

**FREEPORT PROJECT REVIEW BOARD MINUTES
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, MARCH 16TH, 2022
HYBRID MEETING**

PRESENT: Chair Guy Blanchard, GERALYN Campanelli, Lynn Hamlen, Ford Reiche, Vice Chair Adam Troidl, Tod Yankee and Caroline Pelletier, Town Planner

On ZOOM: Linda Berger

Following a workshop with the Town Council, Chair Blanchard called the meeting to order at 6:45 p.m.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that she had two Staff Approvals this month. Sometime ago the Board approved an addition to the Gap building. American Eagle went on the back and there has always been this vacant space in the middle with no tenant. Next Stop Wonderland, a new Art Gallery will be opening in there and they will be having a sign in that sign spot right over the door. It was part of the approval. It will be rectangular black and white. She showed a picture of what it will look like. The second Staff Approval was for Devine Capital, the 144-apartment units on Desert Road. They got approval for a ground sign for the same spot but 4 inches taller. Otherwise, it will be the same size. It will have lighting shielded in the same location.

2) Update on the Freeport Downtown Vision and the upcoming Open House

Ms. Pelletier noted the Board talked about this a bit in their workshop earlier this evening. There has been a delay from Principle Group getting the Town the first draft of the plan. We had Design Week and have a lot of the boards up but if anyone hasn't seen them, they can visit the website. The next step will be April 9th from 11 a.m.-2 p.m. at Town Hall. Weather permitting, it will be an outdoor event. Principle Group will be updating the boards. There are a few ideas that they want to get more feedback on from the community. That will be an opportunity at the Open House to meet the team and ask questions and give feedback if anyone hasn't already. We struggled during Design Week because COVID was still pretty strong. We had great virtual attendance but it seemed that people were a bit hesitant to come to in-person events. Hopefully, if it is a nice day and we are outside in open air, we will get a good in-person turnout for people to come see what is going on, hear about the ideas and give feedback in a more personal setting.

3) Update on the status of Harraseeket Ridge Subdivision

This project came to the Board a while back for a conceptual site walk. It is an 80-unit project on U.S. Route One North consisting of 40 duplexes on 90 acres. It came to the Board for conceptual. We had a site walk that no one will ever forget because it was in the heat of summer and tick season. They came back for conceptual approval. The Ordinance requires that they need to submit and come back to the Board within six months or otherwise, they have to start the process over. They did submit to come back to the Board. It is a large project and we are continuing to work on reviews. We just got some traffic information and stormwater information from them. Due to the fact that the Board hasn't got past concept and with a couple of vacancies and changing on the Board, it really made sense to put them off until next month to come back to allow additional time for review and to make sure we can get everybody up to speed before they proceed further. She wanted to let the Board know that they did submit within that window and that is the process that they are following to make sure there are no issues or objections at this point.

Ms. Pelletier mentioned to Chair Blanchard that she is not going to be in town on April 20th. She would be happy to join the Board virtually or if the Board prefers, we can try to push the meeting off to the fourth Wednesday in April. We have Staff taking time off which is a rarity. If the Board is open to moving the meeting or want to keep the original date, she asked that the Board keep the same submission deadline to allow Adam adequate review time to get public notice out. The original date is April 20th which is School Vacation Week and the fourth Wednesday would be April 27. A new Board member was appointed last night. Hybrid meetings will continue

indefinitely. The public and Staff can always join hybrids but Board members have to have one of the reasons under the Remote Participation Policy to participate. Mr. Yankee suggested moving the April meeting so our Staff can be here. Chair Blanchard noted he feels it is important to have Ms. Pelletier here and other Board members agreed. Ms. Berger advised that she would try to reschedule another meeting so she can be here on the 27th. Ms. Pelletier noted she would work with the new Board member to see if she will be available. Other Board members advised that they can attend as well.

Regarding the Vision, Ms. Campanelli asked Ms. Pelletier if she expects the draft report to be out by April 9? Ms. Pelletier advised that she feels it will come out after that since there are a few more things they want feedback on. She suspects we will have the Open House and everyone will hear a little more development of the ideas that will be in there but they really want to get a little more feedback before releasing the draft. She thinks the draft will be a week or two later. The public will then have the opportunity to review it. It will then go to Council for additional feedback. The goal is to have it finalized by the end of May.

ITEM II: Review of the Minutes from the February 16th, 2022, Project Review Board meeting.

