

**MINUTES
FREEPORT PLANNING BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 1, 2023
6:00 PM**

Attending: Andrew Arsenault (arrived at 6:05pm), Rose Mary Burwell, Wayne Jortner, Chair Sam Kapala, Bonnie Myles, Mitch Rouda, David Spiers (on Zoom) and Cecilia Smith, Assistant Planner.

Chair Kapala called the meeting to order at 6:04 p.m.

ITEM I: Information Exchange

Mr. Kapala welcomed Ms. Myles and Mr. Spiers as the newest Planning Board members and each member took a minute to introduce themselves.

1) Update on Comprehensive Plan RFP

Ms. Smith gave an update on the Comprehensive Plan explaining what the Comprehensive Plan is, how it is used and that we will be updating it. Mr. Rouda added that this is a once in every 10-15 year event and it is super important. We did interviews and will be hiring a consultant to do the work and we will be working with NorthStar Planning. This was just approved by the Council. Mr. Kapala noted that former Planning Board member Jamel Torres will be working on this in his capacity as a consultant.

2) Update on the Freeport Downtown Vision Plan Implementation Task Force

Mr. Kapala noted that this group did not meet last week. Many projects continue to move forward. Brett Richardson, with Freeport Economic Development Corporation (FEDC) is moving forward on a parking assessment for Downtown an RFP is out for that so we should have more data within the next half year.

3) Update on the Freeport Climate Action Plan

Ms. Smith explained that we are working on a Climate Action Plan with Meddy Smith, our Sustainability Coordinator and with the Greater Portland Council of Governments (GPCOG). She gave a summary of the project and noted two upcoming workshops to give feedback: 11/14/23 from 6pm-8pm and 11/18/23 from 10am-12pm. More information is available on the project website at freeportclimateaction.org

4) Report of items reviewed by the Freeport Project Review Board

Ms. Smith gave an update on some of the projects that the Project Review Board has reviewed over the past few months including some Design Review Certificates, applications at LLBean and a subdivision on US Route One North.

5) Update on status of current and future Planning Board projects

Ms. Smith noted that the recently recommended Stormwater Amendments were approved by the Town Council. We continue to work on clean-up to the Subdivision Ordinance. LD 2003 is still being reviewed by staff and legal review and will be brought back as soon as it is ready. We will be talking about Design Review tonight.

Mr. Rouda asked if there would be another meeting at the end of November. Ms. Smith noted that there would tentatively be a meeting on 11/29/23 and the regular December meeting and a second meeting in December tentatively on 12/13/23. Mr. Kapala gave an update on this and the next steps.

ITEM II: Review of the minutes from the September 6th, 2023, Planning Board meeting.

MOVED AND SECONDED: To approve the Minutes from the September 6th, 2023 Planning Board meeting as printed. (Rouda & Burwell) **VOTE:** (5 Ayes) (0 Nays) (2 Abstained – Myles, Spiers)

ITEM III: PUBLIC HEARING – Proposed Text Amendments to Section 534. Solar Energy Generation Systems of Chapter 21 Freeport Zoning Ordinance.

The Planning Board will hold a Public Hearing to discuss proposed amendments to Section 534 of the Freeport Zoning Ordinance to amend the existing language regarding maximum height standards for ground-mounted Accessory Solar Energy Generation Systems. Theodore Crooker, applicant and owner; 51 Baker Road (Tax Assessor Map 17 Lot 20 A).

Ms. Smith gave a brief overview of the item. She noted that there was an error in the Staff Report; it said abutters were notified, but abutters were not notified, as abutter notification was not required in this situation as this change would be town-wide and not property specific. She also noted that some written comments were submitted. The comments/questions were about solar uses and what types of review and approvals would be required. Ms. Smith gave examples of instances where review would be required.

