



**TOWN OF FREEPORT
PLANNING BOARD MINUTES
WEDNESDAY, MARCH 6TH, 2024
MEETING 6:00 PM – 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

Attending: Andrew Arsenault, Rose Mary Burwell, Wayne Jortner, Chair Sam Kapala, Bonnie Myles, David Spiers, and Assistant Town Planner, Cecilia Smith

Excused: Mitch Rouda

Chair Kapala called the meeting to order at 6:07 p.m. and thanked everybody for being here.

ITEM I: Information Exchange

1. Update on the Freeport Climate Action Plan

Ms. Smith advised that not many changes have occurred since last week. It is still in draft mode and She urged everyone to go and read it. She feels it is a well put together document that has a lot of information. It is interesting and is pretty easy to read. The Sustainability Coordinator did a great job putting the document together. It is easy to follow considering the complexity of information. You can comment on the draft and if there is anything you want to add, you may do so. To tweak the draft, you can go on the website and access the draft through there. We also have a paper copy here in Town Hall and there is going to be a first Maine Trivia Contest at the Maine Beer Company on Mach 18 from 6-8 p.m. A paper copy of the plan will be there and it is a place where you can go and check it out.

Chair Kapala asked if the trivia is related to the Plan or it is not? Ms. Smith mentioned that all she knows is that it is Maine Trivia.

2. Update on the Downtown Vision Plan Implementation

Ms. Smith mentioned that we all know that we have recently done those short-term changes to the Design Review Ordinance, Chapter 22, to make it a bit easier to understand and follow through. The second step of the plan is to hire consultants to really work on updating that Ordinance. We are hopefully going to have an RFP next week to put it out there to have a consultant come and help us clean up that Ordinance and make it work for the Town. The Planning Board will be leading that project and there should be some participation from the Central Core Working Group and the Project Review Board members. It will also be something the public should be getting involved in giving feedback on how to we do that. Chair Kapala knows that Ms. Pelletier has been working on

this and has a draft at least that she is editing for a final round hopefully next week and we will be able to move from there relatively quickly.

Ms. Smith added that we are also doing a parking requirement assessment. They hired Walker Consultants and they are doing a very thorough review of our past parking study and our current requirements. Hopefully, it will inform us of our parking needs so when we are doing our Parking Ordinance, we will have that information to go by. It should be ready hopefully before summer, perhaps in May.

Brett Richardson of FEDC has been working to do an infrastructure analysis for having a potential Transit-oriented Development District. That will be helpful when we might be seeing something down the line. She explained that it is a concept of when you have a Metro Station or a train station but you have an area and you really want to develop a mixed-use walkable area so you use this technique so that you have really high density often times about a half mile from the transit station or Metro station or something like bus stops and then you have higher density in those areas and then you scale it down so you are really not only having the higher density that helps with having better transit but you need people to be there to support that transit because you can't build a bus station in the middle of nowhere. She noted she would give the Board more information on this and we could talk about it in the future. Brett Richardson advised that he would be happy to give a presentation on the study he has been looking at. Chair Kapala added that there has been a lot of work that has gone into that and there has been a couple of good presentations over the past month. One was at the Library with the FEDC Board and there was another workshop ahead of the Town Council last week or the week before that was sort of showing some studies and talking about that Transit District proposed kind of stuff that Brett has been working hard on. He noted there are materials out there and he encouraged folks to check it out. There is some really good work going into that and really interesting data coming out of it. He hopes we can use it to guide.

Ms. Smith explained that the study we are looking at is like how much infrastructure do we have and how much would we need to be able to support higher density and more housing. That will help us inform our decisions and how we go about it. Chair Kapala added that there are different scenarios of that build out could look like for the tax base in town for population. There are many different ways of looking at it and hopefully it will give us some sort of structure that we can work within as we go forward and try to make decisions about how the zoning may need to change in those areas and what kinds of changes we can expect as residents of Freeport too.

