

MINUTES
FREEPORT PROJECT REVIEW BOARD
NOVEMBER 18, 2020
6:00 P.M.

This meeting was held online/virtually using Zoom teleconferencing

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

CALL TO ORDER: Chair Blanchard called the meeting to order at 6:08 p.m.

ITEM I: Information Exchange

1) Update on Planning Board agenda items

Ms. Pelletier advised that the Planning Board had a meeting last week with a discussion in the early discussion phase for a large housing project out on Desert/Old County Road. They had over 150 people at the zoom meeting. They did make a recommendation of a new Overlay District to the Council for the Desert of Maine.

Chair Blanchard asked if Ms. Pelletier has any updates about public notices using *The Forecaster*. She advised that it went to the Planning Board for discussion pre-COVID. They have not had public hearings on that so it is still in their pending file with some other zoning things. They did talk about it and felt it was a good idea to move forward with a public hearing. Mr. Reiche mentioned that the question to the Planning Board is whether that suffices as the exclusive public notice and his question in the meantime is, can we still do that as a secondary public notice and still use *The Times Record*? Is it correct that there is no harm in us doing public notice in *The Forecaster* and *The Times Record* until they resolve it more officially? Ms. Pelletier explained the problem is we don't have money to cover it in the budget. We can't charge the applicant because our public hearing fee is set up to cover it much lower so unless we get directive from the Council, she doesn't think we can go into that. The goal is when we bring it to the Council, part of the discussion for them to consider is whether or not it is something we are going to put in our budget for next year and pass on to taxpayers or if we are going to pass it on to applicants. She has done some comparisons and it looks like our public hearing fees are somewhat higher but feels it needs to be a Council discussion at this point. Ms. Pelletier noted the problem with *The Forecaster* is that legally they cannot be mailed so for things that have State guidelines, we can't solely use them. The discussion is at Planning Board and then the Council level.

ITEM II: Review of the minutes from the October 21, 2020 Project Review Board meeting.

Mr. Troidl advised that he has a correction and one potential correction. The correction is on page 22-23 and his vote was a Nay so the final vote should be (6 Ayes) (1 Nay-Troidl). The potential correction is on page 16 for the Historical Society. The way the Condition of Approval is written in No. 4 is different from the others. He is not sure exactly what was said. The Secretary was asked to go back and review the tape.

NOTE: After checking the tape, Condition No. 4 should have read:

The applicant is aware that they 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. (Hamlin & Reiche) **ROLL CALL VOTE:** (6 Ayes) (1 Recused-Blanchard) (0 Nays)

Chair Blanchard asked the Board if future votes could be taken as "yes" and "no" to make it easier to hear, particularly on zoom. The Board agreed.

MOVED AND SECONDED: To table the Minutes from October 21, 2020. (Reiche & Troidl) **ROLL CALL VOTE:** (7 Yes) (0 No).

ITEM III: Reviews

Desert of Maine – Parking Lot Renovations

The applicant is seeking approval of a Site Plan Review Amendment to renovate the existing gravel parking lot at the Desert of Maine property. The proposed parking lot alterations will include regrading the surface and ADA parking spaces. New site lighting is proposed. Zoning District: Rural Residential I (RRI). Tax Assessor Map 22, Lot 8 (95 Desert Road). Heestand Family Holding, LLC (Mela and Dough Heestand), applicants and owners; Thomas Emery, RLA--Harriman Architects and Engineers, representative.

Ms. Campanelli pointed out that she is recusing herself from this application because her son worked for Doug and Mela at the Desert for the last two summers. She noted she would put herself on mute. Chair Blanchard mentioned that she should mute herself and turn her camera off since she was recusing herself.

Ms. Pelletier forgot to mention that the Morse Street School item is tabled tonight.

She explained that the Desert of Maine is here tonight seeking some site plan changes. They want to make parking lot improvements due to the fact they will be adding some new landscaping beds and expanding and realigning the current parking area and adding a pretty extensive brick walkway. There is no change to the use. They are trying to repair the existing gravel/dirt parking lot by doing some patching, giving a more defined look to the parking areas through the use of landscaped islands and beds and adding some timber posts to designate these areas and areas where they have excess gravel after the parking is squared off. They will be removing that and loam and seeding. They do have areas of landscaping and some are shown as planting areas and they did note the types of trees they will be using. They are proposing some full cut-off lighting. The fixtures will be about 3 feet in height. One of the important components of this project is that they are adding 4 ADA parking spaces connected to the Visitor Center via a new brick walkway and those spaces will be lined accordingly. She noted that Tom Emery is here with drawings to share with the Board and the applicant is here as well.

Doug Heestand mentioned Ms. Pelletier described their efforts really well. He thanked the Board for the opportunity. They have a lot of projects planned so he mentioned the Board should get used to seeing his face at these meetings. They are excited about the planned renovations.