Ryan Keith, NorthEast Heat Pumps and Solar Trackers, was present and explained that they are proposing an amendment to Freeport's Ordinance. This is a newer type of solar and may be an option for people in cases where roof mounted panels are not appropriate. These units follow the sun and could go up to over 30 feet in height but would not always be that high. There was discussion about the current standard which Ms. Smith clarified was "....25 feet or the height of the principal structure, whichever is less."

Mr. Keith noted that these trackers are popular in other states. He has trackers at his home, and he has tried to put them in other places. He wanted to off-set his electrical consumption, and his house was not feasible to accomplish what he needed (with roof mounted panels). As we move forward to electrify and off-set electrical consumption, the trackers have the ability to fill this hole. They have minimal impact to the ground. There are also maintenance benefits and the production is more than a roof mount since it can dump the snow and track the sun.

Mr. Keith made a presentation for the Board using slides projected on the monitor. He gave background on climate change and why they got into this to help battle climate change. He explained the construction and function of the units, showing photographic examples, noting that when flat, they were about 20 feet in the air. There are some units that are smaller, and photos were shown. These units get optimal sun, tracks the pitch, dumps the snow on snowy days, and these are bifacial panels that capture the light from both sides. The smaller version is about 26 feet to the top. He explained the difference between the couple of sizes or units, production and what they can provide to homes. The bifacial trackers get about 50% more production. This does not require anything on a roof. He explained benefits of trackers over roof mounted units for both homes and businesses. He continued to explain what a 48 panel solar tracker can cover compared to usage such as heat pumps in homes, running electric vehicles etc. and what usage can be off-set with these units. He referenced the website

of pvwatts to estimate panels required for a building and how much power could be provided, using a comparison of what roof-mounted vs what a solar tracker would provide.

Mr. Jortner asked if two homes should share energy generated. Mr. Keith explained cascading and how overflow could go to another account, as allowed by CMP. Mr. Jortner asked if these were tied to the grid or house. Mr. Keith said typically these are tied into the house, but they are not always if situations do not allow. They typically do a line tap, so it feeds the house and when the house is “full” it then does to the grid. Mr. Jortner asked if they would avoid outages if CMP had an outage. Mr. Keith explained that they cannot run an entire house, but there is an option for batteries that could replace a generator, but it is not that cost effective yet. Discussion continued and there was discussion about the peaks and valleys created in the amount of power generated.

Mr. Kapala summarize that the Board needs to consider if some of the benefits of the units outweighs the appearance and the impacts. This is what it comes down to for him. Mr. Jortner asked the average cost. Mr. Keith said they would be around \$70,000-\$80,000 but that will vary depending on factors. There are additional costs if transformers need to be upgraded. Mr. Kapala suggested that a buffering requirement is something that came to mind for him and it would increase cost. Mr. Rouda noted that he agrees and would be bothered if people could see it. Mr. Spiers noted his concerns as well.

Mr. Jortner noted what the payback would be on such a unit. Mr. Rouda noted that he feels that is irrelevant as if the Board allows this, then someone could do it. If it is on a big property and not visible, he feels that would be okay. He thinks it should be fairly restricted. Mr. Spiers is generally for it, but there is some mitigation such as minimum lot size or certain zones.

Ms. Smith looked at what other towns do, and some towns do allow larger setbacks for greater height, but others restrict it in other regulatory ways. Mr. Keith noted that they do need to meet setbacks and in the rural areas that is fifty feet which would require it to be set back further than that. It is not something that can always be done with a small footprint. These units are looking for the sun, they are typically not near the house so they can function as they should. They will always need to meet zoning setbacks.

The Board decided how to move forward and discussed options. Mr. Jortner would be comfortable taking action tonight and feels that there would be plenty of time to address mitigation efforts. Mr. Arsenault does not see a problem with it. He is not a big fan of solar panels and the way they look but supports landowner rights. Ms. Myles can see some of both sides. Mr. Spiers is for this, and it is an efficient product. He would pass this, but the location and visibility would be an area of concern.