Ms. Berger referred to the Mast Landing School Building on page 5 under Utilities. It says the building will not be connected to public water and public sewer. Ms. Pelletier advised that it was an error. The building will be connected to public water and sewer.

MOVED AND SECONDED: To approve the Minutes as amended. (Troidl & Reiche) **ROLL CALL VOTE:**
(6 Ayes) (1 Abstention-Campanelli) (0 Nays)

ITEM III: Reviews

Royal River Natural Foods Parking Expansion – Site Plan Amendment

The applicant is seeking approval of a Site Plan Amendment to add eleven (11) asphalt parking spaces, stormwater management system upgrades and associated site improvements at Royal River Natural Foods on U.S. Route One. Zoning District: Commercial I (C-1). Tax Assessor Map 23, Lot 63 (443 U.S. Route One). Tina Wilcoxson, Twil Properties, LLC, applicant; Twil Properties, LLC, owners.

Ms. Pelletier advised that the applicant is here tonight for a Site Plan Amendment. They have an existing parking lot and feel they need more parking. They want to add eleven spaces to the rear of the existing parking lot. In this zone the parking requirement is based upon an analysis by the applicant. They didn't really do any new analysis. They came in with a need they recognized on their own. One thing that came up in the review because they are going to have 67 parking spaces, 3 need to be ADA accessible. They are short one. In addition, the existing ADA spaces don't comply with the ADA requirements in the Ordinances. Anytime you restripe or do parking lot improvements, you have to bring those up to compliance. There are some grade changes that could come into play with the existing ADA. The applicant is aware of this. Before the Board there is a standard motion but there is a proposed condition that the applicant revise the plan to address the 3 ADA spaces be subject to Staff Approval if that is something the Board is okay with. The other part of this project is that there is an existing stormwater management on site so the applicant is going to be upgrading that by reconfiguring the pond so it can accommodate the stormwater. Overall, there will be an increase in the amount of impervious area. The Town Engineer did review it and feels it meets the standards. He did recommend the standard Stormwater Maintenance Agreement which will be recorded. Again, that is a suggested condition. The applicant requested a waiver of a formal boundary survey. That is something the Board has the ability to waive if the applicant feels they have sufficient information available to determine the property lines. That has been requested and she just realized there is no draft waiver so she will draft it up for the Board if that is something they want to entertain. She mentioned the applicant is here tonight and can address the waiver and any other questions the Board might have.

Engineer Dan Diffin introduced himself. He is representing Tina Wilcoxson, owner of Royal River Natural Foods. He feels Ms. Pelletier's summary was quite thorough but he is willing to provide more information if the Board has specific questions.

Ms. Yankee asked if the stormwater retention is getting pushed around the corner? Mr. Diffin agreed and added that they are resizing it where they have open space. Ms. Berger mentioned that it appears the new parking spaces are going to move into the area where part of that pond is and she wonders if there is a construction sequence about filling or whatever they are going to do to close off that part and do whatever the grading or whatever they have to do if it is somewhere on the plan? Basically, the construction sequence of what they are going to do. She did not see anything about filling or modifying of the pond before they start to do the rest of it and then put in the parking? How are you going to protect any of the construction debris from going into the water and then going out and possibly clogging up any of that drainage facility that is in there? Mr. Diffin advised that they included an erosion sedimentation control plan as part of the submission which outlined the protection that contractors need to provide during construction. They do not typically dictate phasing for the contractor since they often have their own means and methods that they can apply to make things go smoothly. They did have the erosion sedimentation controls on there which will basically enforce the Town requirements and the structure is protected. They are actually moving the existing outlet of the pond because it is somewhat clogged right now with some debris. They will clean that during construction so it will operate much more efficiently.

There were no public comments provided.

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

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

The site is already developed with an existing structure and existing site improvements. The additional parking will be located to the rear of the site and connected to the existing parking area for a result of 67 parking spaces. The proposed changes are within the existing developed area and no changes to previously approved buffering are proposed. Based upon this information, the Board finds that this standard has been met.

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

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

The parcel is not located within the Design Review Districts. The site is already developed with an existing structure and existing site improvements. The proposed changes are within the existing developed area and no changes to previously approved buffering are proposed. 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 the existing 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.