3. Report of items reviewed by the Freeport Project Review Board

Ms. Smith advised that the Project Review Board was very busy at their last meeting. On February 21st there were several projects. She offered to go through them but mentioned that folks can always go to the Town website and look at the minutes. There was a multiple-family zoning proposal for the former Petrillo's building. They got an extension but they will have to come back to the Board to do a final review for that project. At 30 Morse Street there was mixed housing and office space that was approved as well. Then there was the Whitetail Subdivision on Route One North and the four duplexes were approved. Updates to the Phase One L.L. Bean project on Main Street were approved. They will be back with their Phase Two for the rest of the project. We had a

Shoreline Stabilization project that was approved and another project for a mixed-use at 59 Depot Street was approved. They are converting a garage into an office space. There was one project tabled so it was a long meeting.

Chair Kapala noticed in the notes that the Project Review Board was pleased that L.L. Bean responded to their comments. He thinks the stair tower had some detractors but it was resolved by changing the color scheme and adding windows. It was a glimpse into how the process is working and he feels it is healthy to get feedback from the PRB and make some changes.

4. Update on status of current and future Planning Board projects

Ms. Smith advised that she produced some new Zoning binders since we recently uploaded a new version of the Zoning Ordinance on line with updates of future projects apart from the Comprehensive Plan that we will be discussing tonight. For next month, she thinks the Board will be looking at the draft chapters. In addition, we have something new being introduced today which is the maximum height in the VC-I District. We will have an initial discussion today but will come back for the next meeting. She has not forgotten about comparison of Subdivision versus Site Plan Review for multi-family and she plans to bring that to the Board in the next couple of months.

Ms. Smith added that whenever there is a demolition of a building in the Design Review District, they have to notify the Planning Board. Because part of the Site Plan application of L.L. Bean is to demolish part of one of their buildings. There was a public notice of that. Mr. Jortner mentioned that it is on March 20 at 6 p.m.

Mr. Spiers asked if it is a building on Main Street or is it somewhere else? Ms. Smith noted her understanding is that it is a facade of one of the buildings but it might be old enough to meet the requirement. She thinks the intent of the Demolition Ordinance was to protect a lot of older historical houses and give people time if someone wanted to move the house somewhere else to provide adequate notice. Chair Kapala added that he understands that the area is part of where the Camping section is in the flagship store right now. It is not right there but he thinks that part of the structure is original and so most of the original part has been covered up but because they are changing it, they triggered some technical provision that required them to make that notification. From our perspective as Freeport residents, we won't really notice it. Things are changing over there but it is not "hey why did they take down that historic structure kind of a change." It is part of the bigger overhaul. The mass of the space is not changing that much. Ms. Smith advised how everybody could go on the Town website, click on the Project Review Board meeting and find the documents there. Chair Kapala apologized to L.L. Bean if he misrepresented anything there but hopes he got the gist of it.

ITEM II: PUBLIC HEARING- Proposed amendments to Section 501. Temporary Activity and Section 526.A Food Trucks of the Freeport Zoning Ordinance.

The Planning Board will hold a Public Hearing to discuss proposed text amendments to Section 501. Temporary Activity and Section 526.A Food Trucks of Chapter 21 Freeport Zoning Ordinance to increase the number of food trucks allowed as an Accessory Use up to eight (8) food trucks, for a maximum of six (6) months contingent upon securing a Temporary Activity Permit.

Chair Kapala mentioned that the Board talked about this last month and the Board was generally in favor of bringing this to Public Hearing, getting feedback and hopefully moving forward to support this plan in some way. The sense he remembered from the Board was that this is a temporary change for a fixed six-month period of time contingent upon securing a Temporary Activity Permit and there will be ample opportunities in the future to review how this is going in the future. It seems like a good change to support some activity in town. Ms. Smith pointed out that the change being proposed today is not a temporary change for a fixed period of time. Sometimes you can have a pilot program but this is not a pilot program. They would be permanent unless we decide to review them and decide to change them. Applicants would be required to get a Temporary Activity Permit so they can only do it for six months out of the year. That is the temporary aspect.

