

**MINUTES**  
**FREEMPORT PROJECT REVIEW BOARD**  
**OCTOBER 21, 2020**  
**6 p.m.**

**This meeting was held online/virtually using Zoom teleconferencing**

**PRESENT:** GERALYN Campanelli (Chair) Gordon Hamlin, Guy Blanchard, Ford Reiche, Adam Troidl, Suzanne Watson, Tod Yankee and Caroline Pelletier, Town Planner

**CALL TO ORDER:** Chair Campanelli called the meeting to order at 6:01 p.m. and thanked everyone for a full Board attendance. She explained the process that would be followed this evening.

Mr. Blanchard pointed out that he would be recusing himself from the Historical Society's application.

**ITEM I: Information Exchange**

1) Update on Planning Board agenda items

Town Planner, Caroline Pelletier explained that the Planning Board has had two recent requests for amendments in the downtown Village Commercial I District. Last night the Council did approve the Planning Board recommendation to allow existing single-family dwellings in the VC-I to become conforming uses. It wouldn't be permitting new dwellings but making existing dwellings become conforming, does enable our residents to stay where they are and add on should they want to seek approvals to do that. Everything else remains unchanged such as Design Review space involved standards. The second thing the Planning Board has been discussing is a wording change in the VC-I to change the word "masonry" and "non-masonry" to "combustible" and "non-combustible." This is in regards to building setbacks and we will discuss this later tonight. They continued to talk about, and we will have a hearing on it next month, a new Overlay District out of the Desert of Maine. They are about ready to go to Public Hearing with that language. Last month they had an initial discussion with a developer who is bringing forward a zoning amendment for a zoning change in the area of Old County Road/Desert Road where the Industrial II District meets Rural Residential on Old County near the golf course. Somebody is looking to seek possibly a zone change to permit some high-density residential housing out there.

2) Update on Staff Approvals

Ms. Pelletier did not have any staff approvals to discuss. She pointed out that the November meeting is scheduled to be held on Veteran's Day, a recognized holiday and the Municipal offices are closed. The schedule has been bumped back to November 18<sup>th</sup> at 6 p.m. If anyone has a conflict, please send her an e-mail. She mentioned that we have a couple of Board members terming out. If anyone feels they are going to move on to other things, please let her know. She believes the Board will have a few vacancies. If anyone is listening tonight and is interested in serving on the Project Review Board or any other Municipal Board of Committee, she asked that they reach out on our website. We are always looking for new members so if you know somebody that you would think would be a great asset to have on one of our Boards, please reach out to them.

**ITEM II: Review of the minutes from the July 15, 2020 and September 16, 2020 Project Review Board meeting.**

**MOVED AND SECONDED:** To accept the Minutes of July 15, 2020 as presented. (Troidl & Blanchard)

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

On the next set of Minutes Chair Campanelli advised that on Page 36 where a "she" should be instead of "he" but felt it was not a big deal.

**MOVED AND SECONDED:** To accept the Minutes of September 16, 2020 as presented. (Troidl &

Blanchard) **ROLL CALL VOTE:** (6 Ayes) (1 Recused-Hamlin) (0 Nays)

**ITEM III: Reviews**

**Hanscome Woods Subdivision – Open Space Residential Subdivision**

The applicant is seeking final approval for a six-lot residential open space subdivision on Pownal Road. Access to the lots will be from driveways on Pownal Road. Approximately 10.86 acres of open space is proposed. Zoning District: Rural Residential I (RR-I). Tax Assessor Map 22, Lot 63. Warren Gerow, applicant and owner.

Ms. Pelletier explained that this is an open space residential subdivision located off Pownal Road. The Board has reviewed it a few times. They came in with conceptual and the Board did a site walk. The Board reviewed the preliminary plans and now they are back for final. The plans overall have not changed much. They do have private residential driveways coming off Pownal Road, that is a State Road. They did include in their submission copies of the driveway entrance permits they got from the State of Maine. They have approximately 10.86 acres which they are proposing to give to the Town of Freeport that abuts the Hedgehog Mountain property. There is an updated memo in the Board's packet from the Town Manager giving a summary of the discussion the applicant had with the Council. The Town wants to do some due diligence but assuming it all works out well, they are willing to accept the land. In this case it makes sense that a developer, not just for this subdivision, but for any subdivision, wouldn't give their land before the approval because if for some reason they didn't get approved, they would probably need their land for other purposes. There is a condition of approval that if the Board takes action tonight, that land transfer being completed. If for some reason it didn't go forward, they would need to come back. The applicant did submit a draft deed for the requirements of the Ordinance for the restrictions on the open space. We looked it over and sent it to the Town Attorney and she is doing her final review. They have a couple of extra steps in proposing to transfer the land to the Town. Completing that review has also been added as a condition of approval. Our Town Engineer did review the Stormwater plan. His recommendation was for some rain gardens and drip edges. Those are things that the details on how they would be constructed was shown on the plan, but exact locations can't be pinpointed until the houses are in place because that is where they are going to need the treatment. Each lot will be served by well and septic. They did get their sign-off from Historic Preservation and there have not been any outstanding conditions mentioned or highlighted with this subdivision. Standards of condition of approval are pretty standard maintenance agreements. They will have to do the pins and a couple of other transfers before they swap the land. This is a subdivision and if the plan is approved tonight, the Board would have to come to the Town Office to sign and she would send everyone an e-mail to coordinate that.

