

**MINUTES**  
**FREEPORT PROJECT REVIEW BOARD**  
**Freeport Town Hall Council Chambers**  
*Hybrid Meeting*  
**WEDNESDAY, January 19<sup>th</sup>, 2022**  
**6 p.m.**

**PRESENT:** Chair Guy Blanchard, Vice Chair Adam Troidl, Tod Yankee and Caroline Pelletier, Town Planner

**ON ZOOM:** Linda Berger, Geralyn Campanelli,

**EXCUSED:** Ford Reiche

Chair Blanchard called the meeting to order and noted that Mr. Reiche is excused this evening.

**ITEM I: Information Exchange**

Ms. Pelletier thanked everyone for joining us this evening. It is our first hybrid meeting and she asked everyone to bear with them as they work through the transition. There are three members in the Council Chambers, two members on zoom, one member excused and there is a vacancy on this Board. She noted that using microphones is very important. Any member of the audience will need to go to the podium because the public definitely can't hear them speaking from the audience as she learned last night. We will need to take Roll Call Votes tonight because we have some Board members on zoom.

1) Update on Staff Approvals this evening

Ms. Pelletier did not have any Staff Approvals this evening.

2) Update on Planning Board agenda items

Ms. Pelletier advised that the Planning Board has been busy. They recommended some provisions to outdoor seating that the Council had approved subject to Staff approval and exempt from Design Review. They amended the standards for Temporary Activities and amended the standards for food trucks. Last month they held a joint workshop with the Town Council and talked about their work plan for the coming year including next steps for cannabis where the Council gave them some directives. They talked about the Comp Plan update and revisited the idea of updating and looking at the Overlays in Design Review noting that really that project would be a ways out because we wouldn't want to take that on until we get through the Downtown Revisioning process

3) Update on the Freeport Downtown Vision

Ms. Pelletier pointed out that Design Week is coming. She has been talking about it for months and it is finally here. As we have had to do all along with the Downtown Vision, we adapted our plans yet again. Everyone in the room tonight has a flier in front of them that provides you with the plan for Design Week. It starts with the Kick-off Workshop on February 3<sup>rd</sup>. It will be in the High School Cafeteria. There are some people that want to do in person and some preferring virtual, there will be many events so people can choose to come in person or can participate on zoom. All the blue boxes are workshop sessions with specific topics such as housing, sustainability, design standards, etc. Those are going to be entirely virtual events. There will be an Outdoor Planning Open House on the 5<sup>th</sup>. We are in Maine and it might be cold and a bundle-up event. If it is too cold or the weather is inclement, we might not be able to pull it off but it will be a way to come outside and see some of the boards that the team has designed. Part of what Principle Group does is they come to Freeport for the week. They are here and they make themselves available to the public. Normally it is an open door and you can go by all week but due to COVID, they will be allowing you in but will have appointment-only and those will roll out that first week in February if you want to sign up. Finally, that week will end on Monday, the 7<sup>th</sup> with the closing workshop and a presentation by Principle. That will be at the Freeport Performing Arts Center. It will be a hybrid event so they hope the public and the Board can join them. You can scan the QR code on the flier to get to the

sign-up page. You can visit the Freeport Downtown website or if you don't use a computer, stop by Town Hall or give her a call and her assistant will get you taken care of. That is what is going on.

**ITEM II:** Review of the minutes from the July 21<sup>st</sup>, 2021, September 15<sup>th</sup>, 2021, and October 20<sup>th</sup>, 2021, Project Review Board meetings.

**MOVED AND SECONDED:** To approve the Minutes of July 21, 2021 as submitted.  
(Yankee & Campanelli) **ROLL CALL VOTE:** (4 Ayes) (1 Abstention-Troidl) (1 Excused-Reiche)  
(0 Nays)

**MOVED AND SECONDED:** To approve the Minutes of September 21, 2021 as written.  
(Troidl & Yankee) **ROLL CALL VOTE:** (4 Ayes) (1 Abstention-Berger) (1 Excused-Reiche)  
(0 Nays)

**MOVED AND SECONDED:** To approve the Minutes of October 20, 2021 as written.  
(Troidl & Yankee) **ROLL CALL VOTE:** (4 Ayes) (1 Abstention-Blanchard) (1 Excused-Reiche)  
(0 Nays)

Ms. Pelletier advised that the last set of Minutes were not on tonight's agenda because the Board did not have a quorum tonight. They will be on the next meeting's agenda for consideration.

