

**MINUTES
FREEPORT PLANNING BOARD
WEDNESDAY, FEBRUARY 10, 2021
6 p.m.**

This meeting was held online/virtually using Zoom teleconferencing

Attending: Rose Mary Burwell, Aaron Cannan, Wayne Jortner, Chair Sam Kapala, Greg Savona and Town Planner, Caroline Pelletier.

Excused: Robert Ball and Anna Child

Call to Order: Chair Kapala called the meeting to order at 6:06 p.m.

ITEM I: Information Exchange

Ms. Pelletier pointed out that it is budget season which means it is workshop season for Boards and Committees if they want to meet with the Council and talk about what is going on. The Council offered a slot on March 9. Chair Kapala thought there would be interest by some of the Board in having him meet with the Council and discuss what the Board has been up to and what is coming up. Ms. Pelletier wanted to flag that date in case the Board is interested in attending. She will put something on the March meeting so we can come up with an agenda as to what the Board wants to talk about with the Council. On Item No. 2, Board members should have gotten an e-mail today from her regarding some downtown vision work that is occurring in Freeport. If anyone did not receive it, please e-mail her tomorrow and let her know. She noted that the Board will hear more about the vision work later tonight. She reminded the Board that in addition to its packets, there are a couple of letters regarding tonight's agenda as well.

ITEM II: Village Commercial Districts – Zoning Ordinance Amendments – PUBLIC HEARING

Chair Kapala noted that this will be a public hearing to discuss the following proposed amendments to the Freeport Zoning Ordinance. This came on recommendation from the Freeport Economic Development Corporation to hopefully lower the barriers to development in the downtown district of Freeport. This is in response to feedback from community developers and Keith McBride will speak to it.

Note: This discussion was initiated by Keith McBride, Executive Director of the Freeport Development Corporation (FEDC) with proposed amendment language developed by the Planning Board.

The amendments are:

- 1) Adding "Mixed Use Development" as a permitted use subject to Site Plan Review in Section 413. Village Commercial "VC-I"; Section 414. Village Commercial II "VC-II"; Section 415. Village Commercial III "VC-III"; and, Section 416. Village Commercial IV "VC-IV".
- 2) Changing the maximum building height to "up to three stories, with a maximum height of 45 feet" in Section 413. Village Commercial "VC-I"; Section 414. Village Commercial II "VC-II"; Section 415. Village Commercial III "VC-III"; and, Section 416. Village Commercial IV "VC-IV".
- 3) Changing the minimum land area per dwelling unit requirement to zero in Section 413. Village Commercial "VC-I" only.

Keith McBride, Executive Director of FEDC explained that following some outreach that FEDC has done with the development community in 2019 regarding how things are going and how are we doing, they heard a lot about the development culture and development appetite for downtown. They also heard about the demand for residential which has been steadily on the rise and has accelerated during COVID with the lack of housing opportunities available throughout all of Freeport. Everything has started to change and we started to shift our view to more different economic preservation issues and how we are going to get through this period of real economic and business activity uncertainty.

As they are starting to turn their eyes back toward a more strategic look downtown, the issue came up again about downtown residential and it was particularly highlighted in the Planning Board's review of a proposal by KV Enterprises over in the golf course area. Some of the things they took away from that was that environmental sustainability is a big deal and we want more of it in Freeport. We heard why are we not focusing on downtown. We heard this is not the right type of development. We are looking for something different than this and a strategic focus on what is happening. They took all that and combined it with the feedback they heard from the development community which was we would really love to do stuff downtown but it is difficult and there are a few things in the way. The community is saying something happening downtown would be good for the town. They thought it was time to go before the Planning Board and say, we are getting all this feedback and here are some things to look at if you feel it is right for the community. The five things they brought forward were: density, land area per dwelling unit, building heights, adding mixed use and asked the Board to consider restarting the discussion about looking at the Design Review Ordinance and the various overlays that play into what we call Design Review. Our regular in-person meetings had to take a back seat to being safe and compliant. Their recommendation is to still continue those conversations and Ms. Pelletier made a note of that in her staff report. Lastly, consider the other VCs other than the VC-I without expanding the VC-1 or some of the other areas that are adjacent to the VC-I. Based on those recommendations on what they felt the Planning Board could safely look at, the Board put together a very good package of revisions to our Zoning Ordinance that would accomplish a lot of what they are planning to do which is to encourage environmentally sustainable, higher density development in the downtown which would add more feet on the street and more economic activity in our commercial core. It would also go far in promoting downtown Freeport as a welcoming place for new projects. Now with the parking changes that have occurred, there may be actual land available. Without being able to go in and change State codes and life safety and building codes etc., it will be hard to change the minds of people who own buildings during redevelopment to add things like sprinklers, second exits for fire safety because those buildings were not built for residential. They were built for commercial and retail and other uses. We don't have control over that but for the things we do have control over, this is a great start that the Board has proposed here. He feels this is a good nutshell on how we got to where we are today. He pointed out that the Board has heard from him three times and he is glad to answer questions. He doesn't want this to be another workshop with FEDC. He would like to hear comments from the public. He thanked the Board and Ms. Pelletier for the time and effort they put into this and making this proposal into something that potentially could be ready for the Council to look at.