Tom Emery of Harriman Associates asked if the Board has a set of plans in front of them. If not, he would have to go on the network and share the screen and he does not have a penchant for doing that. He felt Caroline did a great overview. The Board did not feel he needed to go and search for the plans.

Mr. Troidl mentioned that he does not have any questions on the project but assumes that if the Overlay District gets approved, it doesn't cause any conflicts with the new Overlay District and the zoning they have now. Ms. Pelletier advised that she looked at that and doesn't see any problem being created there. The Board has a memo in its packet from Public Works and they do want to coordinate with the applicant regarding snowplowing operations at the little section of Desert Road there. Mr. Heestand pointed out that he owes the fee and it will be coming in shortly. He is good for it.

There were no other questions raised.

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 and the parking lot is existing. The parking area is currently primarily dirt/gravel with no defined parking stalls. Some areas of the existing parking lot are in need of repairs and will be regraded and filled in with new gravel to patch. The east and west sides of the parking lot will have areas of gravel "squared off"

.New landscaped islands will be added to the center aisle and at the ends of the rows of parking spaces. The 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 within the Design Review District. No new structures are proposed. Based upon this information, the Board finds that this standard has been met.

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

Vehicular traffic to the site will not be altered and is existing from the end of Desert Road. Based upon this information, the Board finds that this standard has been met.

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

The parking area is currently primarily dirt/gravel with no defined parking stalls. Some areas of the existing parking lot are in need of repairs and will be regraded and filled in with new gravel to patch. The east and west sides of the parking lot will have areas of gravel "squared off" and parking stalls will be defined with the use of timbers/pole edging. Sixty (60) parking spaces are now designated on the plan, with four being ADA. 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 Town Engineer has reviewed the plans; his comments are included in an email dated 11/12/20. Any noted comments were addressed; however, it was noted that the applicant should be prepared to provide a stormwater treatment plan for all untreated areas during subsequent phases. 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.

There is an existing ground sign that is located off-site, and will be relocated to the applicant's property, as shown on the plan. 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.

The existing dumpster will be relocated and screened with fencing. Some additional areas of fencing are proposed; as shown on the plan. 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.

New full cut-off bollard lighting fixtures are proposed. The fixtures will be low to the ground, at about three feet in height. 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.

A new central landscaped island will be installed in the middle of the parking area with landscaped islands also proposed on the edge of the rows of parking. Trees will be Acer Rubrum or October Glory Red Maple (2.5 caliper in size). Based upon this information, the Board finds that this standard has been met.

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

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

This parcel is not within the Marine Waterfront District or the Shoreland Zone. No changes to the wastewater disposal system are proposed. Based upon this information, the Board finds that this standard has been met.

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

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and a Site Plan Amendment for Heestand Family Holding, LLC for parking lot and associated site alterations at the Desert of Maine (Tax Assessor Map 22, Lot 8), to be built substantially as proposed, plans dated 10/28/20, revised through 11/12/20, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, 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, 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 inspection account, in the amount of \$1,000, to cover the cost for inspection of the site improvements by the Town Engineer.
 - c) The developer have a pre-construction meeting with the Town Engineer. (Troidl & Watson) **ROLL CALL VOTE:** (6 Yes) (1 Recused-Campanelli) (0 No)

Chair Blanchard welcomed back Ms. Campanelli.

Linda Bean's Maine Kitchen and Topside Tavern Addition – Site Plan Amendment

The applicant is seeking approval for a Site Plan Amendment and Design Review Certificate to build a proposed addition to an existing restaurant on Main Street. The project would require demolishing the existing vacant ATM building, constructing an addition with a second-floor balcony, and will include a first-floor walk-up ice-cream window. Zoning District: Village Commercial 1 (VC-1), Design Review District 1 -- Class C & Color Overlay District. Tax Assessor Map 11, Lot 107 (88 Main Street). David Matero Architecture, applicant and representative; 88 Main Street, Freeport, LLC, owner.

Mr. Pelletier explained that she felt they were here a few years ago but in looking back it was ten years ago and she doesn't know if any Board member was on the board then or if this is new to everyone. At Linda Bean's Topside Tavern there has always been this little ATM structure tucked between the restaurant and Polo Ralph Lauren. They are proposing

to take that structure down which is a Class C and build a new structure in its place. It would be two-story structure with basement. It would have basement level, a first level which would be a continuation of the brick façade you see today with an outdoor seating area. Upstairs they are proposing an outdoor seating area which would extend the current railing system and have a glass canopy and fireplace. There would be some back of house area but the front façade of that second story would be set back about 20 feet from Main Street. They are proposing masonry construction and building this right up to the property line so you wouldn't see much, if any, of the side façade because it would be right against the Polo Ralph Lauren property line. The little bit that will stick out will be covered in brick. The rear façade of the building would be covered in clapboard. They are proposing using hardyboard but otherwise all the materials would match what is existing. Two things to note is we did get the letters from the utilities so if the Board gets to a point of making a motion, that could be struck. David Matero is here and he sent some revisions to the elevation drawing for the rear. If the Board wants to see those, he should have sharing capabilities for his screen. Our Town Engineer has reviewed it and they are ever so slightly, she believes it is 18 square feet increasing the pervious area of the site but noted every little bit counts.