Before opening the Public Hearing Chair Kapala asked Tais Delos Reyes if she had anything to add. Mrs. Delos Reyes, explained that she is hoping to bring food trucks to Freeport. After working on this plan, she knows that she initially brought the concept to the Board of bringing in eight food trucks. Right now, after doing all the research, she wants to scale back to five food trucks instead of eight. She built a model so that everybody will know what it looks like. She has determined that eight food trucks seem like a lot to manage particularly with the space they have now. To make this go smoothly, five would be ideal. She is hoping the Board will reconsider. Changing the number to five. She feels that later on she can ask for more. The space they have will have 58 parking spots. They will utilize 22 spots for the park. They put the food trucks on the left side on Route One out of consideration to anyone that is behind that area in residential. They will be using generators this year but if they decide to continue with this, they may decide to move to the other side with permanent outlets to be used. Eventually, their plan is not to have any generators. She personally has a very quiet generator.

Mr. Jortner asked if she knows how the vendors will be selected? Tais advised that she has had a lot of reach outs. For six months out of the year, they will be rotated. There will be a form on line that the vendors will fill out. They will be screened on their licensing with the town. They will have to have to have the year licensing to participate and make things easier on the vendors and them. They will have a calendar weekly. She feels they are a little bit late into the game. A lot of them have their schedules set up but it will be that some will be here one day, some for a week, some for a month or some will be here for the whole six months. It will depend on their schedules. Mr. Jortner asked if she will be managing the process and Tais agreed.

Ms. Smith clarified for the public that the amendments are not just for one food truck area. They would apply in any of the districts that allow food trucks as an accessory use. She wanted everybody to recognize that. Tais advised that her initial issue with that is not everybody is going to operate something with respect and love and care like they are so operating everywhere on Route One is where you kind of lose control. They don't know if anyone else is going to pop up and want to build a food truck park. It is a lot of work and has to go through the regulations that Town Hall has. It is a process. Their main thing is there is a chance if they open this up, others may want to do it as well. Will they have bathroom accessibility and if it is a restaurant or is it just a business? They would like to have some control over that to make sure four or five them don't pop up on Route One. They welcome them but they hope it doesn't get out of hand where it will take away all of their hard work and then it comes back to where they can't do this because somebody is not doing it properly.

Chair Kapala added that he does not know the provisions of a Temporary Activity Permit all that well but he assumes there is something in there when you apply for it and receive it, there is somebody

responsible for the management of that activity and there is probably some recourse if things don't go well to revoke that permit. To him, that offers fairly reasonable protection against things going south in any real serious way. Tais feels if it isn't working out for someone, they will be affected. They don't want to be punished for someone else's misuse of their ability to do something like this. Chair Kapala added that that is the risk to doing something relatively quickly and seeing what happens. There is collateral and we would have to go through the process and figure out the changes that would make it better going forward. For him, he feels it is a good proposal and there are some guardrails on it. He likes the change going down to five food trucks. The vendors have a better sense of five food trucks and the traffic associated than we do on the Board just because they spend more time with food trucks. It makes good common sense to him and he would continue to support this given it is all the parts and pieces that will keep it in check if it needs to be kept in check. He hopes it goes really well because he thinks we need those sorts of things in town.

Mr. Jortner pointed out that the Ordinance says eight food trucks. Chair Kapala felt the Board could make that change tonight so the Ordinance would say five. We can send it to the Council with a recommendation that they change it to five without re-noticing and redoing a public hearing. Ms. Pelletier agreed.