The property is located in a commercial zoning district, and therefore the parking requirement is based upon an analysis submitted by the applicant. An analysis has not been included in the submission; however, the applicant feels that the additional parking is needed for employee parking. The additional parking will result in a total of 67 spaces on site, which would therefore require three ADA compliance spaces; at least one needing to be van accessible (See Section 514.B.10.e of the Freeport Zoning Ordinance). In addition, it appears that the two existing ADA spaces do not conform with the Ordinance requirements of Section 514.B.10 that are required for "Newly constructed or paved parking lots or existing parking lots that are restriped, shall meet the following standards." The applicant will need to adjust the plan to meet the accessible parking requirements of Section 514.B.10 of the Zoning Ordinance; this has been added as a condition of approval. 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.

The amendments also include upgrading the existing stormwater management system on the site by reconfiguring the existing pond so it can accommodate peak flows from the site. Overall, there will be an increase in the amount of impervious area. The Town Engineer has reviewed the plans and his comments are included in an email dated 03/07/22. In the he does suggest that the applicant enter into a new Maintenance Agreement for a Stormwater Management System, to be recorded in the Cumberland County Registry of Deeds; this has been added as a proposed condition of approval. 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 changes to the signage are proposed. Based upon this information, the Board finds that this standard has been met.

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

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.

One existing lighting fixture will be relocated. 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.

Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. No changes to the previously approved buffers are proposed. Based upon this information, the Board finds that this standard has been met.

- l. Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
(1) The project will not result in water pollution, erosion or sedimentation to surface waters;

- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (3) The project will conserve shoreland vegetation;
- (4) The project will conserve points of public access to waters;
- (5) The project will adequately provide for the disposal of all wastewater;
- (6) The project will protect archaeological and historic resources;
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

This parcel is not within the Shoreland Zone or the Marine Waterfront District. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board waive the standard of Section 602.D.4.C for a formal boundary survey and that the applicant has demonstrated that sufficient information is available to establish on the ground all property boundaries. (Reiche & Yankee) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and a Site Plan Amendment for Twil Properties, LLC for a Site Plan Amendment for expanded parking and associated site improvements at Royal River Natural Foods at 443 US Route One (Tax Assessor Map 23, Lot 63), to be built substantially as proposed, plans dated 1/2022, revised through 02/2000, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work associated with the project, the applicant do the following:
 - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the to be reviewed and approved by the Town Engineer, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - b) Establish an escrow account, in the amount of \$TBD to cover the cost of plan review and inspections of the site improvements by the Town Engineer.
 - c) The developer have a pre-construction meeting with the Town Engineer.
 - d) The applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds.
- 3) The applicant adjust the site plan to meet the accessible parking requirements of Section 514.B.10 of the Zoning Ordinance, subject to Town Planner review. (Reiche & Campanelli) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Blanchard advised that he would be recusing himself from the next application. He had a conversation with the applicant regarding setbacks. Vice Chair Troidl will be chairing this application.

Goodfire Brewing – Site Plan Amendment

The applicant is seeking approval for a Site Plan Amendment for site alterations and building modifications to the previously approved plans for an existing building at 117 US Route One. Zoning District: Commercial 1 (C-1). Tax Assessor Map 25, Lot 5 (117 US Route One). 117 Route One, LLC/ David Redding applicant; Mr. 117 Route One, LLC, owner.

Ms. Pelletier explained that this applicant is before the Board because they changed their business model since they were here before and it has led to some alterations to the site. To summarize what they are doing, she would say there is nothing huge but together it adds up to a lot of changes. The real trigger why this is here is the square footage of the building modifications. Our Ordinance is pretty vague and what it says she can approve are pretty limited. In addition, this is on Route One South, in the Commercial District so it does trigger the standards of Section 527. Based on those requirements, she felt it did meet the threshold for needing to come to the Board.