Chair Kapala thanked Mr. McBride for the background information. He agreed that the Board has talked about this and unless anyone has any questions, Ms. Pelletier put a nice table in the Board's packet showing some of the existing development in town and statistics so the Board has had an opportunity to look this over.

MOVED AND SECONDED: To open the public hearing. (Cannan & Jortner) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Ball & Child) (0 Nays)

Chair Kapala advised that the Board did receive a couple of e-mails which Ms. Pelletier included so the Board received a couple of comments by e-mail already. He explained how members of the public could participate in this meeting this evening.

Rita Armstrong advised that she lives in town Freeport adjacent to the VC-4 Zone. She had two comments. She is happy to see the Freeport downtown project that is going to be a community planning process to have a vision and re-imagine downtown Freeport. She would hope that the Planning Board might wait so as to be able to incorporate the work that is going to be done with Freeport Downtown. The second comment is about raising the height structure from 35 feet to 45 feet included in the VC-4 Zone. The VC-4 is tucked in between two primarily residential neighborhoods. The Hilton Garden is a great example of what can be done at 35 feet in that zone. It is a big building and she thinks if we were to go to 45 feet in VC-4, a building of that height would dominate the neighborhood and really tower over homes. She hopes the Board will potentially consider not including the VC-4 in the height restriction. She cannot speak to the other areas because she doesn't know what the opportunities are, but she is familiar with VC-4 and feels the existing zoning seems good and adequate knowing that you can do as much as the Hilton Garden did. Anything bigger than that in this residential neighborhood she thinks would be overbearing.

Chair Kapala recalled talking about the VC-4 and building heights, and getting some specific information about the building height for the Hilton Garden and thought it was 45 feet. Ms. Pelletier agreed they talked about the Hilton but explained that if you are on the Park Street side or the front facing side, if you stand there and measure from the ground up, she thought it was 40 feet but as we have discussed, that is not how we measure height. We have an odd way as most communities do, of taking into account and measuring it from a certain distance out and taking into factor all the elevations on all four sides. To get the height, you only actually go partway up the eaves so it might appear taller but it meets the 35 feet height requirement. We have these maximums in place but when you take into account the grades on all sides and stepping away from the building, they could actually appear higher. Ms. Armstrong thanked Mr. Pelletier for being helpful when she called about the issue and had mentioned that. She just thinks it would be really tall in a residential area on both sides.

Jay advised that he supports what Ms. Armstrong said because the way the Ordinance is written, it actually allows for a higher than 35-foot building. He would be very cautious with increasing the height to 45 feet because we could end up having a building that is 50-55 feet if you take into consideration the slopes and topography of the land.

Mr. Jortner asked if Ms. Armstrong and Jay's main objections are because views would be blocked, is it density or aesthetics? Ms. Armstrong explained that it comes down to scaleability and how neighborhoods feel. If you have primarily small residential houses, it would feel like it is overbearing and talking about design standards, she feels the match up would dominate and tower over. For her, it is not so much the density because she feels the Town will continue to move towards looking for more density in the village and she believes there are benefits to that. It is not that so much as compatibility. She clarified that scale and dominance is partly aesthetics but would need to give this more thought to categorize that.