Ms. Campanelli had a question about the storage of the propane tanks in the existing photos. She asked where they would be stored. Mr. Matero shared a screen and explained that the new basement of this building has a lot more storage. They are hoping to incorporate more of the storage that is behind the building inside. Behind there is an external grease trap system and it will go underground so they are making improvements to the rear of the building. He pointed out where an ice cream window will be added at grade. The second floor is about 20 feet back to get outdoor seating. They are covering the outdoor seating with a glass roof and will incorporate a gas fireplace on the deck. He sent today their improvements on the rear of the building and what they originally proposed were exterior staircases. There is a lot of maintenance to exterior staircases in the winter so they increased the size of the addition in the back right up to the easement so you would go through these doors to go up to the first floor and go through that door to go down to the basement. That is the major change on the rear of the building incorporating the exterior staircases into the interior. He pointed out the door that goes to the storage room. They are trying to do a lot with a little there.

Mr. Troidl had questions about the roof line. Mr. Matero shared a photo showing where the roof line would come out in the new addition. He indicated that deliveries will remain the same and pointed out where the dumpster will stay where it currently is located. A dumpster is a necessary evil of a restaurant. He doesn't see how it could be enclosed with a fence and have truck access. They currently back up and pick it up and dump it and then put it back in its place. They are hoping to move the propane tanks inside in the storage room which is kind of an exterior storage room or inside the basement. The building is fully sprinklered. Again, they are hoping to move a lot of the exterior stuff inside.

Findings of Fact

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 applicant is proposing to demolish an existing structure and construct a new restaurant addition in its place. The new addition will be two stories with basement. The design of the second story incorporates the use of a glass railing and glass roof to minimize the appearance of the structure. 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 applicant is proposing to demolish an existing structure and construct a new restaurant addition in its place. The new addition will be two stories with basement. The overall height will not exceed that of the existing building. 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 new addition will maintain the proportions of the building's front façade through the incorporation of some of the same architectural features and materials. 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 applicant will maintain the existing rhythm of solids to voids in the front façade. The front façade on the street level will use the matching dark bronze storefront system and building materials as used on the existing structure (brick piers, wood ceiling). 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.**

Openings will be standard size and match the sizes of existing openings in the front façade. 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 will be flat. A portion of the outdoor seating area on the second level will be covered with a flat glass roof which has been designed to disappear. 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 front façade on the street level will use the matching dark bronze storefront system and building materials as used on the existing structure (brick piers, wood ceiling). A new door will be added between the existing restaurant and ice cream shop. Below the takeout window will be a section of wainscoting. The second story will have outdoor seating on the front portion. The glass railing used on the existing upper story outdoor seating area will be extended. The new area of outdoor seating will also include a tiled wall and outdoor fireplace. A portion of the area will be covered with a flat glass roof which has been designed to disappear. There will be a building addition behind the area of seating; that front façade will be set back about 20 feet and will have fiber cement clapboards. All colors will match the colors used on the existing building. The façade facing the abutting retail building (n/f Polo) will be mostly sided in concrete blocks with visible portions to be sided in brick. The visibility of the rear façade will be limited; however, fiber cement clapboards will be used. 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 building will comply with the setback requirements for the underlying zoning district. Open area with brick sidewalk will be retained in front of the building. Outdoor seating in the ground level will also be retained. 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.**

Much of the site is already paved. Driveway location will not be altered. The sidewalk and outdoor seating areas will be retained. Signage will be building mounted. 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".**

New signage is proposed for the ice cream shop and will match the style of existing signage. The signs will be 8.5 inch white aluminum letter mounted on the building. Sign lighting will be full cut-off. 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 applicant is proposing to demolish the existing ATM structure and construct a new restaurant addition in its place. The new addition will be two stories with basement. The design of the second story incorporates the use of a glass railing and glass roof to minimize the appearance of the structure. Most of the site is currently impervious area and there will be a slight increase in pervious area on the site. No new clearing of the site is 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.

This building is Class C in Design Review District I. An existing one-story structure will be removed and a new two-story addition, with upper level outdoor seating is proposed. The second story has been designed to the wall is set back from the remainder of the façade. The structure will comply with all setbacks for the zoning district. 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.