The biggest change since the last time it was before the Board, it was a two-tenant building. It was a restaurant to be operated by Mr. Tuna and then Mr. Redding and his team were going to operate the brewery. Their plans have changed so Mr. Redding is going to operate the brewery and the restaurant and that has resulted in some changes to the building. They want to shift the entrance from the two entrances on the Route One façade to one centralized entrance. They want to change the patio so it better works with the one tenant set-up. Ms. Pelletier pointed out that on the back they have this outdoor patio/porch thing that had an enclosure. They have since decided to take that down and actually put a building addition there. Also, on the back they previously had a shipping container which was kind of a feature that came before the Board. They are proposing to remove that and move a bike rack around in that position. Since they are going to have that one centralized location on the back, they are shifting around their ADA parking. The Board can see their three spots are now behind that main entrance to the building. It actually allowed them to gain a parking space. Otherwise, the overall concept of accessing the site from South Freeport Road instead of Route One is still the same. As the Board is aware, the property is located in a threatened watershed. Because of the changes to the patio, they will propose some areas that are concrete now. There was an overall slight decrease in impervious area but due to the changes, Mr. Bliss requested some more information from their engineer. We did get a response to that yesterday afternoon and Mr. Bliss has not had time to go through it. His initial response to Ms. Pelletier was that there is not a ton of concern but he does need to take another look and work with the applicant's engineer to make sure that everything is good for the area of treatment for the concrete patio so she is proposing a condition that revised plans be submitted to be reviewed by the Town Engineer to address the comments in the e-mail he provided to the Board. Ms. Pelletier does not think it will be anything huge. It will just really work out the final details and won't result in any overall large change. There were some changes to the pedestrian circulation. The walkways actually allow room for planters. The one question for the Board since this is on Route One South, it is sort of a funky parcel that has frontage on Route One and previously established frontage on South Freeport Road, but there is a landscape buffer requirement from Route One and in the front setback. The Board has to approve what is in the buffer. The drawings before the Board do show the patio, the stone area or concrete in the setback. That is considered a structure and is not allowed. Furthermore, they do show fencing in that area. Some of the area where they show the fence, the intent is that they would use it for customers but it would be a grass surface with a fence. Understanding that they have to move that patio back but the question for the Board is are you okay with the encroachment of that fence into the landscape buffer or do they need to move that back so it adheres to the 15-foot setback? This is something the applicant needs guidance from the Board on.

Finally, the last thing in 527, they did make some adjustments to the pedestrian connection with the abutting property. The proposed motion before the Board references to the previously approved conditions would still be applicable. No. 3 depends on what the Board deliberates on the fence could be adjusted and we would need to see an updated cost estimate to note and include all the changes to the site including the landscaping and patio to be sure we have the benefit of the performance guarantee on file and we are retaining it appropriately and releasing it appropriately for the applicant as we go forward. She offered to answer questions but noted the applicant is also here.

Mr. Redding felt it was an excellent summary and he would be happy to answer questions for the Board. Mr. Campanelli requested that the drawing be put up on the screen. She advised that she is confused about the fence and the setback. She noted that when the applicant was here before, there was a discussion about the corner of his building that sits on the neighbor's property. She asked Mr. Redding if he has gotten that resolved? Mr. Redding advised that that issue was resolved prior to his purchasing the building. The only issue at the last meeting was whether they would be able to coordinate with the neighbor on a collaborative landscape plan. At this time, he has met with Mike Jacobson and got sort of a verbal commitment from him on what he felt would be agreeable to him. Ultimately in talking with him, they realized that he would have to go before the Board in order to get approval because it is technically his property. He felt he had a good conversation with Mr. Jacobson and essentially, he felt they could take the corner of the building toward the statue and make it all grass. He had some concerns about their using that corner as a loading area and he wanted to make sure the UPS trucks would be able to swing out wide enough. They agreed to revisit that situation and try to come up with a solution that would allow for the trucks to not sink in mud season but also allow for a more contiguous looking border between the properties.

Vice Chair Troidl noted the slide that was showing the 3-foot tall slatted fence. Mr. Redding explained that they initially presented the fence that is in the two corner areas. In response to Mr. Bliss and Ms. Pelletier's concerns they drafted an alternative that keeps the fence along the setback line. He was hoping to pose a question to the Board to see if it is feasible to leave the fence in those areas but leave the grass where he pointed to instead of pavers. Vice Chair Troidl added that in the setback they could have landscaping and they could have the fence as well. Ms. Pelletier advised that their intent is to use that grass area. Ms. Campanelli asked the applicant if he is proposing any landscaping in front of the fence or around the fences? Mr. Redding advised that there are some trees in the landscape plan. Ms. Pelletier read the other standards in the C-I District and added that in this case, the applicant has two fronts. Vice Chair Troidl asked if all of the split rail fence is down or coming down? He was advised that the fence does not belong to the applicant. It is on State land. Mr. Yankee asked if the fence was going to remain? Mr. Redding advised that he was instructed to call MDOT and find out what they are allowed to do with it. He does not want the fencing but technically cannot take it down. He agreed it is an eyesore that people are familiar with by driving by. Ms. Pelletier offered to help him follow up on this.