Mr. Jortner asked if anyone could explain the extent to which the Site Review Process is a fail/safe backup to any inappropriate large buildings in that specific location or maybe because of neighbors' complaints, a Site Review would not offer an approval even if we did offer it here. Chair Kapala pointed out that he is sensitive to this comment. If there is any zone where it would make sense to pull out of this increase in height requirement, he agrees it would be the VC-4. It is nestled in with more residential buildings that are definitely smaller and he feels this is a good comment. The Project Review Board and the comments he has heard from them is that the zoning should have the language that makes the framework as clear as possible. If the zoning says a 45-foot building is allowed, it would be hard for them to deny a request for a 45-foot building solely on the objective scale kinds of requirements that are in the Design Review guidelines. If we feel a 45-foot building with very few exceptions feel out of scale, it would make sense to lower the building requirement. If the goal here is to promote development, we want to try to have the guidelines for developers be as clear as possible. It costs developers time and money to draw a building that is 45-feet and then go to Design Review and have somebody say, that is not really in scale, why don't we knock 8 feet off of it. That can be a daunting challenge. He mentioned that if the Board feels 45 feet is fine, that is a valid perspective but that should be the question. Do we feel in general the height requirement is appropriate? If not, he feels the Board should not raise it.

Ms. Pelletier showed the Board a map she put together this afternoon. The Board has discussed concerns about height and we do have a lot of modest homes in and around the village area. At the last meeting we talked about the standard for Design Review and how there is a standard for scale and it is going to be about compatibility with surrounding properties. There is some room for interpretation in that Ordinance. She pointed out the different VCs, the Hilton Garden Inn, the School Street Extension and the Bow Street Market. She explained the hatch lines.

Mr. Savona recalled the conversation that came up in the December or January meeting about compatibility, buildings that were out of scale with the surrounding properties. Ms. Armstrong noted there are single-story homes on School Street and near the corner of Park Street. Design Review and Site Plan review would be the location to address that as a concern if there was a building that was proposed in a location that does tower over surrounding structures. It would be out of compliance with those ordinances but the question here is could there conceivably be a 45-foot building zoned in this district that could be compatible and might be allowed? If so, is this a good way to go ahead and encourage the

density ? He thinks that is why it was part of the proposal, not to put aside those concerns but those concerns are addressed in other ordinances that we are not proposing changes to. He is not sure changes to Design Review go through the Planning Board. Ms. Pelletier advised that the Board is quite often involved but it would depend on the scale and scope.

Mr. Savona asked if there is a particular proposal that sparked this conversation? Mr. McBride advised that there are some explorations of downtown residential going on but none of the proposals that are being brought were crafted by anyone other than the Planning Board. He feels it is a good thing to be proactive in our planning and we might see it. If we are trying to encourage this type of development, taking a proactive approach on making some changes might help encourage is a good thing rather than being reactive and having somebody come forward that needs a contract zone, a zoning amendment, a variance or something else. It is a bad way to do planning and development. Mr. Savona agreed and noted that he knows heights have been a big deal. Depending on the heights downtown, it has been a little controversial.

Travis Pryor advised that he is a lifetime resident of Freeport and lives in Village One on the Snow Road and owns property on Morse Street in the VC-1. He is a former Planning Board member and was on the Village Mixed Use Planning Committee. The Town has been talking about mixed use for at least 20 years when the downtown shifted from a manufacturing area to a commercial and focused on that successfully and became the downtown that we have today. One of the things they discovered that was left behind is the opportunity to support housing in the downtown so there are a few leftover apartments here and there. He is glad that it is coming up now. He is not certain about the 35-foot to 45-foot height and which one is better. It sounds like FEDC has talked to developers. He knows developers were involved with the Village Mixed Use Districts and he recalled them saying, if you don't lower the units per lot or some of the other standards, the economics of doing denser development won't work so he encouraged Mr. McBride to check with them if that extra 10 feet by 3 or 4 more housing units or does it make it more economical for these developments to even happen. Will nothing happen if we stay with 35? He knows there was a lot of concern with residents about the Hilton Garden coming into that neighborhood at the time being too big. It is great to hear that it is received over time as a successful project and that people are used to it in their neighborhood. It was in the Zoning Ordinance and not something the Project Review Board could say no to. If this Board goes to 45 feet and it is in the Ordinance, it is not something the Project Review Board could not necessarily reject he believes. Overall, he is a big proponent of this in whatever district the Board can get it into he thinks will be great.