The submission noted that the current parking requirement for the use is 18 spaces. Based upon their calculation, 7 additional parking spaces will be required. The applicant has surplus parking available in their off-site parking lot. Since parking is based upon the interior measurements, the final parking requirement for the new addition 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 Town Engineer has reviewed the submission; his comments are included in an email dated 11/12/20. He does ask for clarification on the amount of impervious area on the site and changes over time. 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 building will remain connected to public utilities. Obtaining a capacity letter from the Freeport Sewer

District will be required for the addition; this has been added as a condition of approval. 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.**

New signage is proposed for the ice cream shop and will match the style of existing signage. The signs will be 8.5 inch white aluminum letter mounted on the building. Sign lighting will be full cut-off. 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.**

Dumpsters are located on the rear of the site and will be retained. 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.**

New sign and building lighting is proposed. Lighting will be full cut-off; cut sheets of the fixtures have been included in the submission. 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. An existing hydrant is proposed to be relocated. The applicant will need to get final sign-off from the Freeport Fire-Rescue Chief and Maine Water Company, with copies of the sign-offs to be submitted to the Freeport Planning Department prior to any sitework. 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 site is non-conforming in regards to the amount of impervious area; there will be a slight increase in the amount of pervious area on the site and as a result of this project. No new landscaping is proposed. Based upon this information, the Board finds that this standard has been met.

- i. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:**
- 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 David Matero, for an addition and associated site improvements at Linda Bean's Maine Kitchen and Topside Tavern at 88 Main Street (Tax Assessor Map 11, Lot 107), to be built substantially as proposed, application dated 10/26/20, 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) The applicant obtain final sign-off from the Freeport Fire-Rescue Chief and Maine Water Company, on the relocation of the existing fire hydrant, with copies of the sign-offs to be submitted to the Freeport Planning Department prior to any sitework.
- 4) The final parking requirement for the new addition will need to be determined at such time that a building permit is issued. (Reiche & Hamlin) **ROLL CALL VOTE:** (7 Yes) (0 No).

Morse Street School - Site Plan Review - TABLED

The applicant is seeking approval of a Site Plan Amendment to add a portable classroom building near the Morse Street School. Minor associated site alterations are also proposed. Zoning District: Village 1 (V-1), Tax Assessor Map 11, Lot 24 (21 Morse Street). Regional School Unit # 5, applicant and owner; Dennis Ouellette, Director of Facilities and Transportation, representative.

Ms. Pelletier explained that for Morse Street School it was realized yesterday that their abutter notification was not sent. We typically notify within 200 feet and although it is not a public hearing, that is our practice. She reached out to them and told them about the error on our behalf. Unfortunately, it did make it so they needed to table tonight. Their items are time sensitive. The Board looked at portables before but now they are looking at moving them due to changes in the school operation partially due to COVID which is why the application is time sensitive. She asked the Board if it would be open to a special meeting to take up this item. It would probably be on December 2 or December 9. Board members did

not object to those dates. Ms. Pelletier offered to reach out to the applicant and see what will work for them and then will reach back out to the Board.

Ms. Campanelli asked if Ms. Pelletier is planning a regular meeting in December. Ms. Pelletier indicated that she is not aware if any submissions will come in or not by next Wednesday so at this time, she is unsure the Board will have a regular December meeting.

Harraseeket Yacht Club- Site Plan Amendment

The applicant is presenting plans for a Site Plan Amendment at the Harraseeket Yacht Club. Waterfront improvements for the Yacht Club include a boat hoist, layout changes to the existing float system, and other associated alterations. Zoning District: Village 2 (V2), Resource Protection 1 (RP1) and Shoreland Area (SA). Tax Assessor Map 1, Lot 5 (5 Dixon Road). Harraseeket Yacht Club, owner and applicant; Barney Baker PE, Baker Design Consultants, representative.

Mr. Yankee recused himself because he is a member of the Harraseeket Yacht Club.

Ms. Pelletier explained that this is a little bit different than some of the other applications the Board has seen in recent times. This parcel is not in the Island District. It is actually in the Village 2 Zone and has some Resource Protection and obviously it is in the Shoreland area. They have to come to Site Plan Review so they are coming to the Board for Site Plan Review, Section 602 of the Ordinance for a review of this proposal which includes a hoist and some float expansion. There has been quite a bit of public interest due to the nature of the proposal. They do require review and approvals from outside agencies in addition to a review by this Board. They have to go to the Coastal Waters Commission for a permit. They have to go to Army Corps, DEP and the Submerged Land Bureau so they have quite a few steps involved in this. The applicant is here tonight to conceptually show the Board the proposal and see if the Board has any questions on it. The Board received two letters that raise some questions regarding the project. Barney Baker is here representing the applicant and he can go into detail on what is included in the application.