Tais advised that they had to make some changes with their operating hours because of her complex containing doctors' offices, Maine Solar and other local restaurants as well. In her lease agreement they will be operating mostly at night during the week so they will be open between 11 a.m. to 10 p.m. On weekends they will operate between 11:30 a.m. to 10 p.m. They don't want to affect businesses that have patients coming in on a regular basis and they also want to accommodate the traffic. June 7 will be their first opening day. Their closing day will be November 17 or before.

MOVED AND SECONDED: To open the public hearing. (Spiers & Jortner) **VOTE:** (6 Ayes) (1 Excused: Rouda) (0 Nays)

Lee Sotiropoulos from Antonia's asked if this is just for food trucks or private events? Tais advised that it is just for food trucks but if there are private events where someone requests to have the whole food truck park, they will have them.

Chair Kapala explained the process of taking public comment because the Board can't have a back and forth without having microphones in the audience. If anyone has questions, they should address them to the Board and the Board can discuss. If the Board has questions for Tais, they can ask them as part of their discussion and if we need clarification, we can potentially call one of them back up at the end. We have to make sure that everybody can hear everybody else. He clarified that everything the Board discusses is not an idea that originated from the Planning Board. It is also possible for things to come to the Board and then they discuss them and decide if we should put them into action.

Mr. Sotiropoulos asked where else the Board saw this idea? Chair Kapala advised that this is not the Board's concept. Typically, not everything the Board discusses is an idea that originated at the Planning Board. It is possible for things to come to us and then we discuss them and decide if we should put them into action.

Ms. Smith advised that this specific zoning amendment change came from the Town Council. It was not from anyone on the Planning Board. Mr. Sotiropoulos advised that for the Town of Freeport to be able to handle the excess of tourists we have in the summer, he feels a lot of it is downtown. He sees a lot of

foot traffic coming for an L.L. Bean event. The downtown would be more beneficial than on Route One. We have plenty of restaurants with lots of parking and it would be easy for people to access those restaurants downtown where in the downtown people are walking around. Ms. Smith added that someone did bring that idea out at the last Council meeting and there was some interest on that. Right now, you could have food trucks downtown in the village but because it is not a zoning district that allows it, you would need a Temporary Activity Permit to do it so it is only for special occasions such as L.L. Bean having an event or any other business is having an event. Mr. Sotiropoulos asked if anyone has concerns about the food trucks cannibalizing other businesses in town? Mr. Spiers mentioned that there has been a lot of sentiment that there are not enough restaurants in town. Chair Kapala feels that is a common comment. Mr. Sotiropoulos noted that he counted that there are almost 30 restaurants in Freeport. Chair Kapala advised that the Board has talked about food trucks in Freeport over several years and it is a concern they have heard before. The sense we have gotten on the other side is that a rising tide floats all boats and more people eating good food in Freeport is good generally good for business in Freeport. Mr. Sotiropoulos agreed but feels the lack of restaurants is in the downtown catering to the influx of people. Chair Kapala agreed and added that if the Board can support all the businesses downtown, that would be great but there are a lot of structural challenges in the downtown that are preventing more restaurants from coming in downtown. If we could fix all those with our magic planning wand, it would be fantastic but we have the tools we have. If we can support projects outside of downtown, we would be happy to do that but not to the exclusion of supporting projects downtown.

Mr. Sotiropoulos explained that coming from Antonia's, they run profitably 7 or 8 months of the year but for 4 months of the year, they run in the red but they have to be open. They plan on being busy during the months of May to December. It is concerning to hear you are going to put 8 new places to eat. He does not know if it will bring more people to Freeport to eat? He does not know.

Ms. Myles pointed out that if we took a poll of every business in Freeport that relies on the public to help support them, they all have the same 4 months. She feels it is great to have something down at that end of Freeport to drive people into different directions other than just the downtown but she hears Mr. Sotiropoulos' concerns. Mr. Sotiropoulos added that he does hope it does bring in more business. It would be nice but we should look out for the brick-and-mortar places and make sure they are okay. Chair Kapala appreciated his comments.