Chair Kapala pointed out that there is a 3-story maximum and feels the Board could lower that requirement in the VC-4 if that would make folks feel better. They could still build a 3-story 35-foot building, especially the way we calculate building height. Mr. Savona renewed his objection. He wouldn't go by story because people will get different ideas. He feels the Board should put in a physical height requirement. Chair Kapala agreed but noted that he is saying if there is a 3-story and 35 feet and you could still build a 35-foot, 3-story building that might give more peace of mind in that particular zone. He does not see a 35-foot height restriction in VC-4 being a particularly onerous one to developers.

Ms. Pelletier clarified for height, it was put in the language as discussed at the last couple of meetings, that it would be a maximum building height up to 3 stories with a maximum height of 45 feet. The Board has options. Whether or not the Board decides to do it now, doesn't mean someone can't ask in the future if they really want to do this project and make the case why they really need the other 10 feet, if the Board decided not to change it, they would have the right if they have the right, title and interest to do that.

Jay noted he feels there won't be developers showing up quickly if the Ordinances are not put in place to allow for this. It takes a tremendous amount of effort, time and money to come to a town and ask for zoning changes so it is just a matter of the town getting together with leadership and determine if they really want to stimulate this development. Having the rules and procedures in place, that would stimulate development to go down the path that leadership sought to lay the groundwork. He would support the residential in the downtown districts. It is what we used to have in Freeport. Regarding height, he is not opposed to change or a higher limit. It is something to take into consideration and he does not have the background from a planning or architectural standpoint. He feels the Board should consider this

carefully.

John Lowe asked about the 35 feet and 3-story buildings. Where is that determined? Is it at the shortest distance like on Main Street or Mill Hill going down? He feels you could have 4-story buildings on certain parts. Where the Nordica Theatre is, would it be considered on the 35-foot height if they wanted to add to that for residential where it isn't being used as a theatre? As a resident, he feels the existing building heights are good and he agrees with the mixed use. Years ago there used to be apartments on a lot of the buildings in downtown Freeport and that is at the heights they are now. He asked how it is measured and how is the 35 or 45 feet measured. He asked if the Fire Department has signed off on this 45 feet over 35 feet? Ms. Pelletier advised that she checked with the Fire Chief and learned that 45 feet is not a height concern. Regarding the parking garage, it has its own standards. It can actually have a height of up to 40 feet. She explained the definition of height. Chair Kapala explained that anyone curious on how it is measured can find it in the Definition Section of the Zoning Ordinance under Height.

Travis pointed out that a lot of buildings are 10-12 feet per story which gets you up to 30-36 feet without any pitched roof. A 45-foot building might not be that tall. He feels developers can provide information on what a feasible project would be for them. Mr. Savona explained that the way the town figures height is you go up 30% on the eaves but you are not talking to the total top of the peak. He wanted to make the point that the height measurement is not to the peak.

Jay pointed out that in making a decision like this, it would be nice to know how tall is Cole Hahn to the peak, how tall is the theatre or some of these buildings to give the lay person in the audience or Board members some perspective. Mr. Savona noted that this has already been done but Ms. Pelletier displayed a slide showing the Main Street buildings and explained the heights. Jay feels this is an excellent basis from which to start and thanked Ms. Pelletier. Chair Kapala noted that this is what we used to use to come up with the guidelines for VC-1, 2, 3 and 4. The VC-4 grade changes are less of an issue so you probably won't end up with a 55-foot façade that averages out. Speaking for himself, he would be open to approving everything as written except leaving the building height at 35 feet in the VC-4. This would be a good starting point in moving this process forward and then if in the future as a result of the polling process that FEDC is starting on and the village planning process that is starting in on, and somehow the Town comes forward and says we think that is a perfect spot for lots of development and there is overwhelming support for that kind of thing, then we can look at that in the future but in the interest of being sensitive to that request, it is a predominantly residential neighborhood with the exception of the Hilton. Mr. Savona added that he would be amenable to keeping the height in the VC-4 at 35 feet only and the others go to 45 feet. Other Board members felt this made sense.

