

MINUTES
FREEMPORT PLANNING BOARD
FREEMPORT TOWN OFFICES-COUNCIL CHAMBERS
Wednesday, July 10, 2019
6 P.M.

Present: Robert Ball, Chair Sam Kapala, Greg Savona, Jamel Torres and Caroline Pelletier

Excused: Aaron Cannan, Anna Child and Lonny Winrich

Call to Order: Chair Kapala called the meeting to order at 6:03 p.m. and noted the Board has a quorum this evening.

1. Informational exchange

Ms. Pelletier explained that the Board has revised material from Sebago Technics, an updated cover letter and supplement materials they submitted for Item #2 by Divine Capital LLC. The Board has some different motions just as a template and the Board can put in their finding for consistency. The Board has a third e-mail from the Coleman residence. They submitted a statement in regards to Item #3 repealing the Retirement Community Overlay District.

2. **Public Hearing:** On an application submitted by Devine Capital LLC for possible amendments to the Freeport Zoning Ordinance and Freeport Subdivision Ordinance pertaining to adding a new use of "Subdivision – Commercial Open Space". The following amendments will be considered tonight:
- a. Add definitions for "Subdivision – Commercial Open Space" and "story" to Section 104 of the Freeport Zoning Ordinance and Article 3.2 of the Freeport Subdivision Ordinance;
 - b. Amend the purpose, permitted uses, space standards, and other standards sections of Section 412 Commercial District IV of the Freeport Zoning Ordinance;
 - c. Add a new Section 504.D Commercial Open Space Subdivisions to the Freeport Zoning Ordinance;
 - d. Amend Article 11.5.C.2.i of the Freeport Subdivision Ordinance pertaining to traffic conditions and commercial open space subdivisions; and,
 - e. Other minor amendments relating to subdivisions (updating definitions of "Conservation Land" and "Required Open Space" and updating Appendix A of the Freeport Subdivision Ordinance).

Chair Kapala explained that the Board heard from Divine Capital a month or six weeks ago and the Board is excited to hear more in order to see the project move forward.

MOVED AND SECONDED: To open the Public Hearing. (Ball & Torres) **VOTE:** (4 Ayes) (3 Excused- Cannan, Child and Winrich).

There were no public comments provided. Mr. Torres noted he is comfortable with what is proposed.

MOVED AND SECONDED: To close the Public Hearing. (Savona & Torres) **VOTE:** (4 Ayes) (3 Excused- Cannan, Child and Winrich).

Chair Kapala explained that the Board had a couple of suggestions that came in from staff on how to rework some of the proposed language. It was mostly clean up and tidying and consistency kind of stuff. Ms. Pelletier advised that the Town Attorney looked it over and found a couple of little things that were incorporated. When we went through the definition of conservation land and open space, we noticed that when the open space was adopted years ago, those references never got put in so the Attorney said that when we were cleaning it up for one use, we might as well clean it up for the other even though it doesn't pertain to this application. It cleans up the definition all at one time, otherwise it was pretty straight forward and there really weren't any issues with the language presented by the applicant.

Chair Kapala pointed out that the main question for the Board is do we find the project and proposed zoning changes to be consistent with the Comprehensive Plan for the Town of Freeport from 2011 which is the plan we have and the plan we are using until we come up with a new one and probably won't be finished for at least a couple of years. He personally finds it generally to be consistent with the population growth of Freeport. He thinks the Comprehensive Plan has outlined a strategy of promoting growth which is outside of the Rural Residential Districts and he thinks this is pretty much in line with that, even though it is not specifically in one of the areas designed for growth. It is in a good location and is a relatively low risk zoning change given how small the district is. He is in favor of moving forward. He hopes the developer considers paying close attention to the sustainability initiatives that are recommended in this Comprehensive Plan, both as a matter of principle and because it makes good sense. Other Board members concurred and were surprised that these uses are not currently allowed.

Ms. Pelletier explained that the Board should be finding it in harmony with the vision of the Comp Plan which some of those things were talked about at the last meeting. She provided the template for the language and knew the Board would fill in with how it felt to meet those. The applicant did give the Board a proposed motion in their submission as well. Chair Kapala adjusted the motion template.

MOVED AND SECONDED TO RECOMMEND: Be it ordered that the Freeport Planning Board recommend to the Freeport Town Council, the proposed amendments from Devine Capital LLC, to the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance, pertaining to Commercial Open Space Subdivisions in the Commercial IV District, incorporating the changes suggested by staff, in that the Board finds that the proposal is in harmony with the Freeport Comprehensive Plan in that it promotes growth in an area close to the Village and outside of the Rural Residential Zones. (Savona & Torres) **VOTE:** (4 Ayes) (3 Excused- Cannan, Child and Winrich).