Tais explained that she opened a brick-and-mortar in 2019 and skipped some processes that didn't allow food trucks. They had to close down 3 months later. She brick and mortared 5 years ahead of her plan and then COVID hit and they have been doing different things and trying to stay afloat. Her staff is her husband, herself and two young kids. Their way is to still be able to keep her restaurant open by having her bar and offering Taco Tuesdays one day a week and catering. The goal of the Chamber of Commerce is to bring new businesses to Freeport and for her, these food trucks could potentially open up brick and mortars. More discussion followed. Chair Kapala thanked her for her comments.

Tony explained that he owns a food truck in Brunswick and food trucks have been in Brunswick for years. They bring people from other communities that follow those trucks. He does not feel food trucks will be a detriment to Freeport. They bring in more business in because every food truck has a following. He feels this is a great set-up and those people will be going into town and will buy stuff. They have a taco truck in Brunswick that has been there for 12 years. He is confident food trucks will bring in more business to Freeport and won't hurt you. Chair Kapala noted he is happy to hear from a variety of perspectives.

Amanda Kent of Maine Wicked Goods Mercantile explained that 4 years ago they started the process with Tais because she came to them and said, what would you think if I had a food truck as an accessory to their business? They thought it would be great since they had no place to go for lunch without going into town or Yarmouth. That was the first time they came before the Board. She was only allowed to be at their business for less than a month at that time and they legally were not allowed to have her in their zone because it only allowed food trucks as an accessory to artisanal food or beverage locations. That meant a brewery basically. Maine Beer had their pizza truck and eventually were able to build up a pizza area into their location. She mentioned they fought hard to have Route One, which is a separate zone allowed to have food trucks as accessories to the businesses. They would still love to have a food truck to their business any time during the day and might talk to Tais about the possibility of having food trucks that can't come in at night be at their location for a few days here and there. She is confident that there are other businesses that would like to do that too. She finds it hard to believe that there are 30 restaurants in Freeport because she lives in Freeport and eats in Freeport and has been to Antonia's when she can't get in and has to decide if she should get something to go, hassle with the wait, etc. Her issue is that Route One is part of Freeport and she feels the Town is more concerned more with what is in the downtown and what is around the downtown than caring about the other entrances to town. She is sure campers at Winslow Park will love having the option to get something quick to go or stay right there and sit and enjoy it. She really supports this great idea and all the restaurants in Freeport. She feels it is nice to have something new that is coming to her area.

Guy Quartrucci of South Freeport advised that he supports this concept. He has spoken in years past when this option has forward by other presenters. It came with not much of a plan and not with a whole lot of thought and the location was pretty much downtown, often relying on a public facility. He feels this proposal has been well thought up with an operational plan. There is a business plan and a financial plan. The location is good and competition is the market place and people look for different genres to eat at in different circumstances. He pointed out that this town invested a significant sum of money installing infrastructure on Route One South to boost economic activity down there in both residential and small business use. He would hope that the town would see how this opportunity plays out and move forward with it. He is confident local people will support it as well.

Chair Kapala asked if anyone on zoom wanted to comment? There were no comments provided.

MOVED AND SECONDED: To close the Public Comment Period. (Jortner & Arsenault) **VOTE:**
(6 Ayes) (1 Excused: Rouda) (0 Nays)

Mr. Jortner pointed out that he doesn't think the Board needs to change the number from 8 to 5 just because this applicant has changed her plan. This would be an independent review of any permit application anyway so 8 might be appropriate tomorrow. He sees no reason to make that change. Mr. Spiers added that 8 feels like too many to him. Chair Kapala agrees that it is a lot.