Barney Baker explained that the application before the Board is for the Harraseeket Yacht Club of which he is a member. He provided a PowerPoint presentation with the Board. The Board noted that they could view the screen. They are proposing to do a new hoist and float modification. They are going to Coastal Waters for the navigational aspects of the floats and the hoist and coming to the Project Review Board for the hoist itself and the land modifications associated with it. He mentioned that the Harraseeket is one of the best harbors in Casco Bay and the Harraseeket Yacht Club is prominently on the waterfront. He pointed where they want to add the hoist and a picture of the hoist they are proposing. The outer floats for the club are in about 10 feet of water at low tide and a lot of the members have sail boats that have draft requirements. Dinghies are kept behind the main floats. Smaller Boston Whaler type vessels are placed inside and pointed to where inflatables are docked. He pointed out where the clubhouse is located and that it juts right out to the river. He provided historical information to the Board and noted that membership is fixed at 250 members and it is an all-volunteer organization. He explained the club's objectives. Each summer they teach about 120 kids and adults sailing and have a very active club. The club also provides access to the beach for local shell fishermen and women. There has been a bit of a problem for the Coastal Waters Commission because most of the commission members are HYC members as well. When projects come before them, there are many that have to recuse themselves. They have lobstermen and folks working on aquaculture in their membership that grew up in the club and migrated to jobs on the water with aquaculture and marine construction. Tonight, they are calling it the Burwell Hoist. Jack Burwell spent his youth in the Yacht Club and was a very successful racer and went on to motivate younger sailors. The club is proud of its alumni and they are certainly well known. He pointed out the permitted parking area on the groin built in the 70s and from that pier it extends out to deep water. He pointed out the access to the beach and where they want to put in a hoist. The location was selected because it is right down the corridor of the parking lot. It doesn't have full-tide access but will have access from half-tide or 10-11 hours a day. The hoist they are proposing will have a 12-foot boom and be approximately 16 feet to the boom. The hoist is designed to lift about 4,000 pounds. People will keep their boats on trailers and use the hoist to take their boats out and put on the trailer. If they have a mooring in the harbor, they would likely keep their boats on the mooring for extended periods of time but if they don't have a mooring, they would lift it out of the water, store it on their trailer and then take it home or make arrangements in town for storage. The primary benefit of the hoist is to allow sailors to compete regionally.

All the houses behind the property are elevated so they are looking down into the harbor. He shared a picture that was taken from the Foster's porch and pointed to where the hoist would be added. It is essentially a pile supported dock with a precast concrete surface and the hoist would sit at the end of it. Because the houses that look down on it are elevated from their view it is silhouetted by the water behind so they are proposing to paint the hoist gray to blend in. He shared a view from the water showing the club. He pointed out the Foster's house. They are approximately 100 feet offshore from the floats. The pier would be behind the gangway. The plan is to have a turn-around next to the boat ramp where you would come down and turn and back towards the hoist with your trailer. He had a photo showing what you would see from the parking lot. He also wanted to show the Board the drawings and give the Board an overview of the elements of the drawings. He showed the existing site plan that they had surveyed several years ago. The property lines are the original property lines and the Board can see how the wharf was extended out into the water by the filling that occurred. The clubhouse location is still on land that existed before the filling operation. He pointed out the low tide line approximately and the floats that are deep water. He pointed to where they are proposing to add a hoist and add connecting floats. The harbor now takes over 10 years to get a mooring so HYC is taking a lot of the burden off of having to put small boats on moorings by creating space for skiffs and Whaler type boats. There is a float for Yacht Club Whalers and inflatable boats. Once or twice a season they support a youth regatta that brings young sailors from all over Maine for a 2-3 day event which is run by volunteers. They are very proud of the club and they feel the community should be proud of it too. While it is not relevant to the Board, this will largely be built with volunteer support. He has spoken to John Brewer and found him to be in support of the project.

He submitted a lot coverage plan to Caroline and their application is in front of the Board. He showed the distance to the property lines. The hoist is another 250 feet. To the Fosters they are 40 feet away from the property line and from the McCreedys they are 108 feet and to the Izzard's off to the left they are 72 feet. They are only 7 feet away from the Hardy's, the next door neighbor and are thankful they get along. Zoning for the facility is where the Board comes in. They are in the Shoreland Zone and also in Resource Protection I Zone and explained why they are in the RP-1 Zone. Any structure that is built in the location where they are proposing the hoist has to be a water-dependent structure. They feel the hoist meets that criteria. They are also in the Village 2 Zone and would be classified as an outdoor recreational school for private assembly and they have the appropriate facilities to construct this hoist and look forward to any comments the Board might have on their application or presentation.