Ms. Berger recommended for the landscaping plan that they use native non-invasive plants and to severely limit or not use herbicides or pesticides since this is in an impaired wetland area. She does not know if this is something the Board can add but she is hoping the applicant will agree to add a statement. Mr. Redding was confident that their landscaping plan does include native plantings.

Ms. Pelletier screen shared Section 527 standards and read them into the public record. Ms. Hamlen added that L-4 has a plant list but she did not know if all of them are native but noted somebody may. Ms. Pelletier explained that it is not a requirement but if this is something they decide they want to switch for a similar size type species, it could be done under Staff Approval and would not require a trip back to the Board.

Ms. Campanelli asked if there is room in front of the fence for plantings on Route One? Ms. Pelletier pointed out that the area of the fence is all setback and the Board previously approved it as grass. Ms. Campanelli advised that she feels the Board has been doing some really nice landscape plans on Route One and here we are just approving a fence. She feels it would be nice if there was screening of that fence but on Route One there is nothing except two trees so basically it is just grass with a fence. Ms. Hamlen noted they could add planters along the long front to break it up a bit if that is allowable. It was pointed out that there are existing planters that don't belong to Mr. Redding in place where the property line bisects right near one of the signs that is existing and is off the property. Mr. Redding explained that he doesn't own much frontage on Route One at all.

Vice Chair Troidl pointed out that the fence is a low architectural fence and the Board is not talking about a 6-foot stockade fence and Ms. Campanelli agreed. Mr. Yankee referred to page 16 in the pdf where there is detail on the split rail fence. He asked Ms. Pelletier if that is something the Board can have the Town commit to work with DOT on clean up? Ms. Pelletier did not know that but she will make an effort to work with Earl Gibson and

see if he can help get that object in the right-of-way cleaned up. Ms. Campanelli added that the fence has been there for a while and it is in pretty bad shape. Mr. Reiche asked Mr. Redding if his neighbor knows about the changed plans? Mr. Redding answered yes. Mr. Reiche mentioned that he has an opinion on whether the squared off area should go into the landscaped buffer. He noted there were three fenced areas and they should be okay since it is an awkwardly shaped property. The side against South Freeport Road has a large additional section of open property before you get to the road so it is fine with him as proposed. Ms. Pelletier displayed a slide and wanted to note one clarification. She asked the Board to recall the last time they came in, because they have the two different options for the front, they said South Freeport is the front and the other side is the rear because they had a patio so that top corner is actually the rear where they don't have the buffer requirement due to the uniqueness of the lot. We are talking about the two triangles fence with the little fill-in area that would have to be grass. Mr. Redding pointed out the ugly fence, the rock ledge that comes out and where the gazebo was. That is where their property line is going to start so. He pointed where it was going to be grass anyway so that won't change. It is just really where the engineers have the issue with that being a non-pervious surface so if they make that grass, it will create two rectangular court areas that he thinks aesthetically is an improvement over just a clear fence. It accentuates the rear property line. He pointed out their only section of Route One that they have so he pointed out where the planters start. They only own about 10 or 15 feet of it and then the rest goes back to the Jacobson's property. While he agreed to permit Mr. Redding to take all that out, he believes Mr. Jacobson will have to come before the Board for approval. Mr. Redding pointed out where he plans to put his two signs in the setbacks.

Vice Chair Troidl agreed with Mr. Reiche because it is a custom architectural fence and is low, it is designed to go with the building. He feels it is fine to be in the setback. Mr. Redding clarified that it is not going to be a stockade. It is more about having safe areas because they know that Route One and the South Freeport Road traffic can be somewhat intense. They know there is a large setback but this is going to be a family spot and they really want to make sure there will not be any kids getting into any danger anywhere.

Ms. Hamlen explained that when she was talking about planters if Mr. Redding can't have anything shielding him from Route One, she was suggesting planters in the concrete area and asked if he could add some greenery to make it not just go from Route One to grass. She asked if there are any plans to break up the visual effect of this very long building with a lot of windows? She feels it would soften the lines a bit. Mr. Redding explained that this will be a service area with tables and chairs and lawn games. It is an outdoor patio area and connected with another patio area. It is an impervious surface. Because they wanted to make it ADA compliant to accommodate handicapped folks there, they decided to use concrete and pavers. He shared pictures with the Board and asked them to think of corn hole, an area for kids to run around, outdoor tables and things like that in one area. The other area will have tables for food service and other tables and if it is in their budget, they thought about coming back for approval to add natural gas stems in there for exterior fireplace units but they will take it one step at a time.