Tais advised that as the driving force behind this proposal, she thinks it is a good idea to cut the number down to 5. Chair Kapala mentioned that he felt we were excited about an idea that could support local businesses and bring different types of traffic and people looking for different things to Freeport and he is supportive of that goal but as far as the particulars of it, if somebody with a lot more expertise in food truck operations tells him 8 is the right number, he is not going to question it too much. With a little more thought and the folks that have expertise with food trucks saying 5 is a more appropriate number, his inclination is to go with that number as well since he thinks on the gut check, you could put 5 food

trucks in this room. Tais pointed out that some of them are really large. In going through it, she feels 8 is too much and she worries it could get out of hand.

Mr. Jortner clarified that the Ordinance was not meant to prescribe the optimal number of food trucks. The Ordinance was to set a limit on food trucks and the optimal number would depend on the particular location. He does not feel the Board should predict that 5 is always going to be the limit. Mr. Spiers could not think of a location in town that would really imagine 8 food trucks. Mr. Jortner agreed but could imagine it could be suitable for a particular proposal, maybe it is a temporary proposal in an empty parking lot.

Chair Kapala suggested moving this along and took a straw poll. He asked who would be in favor of restricting the number to 5 food trucks? The Vote was 5 in favor and one 1 Nay: Jortner). Chair Kapala noted he thinks this is a good proposal and if the Council wants to make amendments, they can. Mr. Jortner mentioned that he does not know what the appropriate number is. He is only saying that we were prepared to approve 8. It is a limitation not a prescription for what is the best number for food trucks. He doesn't know that there is no possible place in town where 8 would have been the best number. It is not a problem. Chair Kapala added that it is worth saying that it doesn't always happen this way but in the interest of trying to move it fairly quickly and recognize there is a potential up side and always a potential down side and guard rails and opportunities to change things if we need to in the future, we have been clear that we are widely in support of that approach. He called for a motion.

BE IT ORDERED: That the Planning Board recommends to the Town Council adopting the proposed changes to Section 501 Temporary Activity and Section 526. A Food Trucks with changes to Section 526.A.1.C.2 from 8 to 5 food trucks. It is in compatibility to the Comp Plan in that it supports local business. (Burwell & Spiers) **VOTE:** (6 Ayes) (1 Excused: Rouda) (0 Nays)

ITEM III: Discussion of possible amendments regarding the maximum height allowance in the Village Commercial 1 (VC-1) zoning district. Possible options for discussion may include amending the definition of "story" or eliminating the limit of "up to three stories" in the VC-1 district.

Ms. Pelletier advised that the Board might remember that back in 2021, based upon some feedback from the community and recommendations from FEDC, the Board looked at making some changes to the Zoning Ordinance to try to encourage more multi-family and mixed-use development in downtown Freeport. We amended some definitions and changed the standard for height. The height in the VC-I used to be 35' at that time and we kind of thought the current planning trend was three stories because the thought was that it would give developers more flexibility. We had used stories in the C-IV which is a small district immediately to the west of 295 where the Crosstree Residences are located and have 14 apartment buildings. The Planning Board made that change so, fast forward to 2022 and 2023, we completed an extensive Downtown Visioning Plan and there was a lot of talk about uses downtown and where buildings could go and parking lot redevelopment and some more conversations about height. Should we go higher, should we go to 5 stories or 6 stories and where would that be appropriate? We have since seen some housing developments come in and they have drawn great interest from our community and a lot of mixed opinions. One thing that has been clear and we have heard over and over again at this point, is that there is