**ITEM III:** Reviews

**Desert of Maine –Site Plan Amendment**

The applicant is seeking approval for a Site Plan Amendment at the Desert of Maine. Proposed changes include adding guest cabins, restoring and repurposing the Tuttle barn to be used as a performance venue, adding a farmhouse which will be used as a museum, changes to the previously approved stormwater management plans, after the fact approval for a maintenance shed and garage, and other associated site improvements. Zoning District: Rural Residential I (RRI) and Nature-Based and Art Overlay District (NBAOD). Tax Assessor Map 22, Lot 8 (95 Desert Road). Heestand Family Holding, LLC (Mela and Doug Heestand), applicants and owners; Thomas Emery, RLA – Harriman Architects and Engineers, representative.

Ms. Pelletier advised that Doug Heestand is here tonight. She mentioned that the applicant was before the Board a couple of months ago. The plans have not changed much. There were some changes to the Stormwater. They worked out the final details with the Town Engineer. The uses are pretty much the same. The one thing that has changed or added, the septic designs were worked out and are shown but the Board had asked for some additional information regarding traffic circulation and the business operation so they could better understand the different uses together. The applicant prepared that. Other than the change to the stormwater sheet, the plans in front of the Board have not changed since the last time. Doug is here if the Board has questions and Tom Emery is on line to answer questions as well for the Board.

Ms. Campanelli disclosed that she has to recuse herself from this application. She will rejoin when the Board is done with this item.

Mr. Troidl advised that he found the site walk to be very helpful and he has no questions. He feels the parking information makes sense and he realizes there was a lot of work put into it.

Chair Blanchard opened the meeting up to zoom participants. As far as the parking numbers, Ms. Berger asked if someone will be monitoring over the season to make sure they don't over extend what they say they are going to do? Mr. Heestand did not know if she meant someone from the Desert of Maine or someone from the Town? Ms. Berger did not know who would be involved in checking on that but ultimately the Town should be able to check every once in a while. Ms. Pelletier advised that they have to build what they get approval for on their site plan and that is what they

are going to have to adhere to. She feels the neighbors will be the biggest observers if there are traffic problems or people parking on the street. If we get calls, we will need to address it.

Chair Blanchard opened the public portion of the meeting. Ms. Pelletier advised the Board that letters were received from members of the public that were included in the Board's packets. No public comments were provided this evening.

**Proposed Findings of Fact:** (Section 602.F. of the Freeport Zoning Ordinance)

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

*The parcel is in the Rural Residential I Zoning District and the new Nature-Based and Art Overlay District (Section 428 of the Freeport Zoning Ordinance). Proposed changes include adding guest cabins, restoring and repurposing the Tuttle barn (to be used as a performance venue), adding a farmhouse (to be used as a museum), changes to the previously approved stormwater management plans, after the fact approval for a maintenance shed and garage, and other associated site improvements. The site is currently used as a campground and nature-based commercial enterprise. Areas of vegetation removal have been minimized, and changes to the stormwater management system will help to retain existing vegetation that was previously proposed for removal. The Based upon this information, the Board finds that this standard has been met.*

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

*The parcel is not within the Design Review District. All new or replacement structures will comply with the setback requirements of the applicable zoning districts. The site is currently used as a campground and nature-based commercial enterprise. Areas of vegetation removal have been minimized, and changes to the stormwater management system will help to retain existing vegetation that was previously proposed for removal. Based upon this information, the Board finds that this standard has been met.*

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

*Vehicular traffic to the site will not be altered and is existing from the end of Desert Road. Information on sight distances at the existing entrance were included in the submission and reviewed by the Town Engineer. The initial submission by the applicant included general information about traffic and a traffic assessment letter (dated*

10/25/2021) from Randy Dutton at Gorrill Palmer. One of the conclusions contained in the letter was that the project will not require any traffic permits from the Maine Department of Transportation (MDOT). Two of the conclusions recommended that "For events selling over 100 tickets, we recommend the event start no earlier than 7:00 pm to minimize impact on the adjacent roadway system during typical commuter peak hours" and "We recommend that events selling more than 100 tickets start no earlier than 7:00pm to minimize the potential for parking demand overlap between the existing on-site attractions and the proposed special events." The applicant has provided additional information regarding traffic and parking and the combined uses on the site. This information is included in a document titled "Consolidated Parking Analysis" submitted 11/24/2021. It provides additional background information on the expected traffic/parking needs of each use and how the timing of the uses will work with the shared parking they are proposing on the site. The Town Engineer did include some comments regarding traffic and parking in his review memo dated 01/13/22. Based upon this information, the Board finds that this standard has been met.