Chair Kapala wished the applicant luck with the continuation of the long process and looks forward to welcoming them to Freeport.

3. Discussion of a recommendation from the Freeport Town Council for the Planning Board to consider repealing the Retirement Community Overlay District (Approved for Freeport Living LLC in 2006, Tax Assessor Map 23, Lots 43, 45 & 49).

Chair Kapala explained that he scrolled through the signature pages for this proposed repeal and noted there is significant interest. A lot of people signed on. Ms. Pelletier advised that there has always been significant interest in this project. She provided some background information on this. In the early 2000s the developers came to the Town and through the process outlined in the Zoning Ordinance, requested the designation of the

Retirement Community Overlay District. Freeport has two. One is on Old County Road that has two nursing care facilities. The second one is located on Route One South just past Cold River Vodka, there is a little piece of land that then tucks up between there and Winston Hill. It is actually three pieces of land with overgrown vegetation. It is in multiple zones-RR-I, RP-2 and Medium Density Residential and the third parcel was in the Commercial District. They got the special Overlay designation which enables them to do a retirement community that allowed higher density and more units. They were proposing to put in 155 units in there. In 2011 the approvals lapsed and they haven't come back in. She notified the property owners of the three parcels in the district in addition to the abutters. She has not heard anything from them. She referred to Section 531 of the Freeport Zoning Ordinance and in there "g" is on repeal and says the Council can repeal it if they haven't obtained Subdivision approvals, which they did do that. #2 is if substantial construction has not begun within three years of the Council vote or #3 is if it no longer qualifies. It is definitely #2, they have not started construction nor do they have any valid approvals. This came to the Board because a large list of people in the area and South Freeport made a request to the Council and the Council forwarded this to the Planning Board to look at. She talked to the Town Attorney and he said we would handle it as any other map amendment. Essentially, the Board would need to schedule a public hearing for a future meeting and the Board would repeal the Overlay District so the underlying zoning of C-2, RR-I, RP2 and MDR would just remove that ability to do this retirement community overlay district out there. This would only be for these three parcels. The other one is totally separate and not affected. They are handled on a case by case basis. The Winston Hill development was done in the 80s and 90s.

Chair Kapala invited anyone in the public to step up to the podium and state his or her name for the record.

Guy Quartrucci of South Freeport provided some background comments. He noted the property is currently on the market and that this project possibly jeopardizes the aquifer that is located there that supplies drinking water for that section of town. He explained that if this goes to a public hearing, he will comment again. Gerry Kennedy of Pine Street mentioned he collected the signatures and that everybody was willing to sign the petition. He feels the old Murray House should be torn down because it is a hazard to the neighborhood. He is hoping the Planning Board will do a public hearing and it will be resolved by the Town Council.

Greg Volentair mentioned that he lives at the top of the hill on Lookout Drive. He asked the Board to look at the Bob Gerber Water Recharge Aquifer Study that was done and feels it should be reviewed. In the winter he can tell when the water level is getting down. He feels like everyone else that this should be repealed.

Ms. Pelletier advised that if the Board wants to schedule a public hearing, we can just schedule it. We could do it at the next meeting in August. Board members agreed they would be in attendance. Mr. Savona believes that at that period of time, a lot of not great developments were approved because there was a lot going on. Ms. Pelletier advised that the water tower has access off of Stagecoach. Mr. Torres pointed out that it's been 13 years and the owners are not here tonight even though they were aware of this meeting.

Chair Kapala feels the Board should do a public hearing. Ms. Pelletier offered to schedule a public hearing on August 7 at 6 p.m. The Board would then make a recommendation to the Council and then the Council would have a public hearing and they have the final say. In Freeport, the land reviewing authority is designated as the Planning Board's so any zoning or map changes have to come to this Board. Chair Kapala noted it doesn't seem like anything is going to be built in the next three months. Ms. Pelletier explained that if they were going to do anything, they would have to come back and go through Subdivision and Site Plan Approval and she doesn't know if their DEP permits are still valid. She will schedule the public hearing on August 7 at 6 o'clock.

4. The Board had a continued discussion of the Draft Parking Lot Redevelopment Overlay District which now includes draft design guidelines and included a brief overview of current zoning regulations in the downtown area.
5. The Board discussed future topics they could decide to work on.
6. Adjourn

MOVED AND SECONDED: To adjourn at 7:30 p.m. (Ball & Torres) **VOTE:** (4 Ayes) (3 Excused-Cannan, Child and Winrich.

Recorded by Sharon Coffin