Ms. Pelletier asked the Board if it wants to abandon the 45 feet in the VC-4 at this time or give it further consideration? The Board talked briefly at one of the workshops that in some cases if you want to up the building height, you could increase the setback a little bit and not have it as close. Chair Kapala feels it is a good thought but did not feel the Board should take it on tonight at this point but it could make sense in the future for VC-4 as a tool to play with the scale and make things work. Ms. Pelletier added that she did not mean tonight. She pointed out that in conversation with Ms. Armstrong she did make the point that the Hilton Garden went through a big public process but at the end of the day it was pushed back abutting the railroad tracks to give more space up front. She assumes it was probably because of the size just to give additional space between the structure and the road. They set it back which helps minimize the impact to pedestrians.

Mr. Cannan noted he does not have a problem with 45 feet in any of the VC Districts including VC-4 because we have a backstop of the Design Review Process. Almost all of the VC-4 is protected by the Design Review Process. Chair Kapala noted that the Hilton is also built to the 35-foot standard. Ms. Pelletier advised that it is laid up at 35. Chair Kapala added that to increase the standard there, the Board would end up with something bigger in that small neighborhood. He asked if there are any lots that are developable there? Ms. Pelletier advised that there is one vacant lot but there are a bunch of parking lots and she thinks there is development potential and some of it is relatively flat just like Depot Street. As you get out of VC-1 there are more opportunities. There is some vacant land available so the Board would be creating development potential in areas where there is a little more single-family residential than we see in the village core. For fodder, Mr. Savona asked the Board if it would prefer to not have the hotel there but more of a storefront and not

set back from the road? Board members did not offer an opinion but Chair Kapala added that if the building were 35 feet and up against the street, it would look different. Ms. Armstrong recalled that it wasn't so much pushing the façade back, it was moving it to that side. Originally it was going to be in the parking lot and on the residential side so they backed it up and put it next to the railroad tracks. It is a solid 3-story building on the railroad tracks rather than looking over somebody's backyard.

Mr. Savona added that if you can keep the height reasonable and bring the building out to the sidewalk area, that seems what everybody is trying to do to create that old downtown feel. The Board talked about redeveloping these parking lots and bringing all this stuff out and have the façade on the street with parking underneath it or behind it. He thinks the Hilton Garden goes completely the opposite of what we might try to plan today. Chair Kapala noted it seems like a potentially bigger discussion and something that needs some input or more voices on what we want the downtown to look like in this area. His sense is that this is a kind of particularly sensitive area but he still feels in the rest of the VCs 45-foot, 3-story maximum seems like a pretty reasonable way to go. His personal feeling of removing the increase from the VC-4 and proceeding with the rest of the changes as they are written might be the best path forward to have some proactive changes here and hopefully give some developers a chance to come in and get some mixed use in the downtown without changing too much, too fast.

Mr. Cannan agreed that this might be a good compromise to move this discussion. It is easy for the Board to debate and water down and at the end of the day get to a spot where we don't make changes that have any impact. The only adverse comments we have heard tonight are in the VC-4 District regarding height. He suggested striking that and advance this conversation. Mr. Jortner feels the Board can advance this but perhaps the Board can revisit it if we saw developers needed something different.

Mr. McBride added that they are going to be going out to downtown property owners and developers as part of the Downtown Visioning Process and through that process that might be where that type of feedback Mr. Jortner referred to might emerge. They can talk about this when they get some results back from that process. At that time it will be a great time to discuss changes that could be made in the downtown to help encourage development and redevelopment of the existing buildings into uses that will be in higher demand and in the best interest of the community. He feels it is a good approach.