a community to the south that has two really tall buildings surrounded by a parking lot and we have heard people say that is not what we want here. Now, that we have made some changes as a community, we have freed up parking. We have plenty of parking lots with hundreds of spaces that are sitting there and not meeting requirements. They have just been developed because they are there and are on the market. We are starting to get calls and people are looking to do stuff. Three stories as we currently define it in the Zoning Ordinance, is the limiting factor. The reason it is the limiting factor in cases of redevelopment of multi-families is because the people looking to do that in Freeport, a lot of them are exploring the option of doing at least some partial pedestal parking which is a fancy way of saying parking under the building. The way we define stories, doesn't exempt parking underground and it doesn't exempt stories below grade so if they want to put parking underneath, they would really be limited to 2 stories. This has been identified by the Housing Committee that the building height is a barrier and we are getting that question a lot. The question for the Planning Board is given the current ordinance requirement for building height in the VC-I which is defined as three stories, up to 45 feet, is that something the Planning Board would consider amending at this time? She thinks there are a couple of ways the Board could do it. You could redefine stories and include somethings like exempt parking below or exempt parking below grade or to align with the building code, below code plain. The other thing you could do is keep the height at 45 feet and strike the three stories. Realistically, that would allow up to four stories to be constructed. When we talked about this before, there were some concerns, we knew we were changing to up to 45 feet. There were some concerns about conflicts with our ordinance, in particular Design Review. We know that we have recently made some changes to Design Review so now when the Project Review Board is looking at projects, there is at least a radius within what they are looking for of compatibility of 500 feet. We are working to get an RFP out to overhaul it so you will have that factor coming into play too. You do have a little more guidance on what that compatibility is for height but the question is in looking at the way we are defining stories, or striking the three stories in VC-I something the Board is open to? She reminded the Board that we don't define height standing at the side of a building looking up. We calculate height by taking the building, going out in four directions 20 feet and finding the average elevation and then calculating the height. We have buildings in Freeport already ground up higher than 45 feet. For example, the corner of the parking garage at Freeport Village Station. If it was built to plan which we will assume it was, it is about 47 feet. We have some properties on Main Street where Under Armor is there now ground up, in this case going to the peak, that is 48 and the back side is up in the 50s. She asked the Board to keep that in mind for comparisons. She is looking for feedback if the idea of striking stories but keeping 45 is something the Board is open to, they would bring some amendments for consideration, if you want to go higher, they could do that. Do you want to look at amending the definition of stories or if you really don't want to go there, that is also fine too.

Chair Kapala feels the cleanest way to do it is to strike stories in the whole VC-I. Generally speaking, the area most likely to see this type of development is on Depot Street or on the way to Depot Street where the grade is sloped and because of the way we calculate building height, you are likely to have a taller façade on the downhill side and a shorter façade on the uphill side. If the building were 45 feet according to the calculation, we would still have sort of

protection if you think of it that way, of the uphill side facing Main Street being less than 45 feet, so it would be the shorter side. Often the concern we hear from people in town is that they don't want big tall facades on Main Street.

Ms. Pelletier agreed and like any zoning provision like food trucks, if you put it into ordinance, it does open up the opportunity. The limiting factor there would be compatibility under Design Review. Chair Kapala feels she is right. His next thought that it is the whole VC-I and we have the other side of the street where it is flatter and where building calculations are more straight forward so a 45-foot building over there is going to look like a 45-foot building but we do have that compatibility standard so most of the buildings in the neighborhood within 500 feet of any new proposed buildings are lower than that.

Ms. Pelletier added that we can't zone for just one specific parcel but she feels we have flexibility so now the Board could do three stories, 45 feet technically anywhere so we are still talking about the same height but if you are okay with 45 feet and three stories in some places but you would go bigger in certain parts. That is another thing we could look at. Right now, you have 45 on the books.

Mr. Jortner feels it would be easy to get rid of the concept of stories and just go by the concept of feet however it is measured. Personally, he is interested in raising the limit because any obstacle to increasing housing in Freeport is the priority. If we could get developers more interested in coming in and building something at 50 or 60 feet if Design Review finds it compatible in a particular location, he thinks it would be a good thing. Ms. Pelletier mentioned that if that is where the Board wants to go, that is 100% fine. She has some concerns about that until we finish the RFP for the Design Review Ordinance because we recently had a project on Main Street that people felt was not compatible and it was too big in height and scale. Realistically, the building was 31 ½ feet so she thinks we could go higher because we would have that radius of compatibility. Mr. Jortner asked if those issues are addressed in the Design Review phase even if we increase the limit? Ms. Pelletier agreed but because Design Review standards are currently seen as somewhat subjective, height has been an issue. She added that we are trusting a volunteer board to make those decisions. Again, a board made a decision but the public did not agree but ultimately it got repealed but height and scale was one reason.