The applicant, Warren Gerow advised that he did not have anything to add. There is a little bit of work to be done obviously. He appreciates everyone's time in reviewing this. There were no Board questions. Chair Campanelli noted that the Board did look at this and did a site walk. A public hearing was held last month.

**Proposed Findings of Fact:**

**11.1 Pollution**

*State Standard*

**Pollution.** The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

*The parcel is not within the watershed of an Urban Impaired Stream. No streams or brooks have been identified on the site. There parcel is in FEMA Zone C, on the flood plain maps. There is approximately 10.86 acres. of open space on the parcel which will be given to the Town of Freeport and abut existing municipal property. This open space will be protected from future development. Each lot will be served by a private wastewater disposal system and each lot meets the required State minimum lot size of 20,000 s.f. for lots with septic systems. Based upon this information, the Board finds that this standard has been met.*

**11.2 Sufficient Water**

A.

*State Standard*

**Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

*Each lot will have a private well. The location of passing test pits have been shown on the plan. A note has been added to the plan to indicate “Within one (1) year of the date of purchase, each lot owner shall be guaranteed by the subdivider access to a supply of potable water of at least three hundred and fifty (350) gallons/day, or the purchase price shall be refunded”. Based upon this information, the Board finds that this standard has been met.*

**11.3 Impact on Existing Water Supplies**

A.

*State Standard*

**Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

*Each lot will have a private well and will not be connected to the public water system. Based upon this information, the Board finds that this standard has been met.*

**11.4 Soil Erosion.**

A. *State Standard*

**Erosion.** The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.

*Erosion control plans have been reviewed and approved by the Town Engineer (see memo dated 10/15/20). Based upon this information, the Board finds that this standard has been met.*

**11.5 Traffic Conditions**

A.

*State Standards*

**Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

*Access to the lots will be from driveways on Pownal Road. Entrance permits from the Maine Department of Transportation would be required and copies have been included in the submission. The submission indicates that the entrances would have the required site distance (per the Freeport Subdivision Ordinance) of 450 feet in each direction. Based upon this information, the Board finds that this standard has been met.*

**11.6 Sewage Disposal**

A. *State Standards*

**Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

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

**11.7 Solid Waste**

A.

*State Standard*

**Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

*In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, each lot owner will be required to contract with a private waste hauler for the disposal of solid waste. There will be no road, and therefore will be no significant clearing and no waste associated with road construction. Clearing of lots for house construction will be the responsibility of the individual lot owners. Building contractors will handle their own construction debris. Based upon this information, the Board finds that this standard has been met.*

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

A.

*State Standard*

**Aesthetic, cultural, and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

*There are no known historic sites or significant wildlife habitat identified on the site. The proposed open space abuts municipal property (Hedgehog Mountain). There is an existing trail on this property which users of Hedgehog currently utilized. This trail will be incorporated into the open space. The intent of the applicant is to donate the open space to the Town of Freeport to be incorporated into the abutting Hedgehog Mountain property. Based upon this information, the Board finds that this standard has been met.*

**11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.**

A. *State Standard*

**Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

*The parcel is in the Rural Residential I Zoning District. This is an open space, residential subdivision and 10.86 acres of open space are required and proposed. The proposed open space abuts municipal property (Hedgehog Mountain). The intent of the applicant is to donate the open space to the Town of Freeport. The applicant went before the Council at their 07/21/20 meeting, and they noted that they would be interested in the land donation. The actual transfer of the open space to the Town of Freeport has also been added as a condition of approval. If for some reason this transaction did not go forward, the applicant would need to return to the Project Review Board to*

*amend the subdivision plan. Based upon this information, the Board finds that this standard has been met.*

**11.10 Financial and Technical Capacity**

A. *State Standard*

**Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section.

*The subdivision plan was prepared by Warren Gerow, applicant, and licensed land surveyor and professional engineer with Associated Design Partners. All property pins will be set by the applicant and there is no road proposed. Stormwater treatment is has been designed, is minimal, and will be the responsibility of the property owners, as it is dependent on how each house lot is developed. Based upon this information, the Board finds that this standard has been met.*

**11.11 Impact on Water Quality or Shoreline**

A. *State Standard*

**Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B<sup>1</sup>, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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

**11.12 Impact on Ground Water Quality or Quantity**

A. *State Standard*

**Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

*Passing test pit locations were determined by James Mancini and the locations have been shown on the plan. Each lot will have a private septic system. Based upon this information, the Board finds that this standard has been met.*

**11.13 Floodplain Management**

A. *State Standard*

**Flood areas.** Based on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps, Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

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

**11.14 Identification of Freshwater Wetlands**

A. *State Standard*

**Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

*Wetlands and vernal pools were surveyed by FB Environmental. The proposed plan does not include any wetland impact. In a letter dated 06/23/20, Kevin Ryan from FB Environmental explains that no wetlands of special significance and no significant vernal pools have been identified on the site. Based upon this information, the Board finds that this standard has been met.*

**11.15 Rivers, Streams, and Brooks**

A. *State Standard*

**River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

*No rivers, streams or brooks have been identified on the plan. Based upon this information, the Board finds that this standard has been met.*