MOVED AND SECONDED: To close the Public Hearing. (Cannan & Burwell) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Ball & Child) (0 Nays)

MOVED AND SECONDED: Be it ordered that the Freeport Planning Board recommend that the Freeport Town Council adopt proposed amendments to the Freeport Zoning Ordinance pertaining to the Village Commercial Zoning Districts, with regards to adding the permitted use of mixed use development, increasing maximum building height and eliminating the land per dwelling unit requirement in the Village Commercial I, as presented and discussed at the February 10, 2021 Planning Board meeting, as the Board finds that the proposal is in harmony with the 2011 Town of Freeport Comprehensive Plan in that it promotes mixed use development in the downtown with the amendment that we strike the change in height in the VC-4 District and hopefully that is workable. (Cannan & Burwell) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Ball & Child) (0 Nays)

Note: This discussion was initiated by Keith McBride, Executive Director, Freeport Economic Development Corporation (FEDC) with proposed amendment language developed by the Planning Board.

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

Mary Davis, President of FEDC noted she is excited about the vote the Board just made. She feels it is a great step in helping the downtown. She provided an update on what FEDC has been working on with the Town Council and the Town to kick out a Downtown Visioning Project. It is focused at the downtown area to help them understand what the community wants the downtown to be in the future. This came about as FEDC, the Town and the Planning Board were

looking at what are the actions we need to take and came to the realization that we need a shared view of what we want the downtown to be so that our actions can be prioritized so we are all marching to the same drummer. They started in October of last year interviewing consultants. They got approval from the Town Council and started interviewing consultants that could help them do this downtown visioning. They decided on the Principle Group after doing interviews with 12 firms. The reason they were chosen is because they are good at the whole process of obtaining feedback from lots of different constituencies. Their goal was that they wanted a collective vision from community members, building owners, developers, the Planning Board, Complete Streets and the conservancy groups. They wanted a complete vision of the downtown that was agreed to by many people and we thought could help them.

Principle has done this before and has experienced everything from having Town meetings on zoom with 250 people to get input so they are experienced in doing this. They have put together a project plan and now have kicked it out. The Board will receive an e-mail that will give you a link to the first steps for you. Ms. Pelletier or Mr. McBride will send this to the Board. The first portion of the project is all about getting community feedback which will lead them to an "early action plan." They want this to be a plan where they come out with a specific set of Act Now Actions and help them be ready for COVID, be ready for when people come back and be ready for the next steps of the development. The first portion is that they are going to ask all community members to fill out a survey on line. It will ask things like what do you like about the downtown? What things could be changed? Where do you go? Where do you not go? They are trying to build this community view about what is working and what is not.

The next thing she wants the Board to do is sign up for the Community Meeting in February where they will start to take ideas from community members on zoom and hone down on what does that mean, what does it look like? They have already received about 129 surveys already from the Town and 45 people have signed up for the Community Meeting. There is a lot of community passion about what they are doing right now. There is a desire by the Council to be involved so it is a really great time to do this. The second Community Meeting will be in March where they will take all of this information and do COVID-safe Town walks to get more feedback into this process. From March through the first portion of May which will have the third public meeting, they will be bringing all of the information together with iterations with the public to say, here is what we think you want the downtown to look like and here are some early action items that we can take and implement right away. Ms. Davis was asked when she thinks the project will be done. She advised that it is set up into three phases. The first phase is now through the first part of May. The second two phases she is hoping the Town will fund. The final phase will be a total written plan for Fall through early 2022. They decided to fund the first phase and say, let's see if it works great for us, if it works great, we will fund the second two phases. They are trying to be cautious.

Ms. Pelletier advised the Board that they should have received an e-mail today from Councilor Dan Piltch. If anyone did not get it, please let her know. The website is www.downtownfreeport.me. Ms. Davis advised that everyone will see posters at our gathering places tomorrow. 15 people are helping to get the word out by sending e-mails and putting posts on Facebook. She encouraged the Board to forward the information they have to other folks. They want really high community involvement.

ITEM IV: Adjourn.

MOVED AND SECONDED: To adjourn at 7:20 p.m. (Cannan & Burwell) **ROLL CALL VOTE:** (4 Ayes) (3 Excused-Ball, Child and Savona) (0 Nays) NOTE: Mr. Savona was excused at 7:14 p.m.

Recorded by Sharon Coffin