Chair Kapala mentioned that he broadly agrees with Mr. Jortner but feels the most straight forward way to allow for a more economical construction for housing is to allow for bigger boxes. His concern is still protecting Main Street. There is something that the Town has identified as worth protecting Main Street and the character of Main Street. People may disagree about what the character is but whatever it is, it is there is something there. He can't believe that he would propose an Overlay District but both Planners are looking at him thinking, "is he serious?" He would defer it to others with better technical expertise than his but it seems like it would get at what we are trying to do which is say encourage bigger buildings but not in very specific places. If we want to do this the right way, we would do the

RFP first and incorporate it all into the Design Review District changes and do everything at once. We may not have that luxury and there may be more pressing reasons to change this.

Ms. Pelletier pointed out that there are people calling and there are people who want to do projects. Pretty much everyone is saying that three-stories, multi-family is not economically viable in downtown Freeport right now. This is an opportunity at the present time that if you make this change, you will likely see one or two projects come forward. The Planning Board did look at creating a Parking Lot Redevelopment Overlay District. It went south for many reasons but one of the things we did look at was that we may have areas where it is more appropriate to go four stories or higher and others that we don't. If the Board wants to raise that 45 feet, you also need to look at the Comp Plan and see if going higher right now is consistent with the Comp Plan.

Mr. Jortner feels the new Comp Plan could say whatever we encourage it to. Chair Kapala added that he has never seen a change that could not be found consistent with the Comp Plan. Mr. Spiers feels the Board needs to ask itself the question of what is viable for these developers? He has heard that we want housing in this town and for sure we should think about raising the height. He doesn't know that we need to go to an 18-story building here but another increment is probably not a bad thing. The way he envisions it is that we may have a mixed-use business on the bottom and then 2, 3 or 4 living stories above that. That is what he would like to see here.

Ms. Pelletier referred to buildings in Falmouth that were proposed at 60 feet. They just got dropped back to 45. That is a neutral example of a 60-foot building. Mr. Spiers mentioned those are the ones built in the Shaw's parking lot. They look tall because they are sitting out in the middle of nowhere. Chair Kapala advised that if it came down to a binary decision and the decision were to strike stories or do nothing, he would be in favor of striking stories. We have the protection of the existing, but recently amended Design Review District, so he thinks the intention there was to allow additional flexibility while retaining some character savings. Mr. Jortner added he would agree but suggests that the Board should have a serious conversation about a significant increase in the height limit. Chair Kapala agreed with him and added that the time for that is with the RFP and the consultants for overhauling the Design Review District. He feels those changes do not have to be limited to the Design Review District. We, as a Planning Board, can decide if we want to take it up once we see how those changes start to take shape and what direction we are going in. That is a great opportunity to take the next step from there and say now we have this, and now is the right time to raise the building height. Mr. Jortner added he would hate to see a proposed development not come in because we did not act quickly enough to approve something we really need here. Ms. Pelletier advised that we are at three stories, 45 feet. Mr. Arseneault added that we could strike stories and be at 45 feet and Ms. Pelletier agreed. She pointed out that on Depot Street there are various heights. She asked if she has a consensus to come back with striking stories? The Board agreed so she noted she would be back in April.

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

There were no comments provided.

ITEM V: Adjourn

MOVED AND SECONDED: To adjourn at 7:35 p.m. (Arsenault & Myles) **VOTE**: (6 Yes) (1
Excused: Rouda) (0 No)

Recorded by Sharon Coffin