**11.16 Storm Water Management**

A. *State Standard*

**Storm water.** The proposed subdivision will provide for adequate storm water management.

*Stormwater management and erosion control plans were completed by Maine-Land Development Consultants, Inc. The plans include rain gardens on each lot and a drip edge around the foundations. A note has been added to the recording plan to highlight that the installation of these items will be the responsibility of the property owner and must be reviewed and inspected to the satisfaction of the Town Engineer. In addition, the Town Engineer (see memo dated 10/15/20) did recommend that maintenance provisions be added to the Association documents; this has been done. Based upon this information, the Board finds that this standard has been met.*

**11.17 Spaghetti Lots**

A. *State Standard*

**Spaghetti lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

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

**11.18 Phosphorus Impacts on Great Ponds**

A. *State Standard*

**Lake phosphorus concentration.** The long-term cumulative effects of the proposed subdivision will not

unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

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

#### **11.19 Impacts on Adjoining Municipalities**

##### **A. State Standard**

**Impact on adjoining municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

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

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision plan for Warren Gerow for the Hanscome Woods Subdivision (Tax Assessor Map 22, Lot 63) for a 6-lot residential open-space subdivision, on Pownal Road, subdivision recording plan dated 09/28/20, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, including but not limited to clearing of the site, the applicant establish an engineering review and inspection account, in the amount of \$1,500.00, for inspection of the site improvements by the Town Engineer.
- 3) The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
- 4) Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- 5) The draft deed be reviewed and revised to the satisfaction of the Town Attorney, with a copy of the final draft to be sent to the Freeport Planning Department.
- 6) Prior to the sale of any lots or any sitework, the applicant complete the transfer of the open space parcel to the Town of Freeport. If some reason this transaction does not go forward, the applicant would need to return to the Project Review Board to amend the subdivision plan.
- 7) Prior to the sale of any lots or any sitework, the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds. (Reiche & Watson) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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#### **Freeport Historical Society – Site Alterations**

The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment at their property at 46 Main Street. The proposal includes relocating an existing barn, shed and outhouse on the property and installing a new brick ADA compliant ramp. Associated exterior building alterations, a new vault building and drainage improvements are also proposed. Zoning District: Village Commercial I (VC-I). Design Review District One – Class A & Color Overlay District. Tax

Assessor Map 11, Lots 26, 26A & 29. Freeport Historical Society, applicant and owner; Jim Cram, Director, representative.

Mr. Blanchard recused himself since he worked on the reiteration of this project.

Ms. Pelletier shared a photo with the Board and explained that the applicant was before the Board last month seeking approval of a phased plan. A lot of questions were raised at the meeting that couldn't be answered that night. They have since gone and revised their plan, cleaned up their drawings, added some details and finetuned what is before the Board this evening. They are back seeking approval for the entire project. The Frosty's building will be relocated so they can make ADA improvements on their site. They are proposing to not only elevate the building and put a foundation underneath it because there are drainage issues there. It will be moved over a few feet closer to Banana Republic. They will make some site changes to have a brick walkway/ramp coming from the parking lot and part of that is improving access to the Frosty's building as well. On the south façade they are proposing a new covered entrance. The doors and windows are there but they will have the little pitched roof overhang and post on that side. Interesting enough, Jim Cram pointed out to her that the building is sided in a combination of clapboards and shingles and neither of which they are proposing to replace. They will be replacing some existing doors facing Main Street due to rot. They will be wood interior and aluminum on the outside. They are not changing dimensions and not making any changes to any trim.

In looking at the plan, the Board can get a good view of the gardens they are proposing to relocate to the end of the Frosty's building. The gardens are handled by an active Garden Club. They are proposing some changes to the ell on the Harrington House as was described in the Staff Report to the windows and doors to provide better access into that site. The Board can see that there is an existing porch that will tie into a new ramp system. The new system will start at the back of the parking lot, go behind the new vault and then turn and connect into that existing porch which will provide the ADA access to the existing Harrington House building via the ell. There will be changes due to Code in the new railing height. It will have to be 42 inches. They give the Board details on that in their submission. They are proposing to keep the details on the ell. Finally, there is the new vault structure and we talked at the last meeting how they have come forward with a structure similar to Frosty's. It does have limited openings which is due to the nature and use of the building. She mentioned that the Planning Board is looking at a change regarding masonry and combustible and non-masonry and non-combustible and flipping those terms. Today, if the applicant wants to build that building, they could have a building as proposed sided in composite siding, but the walls behind the actual construction would have to be masonry. That is not what the applicant wanted. They want to have a steel structure and have been trying to get the language changed. As far as the Board's review, it is not going to impact the exterior appearance of the building. It is still going to be the same. It is just going to be behind the walls. Something to note, the applicant will submit a building permit for whatever is permitted at the time they go forward but it is not going to impact the exterior appearance.

Another big component of this project is the site improvements. Because they are moving over Frosty's and having to elevate it and provide ADA access to these buildings, they are going to be doing some site alterations. They do have a new curved brick ramp/walkway coming in from the rear parking lot, that is going to provide ADA access and connect to the middle of their site. It will cause some disruption to the green space and gardens they have in the center there. The applicant is aware of that and is also aware of the importance of getting the landscaping right. While we love to see everything come in as a whole package and the applicant is aware of that but in this case, they don't have a landscaping plan. They are proposing to come back to the Board once they can work with their Garden Committee for a whole landscaping plan for the site. If the Board is willing, we would want to make that conditional that they return to the Board for approval before a Certificate of Occupancy be issued for any of those buildings. They are going to tie into existing stormwater facilities. The Town Engineer visited the site and reviewed the drainage and stormwater plan and did not have any issue with anything.