Vice Chair Troidl asked if the fence has moved or is it pretty much the same? Mr. Redding advised that it moved slightly and pointed out how it changed. Mr. Yankee referred back to State property and in addition to if the Town can make best efforts to remove that split rail fence and the other fixtures there, then also work out some arrangement so that the State property is able to get mowed and maintained so it looks like a contiguous piece of property so we don't end up with long grass and then their's being behind this scrub area.

There were no public comments provided.

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

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

the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

The site is already developed with an existing structure and existing site improvements. Some exterior building modifications and site modifications are proposed. Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. If the property line along South Freeport Road is considered the front, landscaping will be required in that area and in the setback from US Route One. The applicant is proposing to loam and seed in these areas. Additional plantings are proposed near the building and in the parking lot island. Based upon this information, the Board finds that this standard has been met.

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

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

The parcel is not located within the Design Review Districts. The site is already developed with an existing structure and existing site improvements. Some exterior building modifications and site modifications are proposed. The Board finds that the proposed exterior building and site alterations meet the standards of Section 527 of the Freeport Zoning Ordinance. 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 vehicular access is 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.**

One of the ADA parking spaces has been relocated to be closer to the centralized entrance on the rear of the building; this also resulted in one additional parking space in the parking lot for a total of 69 spaces. 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.

The property is located in a threatened watershed. Stormwater treatment is required per Section 529 of the Freeport Zoning Ordinance. A letter from Acorn Engineering, Inc (dated 03/10/22) has been included in the submission and explains the how the changes to the site relate to the treatment of stormwater. Overall, there will be a slight reduction in the amount of proposed impervious area on the site and additional area for planting and grass have been provided. Based upon this information, the Board finds that this standard has been met.

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

The only change to utilities is to the size of the waterline. 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 conceptual design of the signs are proposed. The location of the ground sign is still shown in the right-of-way on the site plan and per the Freeport Sign Ordinance, signs will need to be located entirely on private property as they are not allowed in the right-of-way. Based upon this information, the Board finds that this standard has been met.

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

Since this is a commercial use, per Town of Freeport, Chapter 28, Solid Waste Disposal Ordinance, the applicant will be required to sort their cardboard from their other waste and contract with a private waste hauler for waste disposal. Screening for the dumpster area is 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 parking lot 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.

Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. If the property line along South Freeport Road is considered the front, landscaping will be required in that area and in the setback from US Route One. The applicant is proposing to loam and seed in these areas. Additional plantings are proposed near the building and in the parking lot island. The site changes allow for additional areas for plantings. Based upon this information, the Board finds that this standard has been met.

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

This parcel is not within the Shoreland Zone or the Marine Waterfront District. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, change of use to restaurant and artisan food and beverage, for Mr 117 Route One, LLC, at 117 US Route One, to be built substantially as proposed, application dated 2/4/22, finding that it meets the standards of the Freeport Zoning Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The conditions of approval from the original approval granted by the Project Review Board on September 15, 2021 are still applicable.
- 3) The area of the patio (near Route One and South Freeport Road) will be located to comply with the setback requirements of the Zoning District.

- 4) The applicant submit a detailed cost estimate to reflect the changes in cost of all proposed sitework associated with the project.
- 5) The Town Engineer conduct a final review of the revised plans to ensure that the comments made in his e-mail dated March 14, 2022 have been adequately address. (Yankee & Campanelli) **ROLL CALL VOTE:** (6 Ayes) (Recused-Blanchard) (0 Nays)

Chair Blanchard returned to the Board.

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

Ms. Pelletier thanked Vice Chair Troidl and Ms. Campanelli for all they have done for the Board. They have dedicated so much time over the past six years and have been instrumental in contributing to what she feels are improvements in our process. She will miss working with both of them and feels it has been a pleasure. She thanked them for everything they have done for the Town. Ms. Campanelli thanked Ms. Pelletier and added that she feels it has been good and fun. Vice Chair Troidl agreed and advised that he is sure he will be back at some point and this is just a volunteer break.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 7:37 p.m. (Troidl & Campanelli) **ROLL CALL VOTE:**
(7 Ayes) (0 Nays)

Recorded by Sharon Coffin