Chair Blanchard explained that the Board is not taking any formal action tonight on this application. It is a conceptual review so this is a good time for the Board to ask questions and provide feedback to the applicant. Mr. Reiche asked why this is before the Board. Ms. Pelletier explained that it is because it is a use permitted in V-2 subject to Site Plan Review under Section 602 of the Zoning Ordinance. Mr. Reiche had a question about the letter we got today at one o'clock. Fortunately, this is a concept review so receiving information late doesn't stop us in our tracks. If it were for an action, he feels the Board would be in a jam because it got a 3-4-page letter from an attorney with a lot of material in it four hours before the meeting and it is unfair to the applicant and the public to table while the Board considers that but it is also pretty harsh on the people that write those letters to say we are not going to consider them. He understands that the Planning Board requires that anything that comes before their attention be received a week before their meeting at least. He asked if that is applicable to this Board directly? Ms. Pelletier explained that this Board's Rules of Order say that the Board will consider any comments by Thursday at 4 p.m. Whether or not the Board wants to take this into consideration because it is a conceptual presentation and a chance to ask questions. The applicant also got that letter today so if there are some questions the Board feels it needs clarity on, maybe you can let the applicant know. She is sure they will provide answers in their next submission once they have a chance to go through it as well. Mr. Reiche mentioned there are technical issues that relate to technical issues in the Ordinance, will the Board be drawing our Town Attorney in for that or will we be leaving it to the applicant as a matter of course to respond. Ms. Pelletier noted the burden of proof is on the applicant so she hopes they will respond if there are questions raised in their next submission. If the Board has their own questions with some of the raised issues, we could get input from the Town Attorney. Often when it comes down to a use, we look to Nick Adams, the Codes Officer to give us some guidance. Mr. Reiche feels the Board should let people know if they are likely to comment that we have the right to deny consideration of materials received after the Thursday before the meeting.

Ms. Campanelli noted she is concerned about the letter and asked Mr. Baker if he can address any of the discussion points in the letter right now or when he comes back. She asked how they will deal with vehicles that have trailers on them and how many do you anticipate. Do they have parking for that? She is aware that there are a lot of parking issues in that area

anyway. Mr. Baker explained that they have a lot of rules and regulations for their membership and will be developing policy for the hoist use. They have a hoist committee and have been talking about these issues. They will have a training program for anybody that uses it. It will not be open to everyone. It is a membership driven facility. They are self-policing and have incredible organizational skills. The hoist is a tidal access and will not occur 24/7 and he mentioned in his letter what the peak usage would be and how it would impact traffic. There will be no appreciable increase in traffic because the hoist would be used during low-use periods. He noted he could go through some of the points that the abutter's representative has raised. There is a lot of overlap where they are dealing with those same issues with their Coastal Waters, DEP and Army Corps applications so they will, as an applicant, address those concerns. Based on their longevity at this site and their stewardship, they feel they have right, title and interest. They have given the Board their deeds and have been paying taxes every year and also have a submerged land lease for the area they use seaward of the property. They will not have trailers stored on site. They will never meet the 20% lot coverage requirement for a Shoreland Zone. He has spoken to Nick Adams and they don't have to. They do have to create additional green space for the green space that is lost and that is what they have done in the plan he provided to Caroline. As for the visual impact of the hoist, he provided photosims to show they feel it will not be a major impact. They use that space very efficiently and provide a lot of waterfront access for people that would otherwise not be able to afford it.

Chair Blanchard asked if there are any other comments or questions. He is wondering if there is any additional public involvement process that goes with any approval or permit the Army Corps has to provide. Mr. Baker advised that all the abutting property owners are notified. The public process is driven by the Town and also Submerged Lands. Submerged Lands notifies everybody within 250 feet of the project. There is no formal involvement with Army Corps. in terms of a meeting or presentation. The Coastal Waters Commission has a notification process and they started that process in July but have had meetings cancelled, delayed and pushed back but they are almost through that process but that is one area where they could contribute. The other place they can contribute is at the Town Office where there is a copy of the application that went to the Army Corps. and DEP. They can also contact his firm or the Yacht Club to get more information. The cycle they are on right now, they will not get their DEP approval until the middle of January if all goes well. There is time for people to submit their letters of support or concern.

Mr. Troidl noted the Board got a lot of input today and whether we have to take it or not, it is only conceptual, so we can assume that input will come back. In looking at it from our Board's perspective, it is just a matter of zoning and it is allowed to be in the zone it is in. The more concerns he would have would be the vehicular access, parking circulation and emergency access all having to do with moving vehicles and now introducing a fair number of trailers depending on the day at this site. It is a bit concerning to say the boat will go in the water and the trailer will go away and he doesn't know what "away" is and it may be a bit of an issue depending on where that is. Like Ms. Campanelli said, that area traffic is there and the streets are tight. He assumes the person that parked his trailer will want to get back into his boat. Mr. Baker added that it is usually a 2-person job. That is what a crew member is for. They looked at this and found that trailers could be put up at Ring's. Thornton is a member of the club.

Ms. Pelletier advised that there are people in the audience and asked if the Board would be willing to take public comment. Chair Blanchard mentioned that this is conceptual and he would be open to it but asked that they be brief. Ms. Pelletier explained how the public could be invited to comment.