Jim Cram noted that Caroline did a great job explaining most of the details. If the Board had a chance to look at the plans, it will see significant work done by multiple engineering firms and architects. They spent several years trying to come up with a plan that will give them the same housing for their records and the Town's records in something they could afford and something that fits on the site. Something that does not disrupt the historic nature that they have been



trying to protect for the past 40 years. He feels this is their best shot in getting that done. There will be very little visual impact from anywhere except possibly if you are going from Starbuck's back in the back parking lot. The second structure will be exactly the same as the existing Frosty's barn and will be in a fireproof red cement-based clapboard over either a masonry or steel building. He is hoping for steel. He hopes the site plans and illustrations they provided will give the Board a better idea of how the traffic will flow both through the garden and also into the house itself. The main entrance will now be off the porch. Those steps have always been easier to navigate and now there will be wheel chair access from a safer location in the back of the building. There are already some handicap spots in that corner of the large parking lot and certainly more could be designated as handicap spots right at their entrance which is superior to trying to get out of a car on Main Street. He offered to answer questions and mentioned that Eric, their president is here as well.

Mr. Reiche asked Mr. Cram if he is hoping this will not be a phased construction. Mr. Cram noted they are planning to do everything now. The only thing they may phase is the amount of compact Library shelving they can afford at the end of the project. There is also an unending list of minor repairs to the old building. They included in this project that they are extending the fire sprinkler which is already in the main part of the building but they will be doing the ell and most likely the basement. They are working with the Fire Marshall for the best way for the non-combustible vault itself. It is all in one phase. Mr. Reiche asked if ADA access is along the side of the vault into all structures? Mr. Cram answered that it is but not the barn. If anyone wants to get into the barn, they have to go south. Mr. Reiche asked if the sweeping walkway has to be a particular grade for ADA? Mr. Cram noted that to bring a stroller through their property front to back, it will be an ADA ramp. This will be the first time they have had a safe ramp from front to back. Mr. Reiche noted he feels it would be nice to have a detailed landscaping plan well before the need for a Certificate of Occupancy. Mr. Cram hopes the Board can appreciate that they have a very active Landscape Committee and they have decades of experience and strong opinions. He mentioned that he will be asking for a Certificate of Occupancy in April or May. Mr. Reiche asked if the Board could use the month of April for receipt of a landscaping plan. Mr. Cram agreed it would be great.

Mr. Troidl pointed out that the submission this time is easier to understand. It looks like a good plan and he understands the goals. The only place with the Ordinance he is struggling with being a Class A property, even in the narrative, the historical and neighborhood significance, we don't go too much into this but being the Historical Society breaking buildings apart and moving stuff around, he suggested that they talk a little bit about that and their options. The Harrington House is the primary structure and everything is connected and has been for a long time.

Eric Smith explained that the Society has been in conversation on how best to protect the Harrington House property which in itself is part of their collection, but also how to best utilize the building and property as the headquarters of their operations on behalf of the Town and community. They are working to balance both of those things. Balancing and protecting the historic property as well as improving it so that it is accessible to the public. One of the things there has been a lot of conversation around and this Board has had conversation around protecting the feeling of the courtyard within the property and that gets down to the level of angle which the buildings are attached to one another so there is the barn with the shed that is connected now to the ell that forms that jagged corner. They believe that protects that feeling even though there is an opening between the buildings only the width of the ramp. The experience of being in the courtyard will still be very much of one surrounded entirely of buildings. Because of the essentially barn-like structure being built to house their archives, no one from the courtyard will have any visual perspective where they see through or in between the buildings. The only point at which someone could look though the buildings would be if they were standing on the porch looking down the ramp. Even from the parking lot looking up the ramp, what you will see is the wall of Harrington House. There is still that closed perspective. The Frosty's building is pretty much down in a hole at this point and they feel the best way to protect it is to elevate it and bring it up to grade. That is both an issue of protecting the structure and making it accessible where they are trying to balance both concerns. That barn has had a significant amount of work done to it over the past couple of decades. He explained some of the updates that have taken place. The proposed use for the barn is to return it to an income-generating portion of the property. They do not have a prospective tenant but it is likely to be more of a food service operation rather than a retail operation and they have had both over the past several years. Longer term, there is interest in part of the organization in using it for

program or display space but in the short term, it is valuable to the organization as a rental space. Mr. Troidl thanked Mr. Smith for the explanation. It helps him frame it.

Chair Campanelli opened the meeting up to public comments. Ms. Pelletier pointed out that she forwarded a public comment she received today from Alan Tracy in an e-mail. Lonny Winrich encouraged the Board to give approval on this application. As a member of the Board of Directors, they have been working on this project for at least 5 years and it serves the needs of the Society and the needs of the community. He hopes the Board will approve it.