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

*The parking areas and ADA parking have been designed to be compliant with the requirements of Section 514 of the Freeport Zoning Ordinance. The uses on the site will include the Nature Based Commercial Enterprise (including the Desert of Maine attraction and welcome center; mini-golf; performing arts center; & the museum) and the campground. The parking lot plans remain unchanged since the last meeting and can be summarized as follows: 52 spaces in the main lot; 23 in the upper parking lot; 45 in the lower parking lot and 7 in the satellite lot; for a total of 127 in the lots. Per Section 514.B.10 of the Freeport Zoning Ordinance; based upon the number of parking spaces being provided, five (5) are required to be designed as accessible (ADA) spaces, with at least one of the five being van accessible. Six ADA spaces are shown on the plan, with multiple that are proposed to be van accessible. Parking for users staying at the campground will be provided at or near each of the campsites; the plan reflects 23 spaces at cabins, and another five general parking spaces existing in that area. One of the cabins has been designed to be accessible and the parking space for that cabin is shown to be designed to be accessible as well. Based upon this information, the Board finds that this standard has been met.*

- e. Surface Water Drainage: Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.**

*Stormwater management and erosion control plans were prepared and included in the original submission. Additional information on stormwater treatment and an updated stormwater management plan sheet were provided in a memo dated 12/22/21 with an attached Sheet C60-1, revised on 12/22/21. The Town Engineer has reviewed the plans; his review comments are included in a memo dated 01/13/22 and he concludes that the stormwater design for the project complies with Section 529 of the Zoning Ordinance. A suggested condition of approval is that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport. Based upon this information, the Board finds that this standard has been met.*

- f. Utilities: All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the**

property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

*The Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be through private systems. The location of a new well to serve the Tuttle Barn has been shown on the plan and approval from the Maine Department of Health and Human Services will be forthcoming. New septic systems are proposed. Copies of proposed septic system designs have been included in the submission. The approximate locations of existing/proposed wells and septic system locations have been included on Sheet C40-1 in the plan set. No additional dumpsters are proposed for solid waste disposal. Based upon this information, the Board finds that this standard has been met.*

- g. Advertising Features: The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.**

*No new signs are proposed. Based upon this information, the Board finds that this standard has been met.*

- h. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

*Due to the proposed changes to the stormwater management system, some additional existing vegetation will be retained. This will result in saving existing vegetation on the portion of the property near the closest abutter. Based upon this information, the Board finds that this standard has been met.*

- i. Exterior Lighting: All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.**

*A cut sheet of a new full cut-off lighting fixture has been included in the submission. Based upon this information, the Board finds that this standard has been met.*

- j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.**

*All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.*

- k. Landscaping: Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.**

Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

*A planting plan has been included in the submission. Previously approved plantings will still be installed. No additional landscaping is proposed near the barn. No changes to previously approved buffering plans are proposed and due to the proposed changes to the stormwater management system, some additional existing vegetation will be retained. This will result in saving existing vegetation on the portion of the property near the closest abutter. Based upon this information, the Board finds that this standard has been met.*

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

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

*This parcel is not within the Marine Waterfront District or the Shoreland Zone. The Desert of Maine is a public water supplier licensed through the State of Maine. Wastewater disposal will be through private systems. New septic systems are proposed. Copies of proposed septic system designs have been included in the submission. The approximate locations of existing/proposed wells and septic system locations have been included on Sheet C40-1 in the plan set. Based upon this information, the Board finds that this standard has been met.*

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

**MOVED AND SECONDED:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and a Site Plan Amendment for Heestand Family Holding, LLC for a Site Plan Amendment with changes to include adding guest cabins, restoring and repurposing the Tuttle barn to be used as a performance venue, adding a farmhouse which will be used as a museum, changes to the previously approved stormwater management plans, after the fact approval for a maintenance shed and garage, and other associated site improvements, at the Desert of Maine (Tax Assessor Map 22, Lot 8), to be built substantially as proposed, plan set dated 10/27/21, with Sheet C60-1 revised through 12/22/21, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work associated with this approval, and prior to the issuance of any building permits, the applicant do the following:
  - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount to be reviewed and approved by the Town Engineer, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
  - b) Establish an escrow account, in the amount of \$TBD to cover the cost of plan review and inspections of the site improvements by the Town Engineer.
  - c) The developer have a pre-construction meeting with the Town Engineer.
  - d) The applicant enter into a new Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds. (Yankee & Troidl) **ROLL**