Joe Sivisky mentioned that he heard his letter being discussed. He apologized for submitting it so late. He is representing the Parkers who are abutters to the Yacht Club and they have a variety of concerns with the proposal and are involved in the Coastal Waters Commission's hearing as well. They received notice that this was going to be on the agenda on November 7 so it didn't provide much time for them to gather their response. It did say in the meeting agenda that comments could be submitted until 24 hours before the meeting so that is the reason for the late submittal. His concerns are specifically with what the Project Review Board is going to be evaluating this project for. First, there is a right, title and interest issue that the applicant has admitted that the legal description in the deed submitted with the application is marked on the plan and it is only the upper area. They got a permit from Army Corps. to fill in the gravel parking lot but they have no property right in the gravel parking lot for the intertidal zone off the edge of the parking lot. They are proposing improvements in the intertidal zone that they no right, title or interest or at least they have not submitted sufficient evidence of it with their application. They have a Submerged Lands Lease which would apply to anything seaward of the low water mark. What is missing in the RTI component of the application is proof that they own the intertidal zone where the majority of the improvements are being located so that is the RTI issue. The other issue is he

understands that this is a property in the V-2 District, it is in the Resource Protection Shoreland Zone. They are proposing a 720 square foot platform in a zone designated as Resource Protection. It is a water dependent use so the normal setbacks would not apply but they already have a water dependent use on the property which is a float system so they are proposing a separate water dependent use and the parcel is too small. It does not have adequate frontage to accommodate a separate water dependent use. There is a 200-foot frontage requirement per use and they only have 250 feet total. He hopes the Board will consider his comments. He does not feel the Board would be entitled to not consider them because it will have to take this up again. There will be another meeting on this same application and the Board has his comments on file. He encouraged the Board to consider his comments at the next meeting.

Chair Blanchard asked Ms. Pelletier if it would be appropriate to have the Town Attorney respond to the letter for the Board? She recalled having the Town Attorney weigh in the issue of right, title and interest in the past and explained what the previous Town Attorney said. In this case, it is the applicant getting into the deed. It is not necessarily the role of the Board to get into determining all the fine details of that deed. However, there have been steps the Board has taken in the past when these issues have been raised. Given the fact that we have a new Town Attorney, it could not hurt if the Board felt more comfortable, she would be happy to reach out to her and have her comment on that. She could also reach out on the use aspect. She probably would not comment on that but would probably refer us to the Codes Officer since he is the enforcer and interpreter of the Zoning Ordinance. If the Board would like her to get some clarification, she can. If there are questions, the applicant is hearing them tonight and hopefully they will address some of those in their submission because it sounds like the abutter's attorney will raise those at future meetings if the Board takes them in public comment.

Mr. Troidl mentioned that the package included the letter to the Coastal Waters Commission and he realizes their meeting is upcoming so maybe there will be results. He doesn't know their process and that letter raised issues as well so maybe we will have a decision from Coastal Waters. As Caroline said, go through the Codes Officer and the Town Attorney to get their interpretations of those items in our letter. He looked through it all but there was a lot to absorb and obviously it came in later.

Ms. Pelletier pointed out for the record, Tod Yankee had to leave the meeting to attend the Coastal Waters meeting. He was recused.

Ms. Pelletier advised that she can work with the Town Attorney to get the Board some guidance and response to that letter in regards to procedure and what the Board can and can't consider if we need further clarification on the use and some of the other points raised. She will work with the town Attorney and the Codes Officer to hopefully get the Board answers that it feels need to get addressed in regards to that letter. Chair Blanchard asked if the Board should make a motion tonight to table this until Coastal Waters has a chance to weigh in? Ms. Pelletier agreed and advised that the applicant has been before the Coastal Waters Commission a few times. Their review is going to be limited to the objects in the water so there is a little bit of overlap because part of the application before the Board is the hoist and floats. Given the sensitivity of the issues raised by the neighboring property owner, he feels he can speak for the HYC, and that they would like to pursue approvals as soon as possible. If they are contingent on getting the full list of permits from all the groups involved, they would like to get approval as soon as they can from each of the entities if that were appropriate.

Ms. Pelletier feels the Board can table this to a future meeting. If the Board feels it is going to need some of those approvals in place to make findings on certain things like the environmental consideration or preservation of landscape, she feels it would be good to give some guidance to the applicant on that.

Steve Smith advised that he lives right above the Fosters' property on Dixon Road. He mentioned the photographs that were shown and that they were taken with a wide-angle lens and he doesn't believe they portray the visual impact of this hoist. He feels the Board is being shown something that is not realistic. When people actually see this thing, they have a different reaction. He has questions about parking and how this thing is going to possibly work. That parking lot is full almost the whole summer. The street going down Dixon Road is full the whole time. He has no idea how this whole thing is going to work and how they are going to be backing up trailers and putting boats in and whose decision in authority will judge that. He feels it is going to be a mess and he is concerned. He doesn't know if it is the Board's responsibility. It appears to him that no one is taking a serious look at what the real implications of this are for the community. When they have those regattas, they have a serious congestion and safety problem with kids running around and now they are going

to be having boats coming down with trailers to use the hoist. He is very concerned as a neighbor and he wants someone to take responsibility and look at this seriously and he does not believe it is being taken seriously.