Janice Gerry agreed with Lonny on the years they have put into this and that it satisfies the Town in terms of the way it looks and the way it is accessible. They have so many of the Town's valuable artifacts and our whole history of the four centuries that Freeport is. She feels it is vital that they proceed. She explained their long-range plan and how it comes back to putting it right where it belongs so everyone entering Freeport will see it and want to stop. They are looking forward to enlarging any an all of their offerings and having wonderful new exhibits in this space. She urged the Board to accept the plan.

Sarah Walsh explained that when she came back to Freeport and got involved with the Accessibility Task Force, they were stunned by the number of people that said, "I can't even get into the Historical Society". She went up to Jim and the Board and said that this is the one building in town that a population wants to get into and they cannot. It's their stories that are in those buildings. She is confident the Board will find that this will be a meeting place and an incredible town center attraction. She requested that the Board pass the whole thing and get it built. There were no other public comments provided.

#### **Design Review Ordinance: Chapter 22 Section VII.C.**

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

*The application includes a request to relocate the existing carriage house (n/f Frosty's), an existing shed and existing outhouse. The structures would be moved horizontally by 6.5 feet, and vertically 2 feet, as new foundations will be installed. Openings on the facades will not change and open spaces on the property will be retained. The new vault building has been designed to be similar in size and scale of the existing carriage house, with trim details and roof pitch to match. Based upon this information, the Board finds that this standard has been met.*

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

*The structures would be moved horizontally by 6.5 feet, and vertically 2 feet, as new foundations will be installed. The height of the roof over the entrance to the carriage house will be about 12 feet. The new vault building has been designed to be similar in size and scale of the existing carriage house, with trim details and roof pitch to match. Based upon this information, the Board finds that this standard has been met.*

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

*The proportions of the existing buildings' front façades will not be altered. The new vault building has been designed to be similar in size and scale of the existing carriage house, with trim details and roof pitch to match. Based upon this information, the Board finds that this standard has been met.*

- 4. Rhythm of Solids to Voids in Front Facades. When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.**

*The rhythm of solids to voids in the front facades of the existing buildings will not be altered. Due to the nature and use of the vault structure, openings in the façade will be limited, however, openings on multiple facades of the existing carriage house are limited as well. Based upon this information, the Board finds that this standard has been met.*

- 5. Proportions of Opening within the Facility. Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.**

*The proportions of opening within the carriage house facility will not be altered. The existing door on the ell of the Harrington house will be replaced with a window and the existing double window will be replaced with a door and sidelites. Based upon this information, the Board finds that this standard has been met.*

- 6. Roof Shapes. A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.**

*The overall roof shape of the existing structures will not be altered. The roof over the new entry to the carriage house will have two wood posts and a pitched roof (6/12) with asphalt shingles. The new vault building has been designed to be similar in size and scale of the existing carriage house, with trim details and roof pitch to match. Based upon this information, the Board finds that this standard has been met.*

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

*A new covered entry and steps will be added at the entrance to the carriage house. The platform will be made of wood, with gray Azek composite decking. The railing system will be metal. The roof over the entry will have two wood posts and a pitched roof (6/12) with asphalt shingles. Part of this approval is also an after-the-fact request to approve the use of charcoal asphalt roof shingles on the main roof.*

*A new ramp will provide access to the ell of the Harrington House via the rear parking lot. The ramp will start as brick with metal railing (along the back of the vault) and then turn toward Main Street (wood section) and connect into the existing porch of the ell (Harrington House). The new section will have a railing height of 42" inches to meet building code requirements.*

*The new vault building has been designed to be similar in size and scale of the existing carriage house, with trim details and roof pitch to match. The structure will have a full foundation. The exterior is proposed to be fiber cement clapboards and trim, with the structure itself to be either masonry/steel. The structure will be painted*

*red to match the ell of the Harrington House.*

*Any new/replacement doors and windows on any of the structures will be Anderson E-series with aluminum exteriors and wood interiors. Any mullions will be simulated divided lights.*

*Based upon this information, the Board finds that this standard has been met.*

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

*The open spaces surrounding the existing structures will be minimally impacted by the structures being relocated 6.5 feet. The new vault will be located towards the rear of the site to maintain the existing open area on the Main Street side of the property. New ADA ramps have been designed in a way to minimize impact on the existing gardens and open spaces. Based upon this information, the Board finds that this standard has been met.*

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

*The existing structures are being relocated on the site. The changes will require associated grading and drainage work, including a drip edge around the carriage house. A new ADA brick walkway will be installed in the existing garden/grass area to provide adequate ADA access to the site. No additional landscaping is proposed at this time and the applicant will need to return to the Board for review and approval of a landscaping plan. Based upon this information, the Board finds that this standard has been met.*

