. She presently has three existing lights and they might be moved a bit with the parking lot expansion but will be replaced with newer more efficient LED lights. She wants to add two additional lights at the far end of the lot so she will have a total of five lights. She offered to answer questions.

The Board did not have any questions.

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

**a. Preservation of Landscape.**

*The site is already developed and the dumpsters and lighting will be located within the developed area of the previously approved parking lot. Based upon this information, the Board finds that this standard has been met.*

**b. Relation of Proposed Buildings to the Environment.**

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

**c. Vehicular Access.**

*Vehicular access to the site will not change. Based upon this information, the Board finds that this standard has been met.*

**d. Parking and Circulation.**

*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.**

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

**f. Utilities.**

*Utilities on the site are existing. The applicant proposing to add dumpsters for solid waste disposal. The change would include the dumpsters, a concrete pad and fence enclosure. Based upon this information, the Board finds that this standard has been met.*

**g. Advertising Features.**

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

**h. Special Features.**

*The dumpster will be located on a concrete pad and be contained within a fenced area. Based upon this information, the Board finds that this standard has been met.*

**i. Exterior Lighting.**

*The previous site plan also includes three full cut-off LED parking lot lights; the applicant is seeking approval to add three more to more evenly distribute illumination of the lot. 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.**

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

**l. Environmental Consideration.**

*This parcel is not within the Marine Waterfront District or Shoreland Zone. This parcel is not within the Design Review District. There is an existing stormwater system on site. 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:** To accept the proposed motion as written and read in the Staff Report. (Blanchard & Troidl) **VOTE:** (7 Ayes) (0 Nays)

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for the Freeport Veterinary Hospital for a Site Plan Amendment for a dumpster with enclosure and additional parking lot illumination at their property at 4 Post Road (Tax Assessor Map 21, Lot 42D), application dated 05/07/19, to be built substantially as proposed, finding that it meets the standards of Section 602 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 conditions of the June 20, 2018 Project Review Board approval are still applicable.
- 3) The applicant does not own all of the land in fee where the project will be located. The Project Review Board does not have jurisdiction to determine the rights of the parties to deeds or private contractual agreements, nor can this approval create or affect any such rights. Should it be determined by a final, non-appealable court judgment that the applicant does not have the legal right to use the land as proposed in the application, this approval shall no longer have any force or effect.

**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 this item was tabled at the request of the applicant. The applicant and Town Staff felt they needed more time to review it. She noted that the Board would likely see this on the June agenda.

ITEM IV: Continued discussion on possible updates to the Freeport Design Review Ordinance

Chair Campanelli pointed out that Ms. Pelletier has done a great job of putting together a PowerPoint. he finds it helpful if she can look at the big picture and it is important to see how it all works. Mr. Troidl has addressed some of the issues in an e-mail. The Board has a conversation on how these overlay districts work. When the Board does a workshop with the Planning Board, we can discuss it in more detail. Discussion followed regarding possible Design Review Ordinance updates. No formal action was taken by the Board.

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

None

ITEM VI: Adjourn.

**MOVED AND SECONDED:** To adjourn at 8:22 p.m. (Troidl & Reiche) **VOTE:** (7 Ayes)

Recorded by Sharon Coffin