**CALL VOTE:** (4 Ayes) (1 Abstention-Campanelli) (1 Excused-Reiche) (0 Nays)

**Route One Freeport Solar – Ground Mounted Solar Facility – Site Plan Approval**

The applicant is presenting conceptual plans for Site Plan Approval for a ground mounted solar facility. The facility will be a 3.011 MWdc system with about 1.06 acres of solar array development area in the portion of the property in the Rural Residential I (RR-I) District and 5.84 acres of solar array development area in the Commercial I (C-I) portion of the property. Access to the site will be from US Route One, with existing access to the water tank off of Stagecoach Road to remain. Zoning: Rural Residential I (RR-I) and Commercial I (C-I). Tax Assessor Map23, Lots 45 (portion of), 49, & 64 (0 Stagecoach Road, 0 Stagecoach Road & 0 US Route One). Rte 1 Freeport Solar, LLC., applicant and owner; Shawn Tobey, Hoyle, Tanner & Associates, Inc, representative.

Ms. Pelletier advised that the applicant was here a few months ago and we had a site walk. When we went on the site walk, we learned that the plans had changed some due to changes in State regulations, they were not going to be building a facility as big so they reduced the size of the system. We also saw a drainage swale that was looked at and wondered if it was a stream or just drainage. There were some wet areas that were pointed out by the abutters so the applicant did do some due diligence. There was some information included in their narrative and they did shrink their plans a little bit further. Some wetland areas are now noted on the plan that they are trying to stay out of. They are also trying to stay out of the drainage swale. Shawn Tobey from Hoyle Tanner, the representative is on zoom tonight and is prepared to share plans if we do have members of the public.

Shawn Tobey shared the screen and advised that since the last meeting back in November, they had put their plan before the Board for a 5.8 megawatt project but since then the State program has reduced the allowable connection so they essentially cut down the size of the facility to a 3 megawatt DC which is a 2 megawatt AC connection into the grid which is the maximum allowed right now. That is why the project shrunk. They have taken it basically within the original footprint and shrunk everything down into the center and they also took advantage of that reduced size to make it more efficient. They set the panel rows a little further apart to prevent any shading. They pulled the panels away from any areas that had really steep slopes. This is the current layout. He knew they didn't have this printed and available. They had hard copies at the site walk but didn't have this circulated. He displayed the two layouts side by side and explained the differences.

As Ms. Pelletier mentioned on the site walk, when they got up into the northern section, there was water flowing through but there had been a lot of rain and ground water. They went back up to that area with a wetland scientist on November 23<sup>rd</sup> and he observed this area and deemed it to not be a jurisdictional wetland. It does not meet the criteria. It does not have hybrid soils and it does not have wetland vegetation which are always needed to be termed jurisdictional wetlands. It is classified as a non-jurisdictional drainage swale. They did go and pulled the panels west a bit so they are not impacting any of that. They are completely out of that with their panels and fencing.

As Caroline mentioned, they went back and walked the entire site and revisited everything as a double check. He pointed out two small pockets of a wetland. They will not have any panels or fencing in those areas. They also met with Doug Leland and Andy Spaulding from the Casco Bay Trail Alliance. They had asked them at the November meeting about the possibility of getting an easement through there. He pointed to a green highlighted area and yellow area that the applicant is going to give an easement through to provide a future trail system as part of this project should that project go forward. They want to be accommodating to help this process and have that be a good part of the community. Those are the major changes. It has just gotten smaller and after getting feedback here, they will make a full formal submittal back to the Board for Site Plan Review and will make sure they accommodate any runoff with ponds or swales to slow and treat the stormwater. They will come back with a full formalized plan. He offered to answer questions.