Mr. Keith noted that as these work, they turn with the sun, and the edge of the tracker does need to meet the setback. When there are more than one tracker at a site, they need to be spaced apart so they do not cause shading.

MOVED AND SECONDED: To open the public comment period. (Jortner & Burwell) **VOTE:** (7 Ayes) (0 Nays)

Ted Crooker, from Brunswick, noted that this parcel abuts Cedar Haven Campground which is voted in the top five of family campgrounds in Maine. He does not want to do anything that is going to make it ugly. The one at his house is behind his barn and 200 feet from his meter. He is really happy with it and to follow it. In this case, to go 25 feet or the height of the structure, he would be limited as it is a mobile home. He wants to have it in back of the mobile home way out back and where it is lower than his front yard. He wants to put in a bigger one and CMP is his biggest expense at the campground. He has been looking at solar for a while. This is

wonderful and he would like to be self-sufficient. This height would be 35, like the height requirement for many buildings, but this would be closer to 30.

MOVED AND SECONDED: To close the public comment period. (Jortner & Burwell) **VOTE:** (7 Ayes) (0 Nays)

Mr. Kapala discussed process options. For him, the issue is buffering, not exactly where in town they are. With buffering, it would be setting them back. Mr. Rouda noted that there is no buffering that would work other than setting something back further. Mr. Keith noted that these would require adding an additional 25 feet to a minimum setback requirement. Mr. Arsenault noted that his concern would be if it were to shade his property.

MOVED AND SECONDED: To approve the amendments to Section 534 of the Town of Freeport Zoning Ordinance, to amend the existing language for maximum height standards for ground-mounted Accessory Solar Energy Generation Systems to increase the height limit to thirty-five (35) feet. (Jortner & Arsenault)

Discussion followed. Ms. Pelletier asked if the Board found consistency with the Comprehensive Plan.

Mr. Jortner added “The Board finds that the proposal is consistent with the 2011 Town of Freeport Comprehensive Plan in that Freeport’s energy needs would be met by increasing the use of renewable energy resources.”

VOTE ON MOTION AS AMENDED: (6 Ayes) (1 Nay - Rouda)

ITEM IV: *Discussion on the recommendations made by the Central Core Working Group (CCWG) regarding potential short-term updates to Chapter 22 Design Review Ordinance, including, but not limited to, the possibility of modifying District boundaries, clarifying terms and standards, and changing some of the threshold for when review is required.*

Mr. Kapala gave an overview of the Central Core Working Group and the work they have been doing. This group was formed to look at some short-term changes to the Design Review Ordinance. This is a diverse group with about a dozen people and they have been meeting almost weekly for the past six weeks or so. There were six areas that the group originally looked at, but they pulled back on some. Things that are being considered are changing district boundaries (for Design Review), adding text, adding/changing definitions, changing approval levels to allow more things to be staff approved, changing the appeal process.

Mr. Kapala explained the district boundary change proposed which would be to remove any areas south of the railroad tracks. Part of the reasoning is that most of this area would be subject to the standards of Section 527 of the Freeport Zoning Ordinance. There are also some areas here that would be open for development. There were some other areas they were discussed to remove, but the group left it as proposed for now.

Mr. Kapala explained that these recommendations will come before the Planning Board in a public setting for review. Some additional minor changes will be made based upon legal review. This is to give a first tour of the upcoming recommendations. He continued to review the proposed text changes throughout the Ordinance. Noting that they include changes to material change, removal of references to color, removal of the Color Overlay District, adding a new definition and consistency of the use of nearby building and what it includes, improving definitions.

It was noted that there will still be an RFP to update the entire Ordinance. Mr. Kapala explained what the

process for considering the amendments going forward would look like and what next meeting dates would be.

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

Ms. Myles gave some additional information on her background.

ITEM VI: Adjourn

MOVED AND SECONDED: To adjourn at 8:21 p.m. (Arsenault & Jortner) **VOTE:** (7 Ayes) (0 Nays)

Recorded by Caroline Crean Pelletier