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

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

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

**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 site is already developed with existing buildings. Existing structures are being relocated on the site. Some existing vegetation will be removed and the applicant will need to return to the Board for review and approval of a landscaping plan. 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 Class A in Design Review District I and is in the Color Overlay District. The proposal includes a request to relocate the existing carriage house (n/f Frosty's), an existing shed and existing outhouse. The carriage house and shed will be moved horizontally by 6.5 feet, and vertically 2 feet, as new foundations will be installed. With the exception of a new covered entry and steps on the carriage house, and the after the fact roof changes to asphalt shingles, the remainder of the exterior facades of the structures will not be altered. The vault will be located to the rear of the site and connected to the main building through a new ramp. 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. The applicant has existing surplus parking in the lot to the rear of the site. Since parking is based upon the interior measurements, the final parking requirement for the new vault will need to be determined at such time that a building permit is issued. 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 building changes will require associated grading and drainage work, including a drip edge around the carriage house. A new ADA brick walkway will be installed in the existing garden/grass area to provide adequate ADA access to the site. The Town Engineer did review the proposal and has no issues (see memo dated 10/15/20). 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 signs are proposed at this time. 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 changes to any exterior lighting are proposed. New lighting will be required near any new points of egress and will need to be full cut-off fixtures. 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 building changes will require associated grading and drainage work. A new ADA brick walkway will be installed in the existing garden/grass area to provide adequate ADA access to the site. This area will be disturbed, and some existing landscaping removed. The applicant is aware that they will need to return to the Board with a revised landscaping plan; this has been added as a suggest condition of approval, prior to a certificate of occupancy being issued for the carriage house and/or vault. 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:
- a. The project will not result in water pollution, erosion or sedimentation to surface waters;
  - b. The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
  - c. The project will conserve shoreland vegetation;
  - d. The project will conserve points of public access to waters;
  - e. The project will adequately provide for the disposal of all wastewater;
  - f. The project will protect archaeological and historic resources;
  - g. 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 Zone. The building will remain connected to public utilities. No historic or archaeological resources will be disturbed. 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, Design Review Certificate, and Site Plan Amendment for the Freeport Historical Society, for a new vault, ADA improvements, relocation of the Carriage House, Shed and Outhouse relocation and associated pedestrian, site and drainage improvements, at 45 Main Street (Tax Assessor Map 11, Lots 26, 26A & 29), to be substantially as proposed,

application dated 09/30/20, finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to the start of any construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
  - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, 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, stormwater management, erosion control, drainage, landscaping and walkways, 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 inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.
  - c) The developer have a pre-construction meeting with the Town Engineer.

4. *The applicant will need to return to the Board with a revised landscaping plan by March, 2021; this has been added as a suggested condition of approval, prior to a certificate of occupancy being issued for the carriage house and/or vault. All parking requirements for the new vault will need to be determined at such time that a building permit is issued. (Hamlin & Reiche) **ROLL CALL VOTE:** (6 Ayes) (1 Recused-Blanchard) (0 Nays)*

Chair Campanelli and the Board thanked Mr. Cram and wished him good luck.

#### **Creighton Residence – 74 Bow Street**

The applicant is seeking approval of a Change of Use and Design Review Certificate for their property at 74 Bow Street. The change of use is from two-family dwelling and office to multiple family dwelling (3 units). Exterior alterations include the removal of a front door, porch, and roof over the entrance. No site changes are proposed. Design Review District 2 – Class C. Tax Assessor Map 13, Lot 85. Bill Creighton, applicant and owner.

Ms. Pelletier explained that the applicant has an existing dwelling at 74 Bow Street. He currently has a 2-family dwelling with an office. He is now back before the Board to convert that office space to a third residential dwelling. It has been long enough so it is not triggering subdivision but he does have to come to the Board for the applicable sections of the Ordinance for Site Plan Review to change the use of the structure to multi-family. He is not proposing any changes to the face of the earth as his previous parking plan designates adequate parking. He previously brought landscaping, driveway, buffers and parking areas. There were two plan sheets in the submission. One was the previously approved site plan and the second was a survey for the property. The structure is in Design Review District 2. It is in the Village Overlay District and it is also in Village I. Because he is in the Village Overlay District and going to multi-family, there is a requirement in there about a door facing the road. There is a door on the front with an existing porch and overhang. The roof overhang is causing water damage so the applicant is proposing to remove it. Behind that door closest to the road is a bathroom which is not desirable. He is proposing to remove the door. The main entrance to the structure is actually on the side. She had pictures to share with the Board. The applicant would like to maintain that entrance as the main entrance on the building and actually have the option to move the roof hanging over to that side of the structure. He would need Design Review for that to be able to do that, the Board would need to find that it meets the standard of the Overlay District. She knows there is confusion with the standards in the Overlay District. He could have come to the Board today with his existing two-family and asked to remove that and the door. The location of that door wouldn't come into play but because he is adding that unit, it is something the Board needs to look at. Again, it is Design Review and the Board needs to find if it meets the standards of the Design Review Ordinance. Today he was able to receive his capacity letter from the Sewer District so it was forwarded to the Board. It was previously listed as a condition of approval but it has been met so that condition could be struck. If the Board takes action, all the applicant would have to do to wrap up his project would be to get any applicable permits from the Codes Officer.



Bill Creighton pointed out that Ms. Pelletier did a fabulous job of painting the picture but he offered to answer any questions.

Mr. Reiche asked Ms. Pelletier to help him find the section in the Ordinance that requires a front door facing the street. Ms. Pelletier provided the Section and Page in the Freeport Village Overlay District. Mr. Reiche asked how the Board would have authority to waive this if this is a requirement. Ms. Pelletier explained that the only way the Board could approve the applicant removing the door is that it finds it is consistent with Design Review but if the Board feels the other entry meets that standard of being a recognizable front door facing the street. If it doesn't meet, his other option would be to leave the door and still remove the overhang causing water issues. He might want to remove the porch as well since it is not utilized.