John Grillo explained that he has been on the Board for 10 or 11 years now. He has served in the capacity as Commodore and has run the sailing program with his wife and other people on their committee for a number of years and he is also on the Hoist Committee. He must tell the Board that they thought about these things that Mr. Smith has presented and they have made it clear that there are no trailers to be left in the parking lot. He cannot tell the Board that every issue has been thought out but they have thought about every issue and are still trying to come up with logistical issues to deal with but all of this thrust that they are involved in has to do with the mission of their club and providing a venue for young sailors that move out of their sailing program and want to continue to be competitive and they wish to provide them that opportunity. That is what this is all about. This is also a useful tool for their members to be able to launch their boats, step their masts, take their masts out, take their boats out, etc. It is a useful tool to a yacht club and is very common. They have a group of people very intent on solving the logistical issues that have been brought up.

Mr. Baker explained how they made the photosims and tried to make them as realistic as they could and he hopes the Board appreciates that. Steve Smith disclosed that he is a member of the Yacht Club and also sits on the Board so these concerns are not from an outsider.

Mr. Troidl asked what is the frequency of trailering boats that accesses that facility today? In looking through the packet, he mentioned there are a couple of letters of support. There is a letter from the Hoist Committee to the membership of 250. He asked if there is a voting process? Concerns with traffic in the neighborhood are not included in that but concerns of safety and circulation of vehicles on site may have some impact if the entire membership has voted for this and they all want it. Trying to get emergency vehicle access might be challenging with such a volume of vehicles on site. Mr. Baker advised that the membership will be allowed to vote on this but they have held off on the vote until after they get all the approvals. They felt that was important. They have started fundraising for the project and are well on the road to paying for that. As to how many trailers they have on site now, Mr. Smith mentioned that it is totally bedlam down there during these regattas and he is right. It takes a small army of volunteers to control it. There is a lot of boats and a lot of trailers. On those days, members are not allowed to park down there. The Hoist Committee feels they can handle the traffic and yes, they do need to put some controls on it and they are certainly going to do that.

Mr. Hamlin asked how will the actual operation of the hoist be administered and is there any risk associated with using the hoist? Mr. Baker mentioned that they have been working with their insurance carrier to measure that risk. They will control who uses the hoist, when it can be used, how it can be used and they will provide training. It will only be used for boats that are set up for a hoist. This is a common feature at other clubs further south and their membership has users that use those hoists so they are taking advice from their playbooks and reached out to other yacht clubs. They are focused on safety and organization. They are passionate about sailing but insist on doing it safely.

Chair Blanchard asked Ms. Pelletier if this is something where a site visit might be warranted because there are some questions about movements down there and the tight turn-arounds in the parking lot. Ms. Pelletier advised that the Board always has the ability to schedule a site walk although we don't have the Board deliberate. We just go to the site and look around at certain things and save the deliberation for the boardroom. The public would be invited to attend and it would be public noticed. The only thing that is jumping out to her is that COVID numbers are going up in the news. We might want to wait and see how the numbers are in the next few days. We have been doing site walks wearing required masks and social distanced. If the Board wants to set a site walk, we could look at possible dates but she feels we need to wait a few days to make sure we can do it safely and accommodate the Board and whatever members of the public want to attend but it is definitely an option. Mr. Reiche feels a site walk is in order and appreciates Caroline's comments and we will have to work around that but it would benefit the Board to see that site. Mr. Troidl agreed.

Mr. Baker explained that all the floats are not in the water right now. They are in the parking lot but the boat ramp is still accessible and the Board can walk around the floats. There is certainly enough parking for the Board. He welcomed the Board to come down. They are very proud of the club and they could meet in the clubhouse but there is no heat. They can be socially distanced outside. Ms. Pelletier clarified that she is hearing the majority of the Board would like to schedule a site walk. She asked if they would be available on a Saturday morning or early during the week. The Board agreed they

could meet during the week. Ms. Pelletier offered to reach out to the Board early next week with dates and times. Board members suggested scheduling it at 3 p.m. while it is still light. It would have to be publicly noticed.

MOVED AND SECONDED: To table this application until such time that the Board can go on a site walk. (Troidl & Reiche) **ROLL CALL VOTE:** (6 Yes) (1 Recused-Yankee) (0 No)

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

Ms. Campanelli asked if the Board should keep the material for Morse Street? Ms. Pelletier advised that the Board should save that material but obviously the Board will receive a new staff report.

ITEM VI: Adjourn.

MOVED AND SECONDED: To adjourn at 7:57 p.m. (Troidl & Campanelli) **ROLL CALL VOTE:** (6 Yes) (1 Recused-Yankee) (0 No)

Recorded by Sharon Coffin