Mr. Creighton pointed out that he sent photographs of the side entrance that is clearly visible from the street. He explained that it is a 1920 building with additions. Mr. Troidl noted that the further issue with the Village Overlay District it fully sets out to make provisions for people to add porches and build new porches and we are talking about removing a porch and a door to end up with a box. Mr. Hamlin mentioned that the photo shows the side door is clearly visible from the street. Chair Campanelli noted this is a difficult project because so many alterations have been made to this building. Mr. Blanchard noted there is no requirement that the porch stay on the front. If he removes the porch, does that leave a door floating on a wall because we have approved the porch removal. Mr. Troidl added that as you come down the road, you notice it is altered but there is a bay window and a porch that is the front of the house. Mr. Blanchard pointed out that across the street there is a commercial building and a multi-family complex next to it. It still appears residential and he feels there could be worse things that could be proposed for the building. Mr. Troidl mentioned that the side entrance looks like an entrance to him so he is not worried about the door requirement. He does not see the point of moving the porch roof to the side of the house.

Mr. Creighton explained that he has a temporary awning structure over the main entrance steps to keep snow from landing directly on the steps. He was proposing to bring that roof around and spread the snow load and shed it away from the front steps. What is happening now, the snow load that comes off the front of the house lands on that porch roof and gets shed sideways into the bay between the bay window and there is a massive amount of snow that builds up in that space that is creating problems with that wall. If the porch roof was gone, the snow would shed off and land in the front yard. He is getting leakage and it is starting to create problems. Every time there is a new UPS driver, they put packages out on the front porch even though it hasn't been in use for eight years. There is no path shoveled but they insist on leaving packages there. There is some rot under the porch and he wants to take care of it. His preference is to pull off the porch and the roof. He can leave a door on the building if the Board wants or the Zoning Ordinance requires, but he would probably take that door out and rebuild that wall and screw fasten the door to the outside with trim around it so it would look like there was a door there. At the moment, the insulation in the bathroom is compromised. It is a bathroom and you don't want a door coming into a bathroom.

Mr. Troidl is not as worried about the door requirement visible from the street wording. He understands wanting to get rid of the gable with the metal roof causing problems with the snow. He is concerned that with just the window, it will be a strange façade without anything there. He fears it won't look like a house anymore. Chair Campanelli added that she doesn't want to keep anything there that is causing structural damage and a door floating on a wall doesn't seem like a good idea. There are not a lot of options. The Board either goes with the plan or rebuild the porch to make it more sound.

Mr. Yankee added that it looks like the main entrance is on the side and to still have a porch on that side we would be doing it for reasons that don't make sense other than to follow an Ordinance. He feels this is a logical conclusion that works. Chair Campanelli agreed.

Wendy Ward advised that she can appreciate all the comments and how it doesn't feel like a real straight forward application since many of the ordinances are at odds in some of these cases. What action might allow someone to follow

the ordinance might not be in the best interest of the homeowner in maintaining a structure and the integrity of the structure. It is one of her primary goals as a homeowner. She feels it is still a beautiful building and she drives by it all the time. She asked what is worse, having someone remove a door to maintain the integrity of the building or just keep it there just for a visual appeal for someone who doesn't live there? Mr. Creighton has excellent accommodations for people living there. He meets all the other requirements that it sounds like the Board is looking for.

Ms. Pelletier explained that if the Board feels the proposed Findings before you are accurate and you are comfortable adopting them, the motion before you would work. It would approve a change of use for a two-family and office to multi-family dwelling. It would include the Finding that it meets the standards of the Freeport Design Review Ordinance, applicable sections of the Overlay District and Zoning Ordinance. The only thing that would need to change would be to strike Proposed Condition of Approval 3 because the applicant did provide a capacity letter from the Sewer District today.

#### **Design Review Ordinance: Chapter 22 Section VII.C.**

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

*The scale of the building will not be altered. Based upon this information, the Board finds that this standard has been met.*

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

*The height of the building will not be altered. Based upon this information, the Board finds that this standard has been met.*

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

*The proportions of the front façade will not be altered. Based upon this information, the Board finds that this standard has been met.*

- 4. Rhythm of Solids to Voids in Front Facades. When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.**

*The rhythm of solids to voids in the front façade will not be altered. Based upon this information, the Board finds that this standard has been met.*

- 5. Proportions of Opening within the Facility. Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.**

*Proportions of openings within the facility will remain unchanged with the exception of a door which the applicant is proposing to change to a window. Based upon this information, the Board finds that this standard has been met.*

- 6. Roof Shapes. A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.**

*The roof shape of the overall building will not be altered. The applicant is proposing to remove the front door, roof overhang and porch entrance. The roof over the door is causing water damage and the applicant is proposing to relocate it to over the main entrance to the building which is near the parking area. Based upon this information, the Board finds that this standard has been met.*

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

*The applicant is proposing to remove the front door, roof overhang and porch entrance. The applicant is proposing to relocate the roof to over the main entrance to the building which is near the parking area. The roof would be added to the existing structure with diagonal wood posts being added for support. The applicant is proposing to replace the door with a double-hung window, which will be PVC, and have a 2/1 mullion pattern, with mullions between the sheets of glass. Any trim will be white PVC to match the existing. Based upon this information, the Board finds that this standard has been met.*

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

*The rhythm of spaces to buildings on the street will not be altered. Based upon this information, the Board finds that this standard has been met.*

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

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

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

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

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

**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 site changes are proposed. The applicant is proposing to remove the front door and porch and to removed and relocate the existing roof overhang. 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 Class C in Design Review District II and is in the Freeport Village Overlay District. No new structures are proposed. An existing porch and door will be removed and a roof overhang will be relocated. 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. There are two existing driveways on the property which will remain; one serving the two-bedroom unit and the other that serves the two one-bedroom units. 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. There are parking areas designated on the previously approved plan, and additional gravel areas existing on the site that are also utilized for parking. The total requirement for all*

*of the uses on the property is five spaces; two are in a garage and the remainder are surface 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.

*No site changes 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 signs are proposed at this time. 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 changes to any exterior lighting 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.

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

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

*No changes to landscaping 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:
- a. The project will not result in water pollution, erosion or sedimentation to surface waters;
  - b. The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
  - c. The project will conserve shoreland vegetation;
  - d. The project will conserve points of public access to waters;
  - e. The project will adequately provide for the disposal of all wastewater;
  - f. The project will protect archaeological and historic resources;
  - g. 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 Zone. The building will remain connected to public utilities. No historic or archaeological resources will be disturbed. 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, Design Review Certificate, and Change of Use for Bill Creighton, for exterior building alterations and a change of use from two-family dwelling and office to multi-family (3 units) dwelling at 74 Bow Street (Tax Assessor Map 13, Lot 85), to be substantially as proposed, application dated 09/29/20, finding that it meets the standards of the Freeport Design Review Ordinance, the applicable section of the Freeport Village Overlay District and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Watson & Blanchard) **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Troidl)

ITEM IV: Election of officers for the position of Chairperson, Vice-Chairperson, and Secretary.

**MOVED AND SECONDED:** To nominate Guy Blanchard to serve as Chairperson. (Reiche & Hamlin)

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To nominate Adam Troidl to continue to serve as Vice Chairperson. (Reiche & Watson)

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** to nominate Geralyn Campanelli to serve as Secretary. (Reiche & Troidl)

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Campanelli advised that the new officers would take effect at the next meeting. Mr. Reiche pointed out that Geralyn did a great job and brought the Board to a level of professionalism that served the Town well. He thanked her. Other Board members agreed.

Chair Campanelli pointed out that everyone on the Board has been kind and knowledgeable. She has found it to be a nice environment to be involved in. She feels Caroline and the Staff Reports have been great. She hoped we could work on the Ordinances and get them more refined. In September we had a great workshop with the Planning Board and Staff. Everyone felt really positive about that but unfortunately, there were no Council members at that meeting. There were many reasons why the Working Group was unable to bring anything forward to the Council and we were not able to have workshops with the Council regarding any of these issues so it kind of stopped.

Not to put any pressure on the new officers, but hopefully in leadership roles we can keep moving this forward. She has concerns that it won't keep moving forward if we don't put pressure on a lot of pet projects and fires that come up that take the Council and Planning Board's energy. She feels we need to look at these Planning documents. She is seeing individual change happening as we saw in the apartment complex. She is confident the Board will see pressure from bigger projects that may not fit within the Ordinance coming in to Planning Board and Council to have changes made. Those changes will happen without having enough Town attention and then they will come to us. Some of those could have major impacts on a town. She is also concerned about new policies being created by citizen volunteers who do not have the skill set to create these documents. They are being put into place and some of them will have repercussions for the Planning Board. We are seeing these documents not interweaving with the existing Planning documents as we saw in this last project. In the parking lot overlay, luckily that was stopped and she hopes it will stay that way. Those things are really problematic. She feels it is important that we somehow meet with the Council and impress to them what is happening at our level when these things are happening. She doesn't think the Council understands it. Her sense is that we are going to have more and more of these development pressures coming and even if the Comp Plan has the potential to begin to remedy some of these things, it is a long way out. That was her two cents.

Mr. Troidl agreed with her seeing a lot of these, the real public comments on those things such as the big apartment complex, nobody even knew that things were being changed at the Council level and when people get wise to it, it is a project. He is concerned that one of these projects, there will be a law suit and the Town will be paying for because people will not know about it when it happens at the Council level and obviously there is a sequence of events that needs to happen to approve certain things. Approving a zoning change when no one is aware there is a project coming is dangerous because by the time it gets to be really wide spread understanding, is when it is at the Project Review Board level. He is concerned that there are a lot of single changes happening but people don't necessarily see those the first time and then longer and longer they get to us.

Mr. Reiche added support to what Mr. Troidl just said. The last agenda item tonight is something we have done a number of times. We do what feels right in a situation probably because the Ordinance is ambiguous or contradictory. His vote tonight was because it felt like it was appropriate to the situation. Chair Campanelli added that some of them are pretty benign but some have big ramifications for the Town. She suggested to Caroline about having an educational

meeting to let them know how things work at our end and maybe somewhere along the way a process can be set up that really looks at the impact of some of these new zone changes and plans that are being put into place.

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

ITEM VI: Adjourn.

**MOVED AND SECONDED:** To adjourn at 7:31 p.m. (Reiche & Troidl)

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Recorded by Sharon Coffin