Chair Blanchard asked if any Board members on zoom have questions or comments to please raise their hands. Ms. Berger advised that she has a number of concerns and with part of those concerns she has a number of specific questions to ask. She asked that Ms. Pelletier give her a little bit of help because she is going back and forth between the ordinance and the definitions and some of the requirements so she just wants to make sure she understands things so when she is asking the applicant the questions, maybe Mr. Pelletier will jump in and help out. Her concerns generally are

about the amount of clear cutting of the property. She understands that the applicant has to cut to get the solar coming through and the panels get put in.

Ms. Berger also has a question on the building setback line that the applicant has on their plans under the legend, they have a delineation for a building setback. Where they had their original plan before, that line was very close to the physical property lines. Now that they have cut back on their solar arrays, this building setback line is still in most cases, but not all of them, close to that same location that it was. Some of these questions that she is kind of getting at, is what was shown before in the larger plan, and now what is showing us in the cut-back plan, there are items that don't seem to have changed much. That is one of her concerns.

Ms. Berger also has a question on where the applicant has the proposed tree line on these plans, it is the same situation. The proposed tree line was pretty much at the edges of the border of the property almost contiguous with the fencing and now the fencing and the panels have moved further inside, based on their cutting it back. They still have the proposed tree line almost totally at the outer borders of the property. Her question will be on that one, does that tree line as they described it and thought about it, mean anything inside the property from that tree line mean that they can do a clear cut of anything from the tree line within to the inside of the property? She has concerns about that. She also has a question about the standards talk about having native pollinator seed mixes but it is not specifically said that in the construction sequences. They talk about native topsoil and low-height grass mix. She believes in the notations there should be specific words that really conform to our regulations. What the applicant has here she assumes is pretty much boilerplate wording and she would like to see what is written on their plans to be the actual wording that we require. She noted that those were her general concerns. If the applicant would like to ask her the specifics, she offered to do that. She requested that Ms. Pelletier explain the definition of Solar Array Development Area that is in the Ordinance Section 104 and how that relates to the standards that are in Section 534 because it is a little confusing to her. There are differences in what could be a building setback line and what could be included so that might help her in understanding this.

Mr. Tobey referred to the first question about the building setbacks shown on the plan. Anything that is a structure and they are treating the panels, the inverters or any of the electrical equipment as structures as if it was a house or residence that needs setbacks from the property lines. On the first plan, they showed the standard setbacks for the Commercial Zone but as part of the Solar Ordinance, there are greater setbacks from the property lines than the standards as if it was a building. That is something they noticed and revised on this plan showing those greater setbacks all the way around for the panels than what they originally did. That is why those setbacks were adjusted on the plan and in the legend. The next question about tree clearing, in the first design they were trying to maximize the panel layout and get as many panels in there but they really did not have enough adequate tree clearing to support the original system so there were panels that would have been shaded during the day but they were trying to get those extra panels in there. In the revised design, they kept the tree cutting line where it is and moved the panels in to be sure those panels were maximized in the sun all day long so there shouldn't be any shading on those panels. Where the tree line will be cut and the fence, that will be cut but they will leave the stumps in place so saplings can grow back up into trees. It will be cut back down once in a while but it won't really be completely clear cut and the stumps removed. The intent between the fence and the tree line is to not have anything to shade the panels. Inside the fence the stumps will be removed and it will be turned into a meadow grass mix. With the clearing on this site, Mr. Tobey thinks there is about 14 ½ acres of clearing and there are a lot of good studies that show even though they are cutting the trees, they are still replacing it back with a dense meadow grass mix in that area so the offset will be trees versus grass so it is not a substantial difference. He can provide some helpful data that will show the overall life of this system and what it will reduce in carbon and certain offsets that could be done to this system versus if they remained trees. Regarding the wording of seed mix, Mr. Tobey will be happy to specify any type of mix specific to Freeport. Inside that field, it will be knocked down twice a year to keep everything out of the panels, whether it is a certain type of wildflower mix or seed mix for pollen or different kinds of flowers, they would be happy to accommodate that.

Mr. Tobey noted that the last question was on the Solar Array Development Area and that for Freeport's standards is any solar panels and in the area between the solar panel rows. If you drew a line around all the panels and made a big line around them, that is the area that is considered the Solar Array Development Area. Their total Solar Array

Development Area is 6.9 acres for the project and in that zone, up to 15 acres are allowed. When the rules changed for the State, if you only have so many panels, it would be too much for what is allowed for right now.

Ms. Berger wanted to follow up on a few things. When Mr. Tobey talks about the different cutting inside the fence line and outside up to his proposed tree cutting line, she would like to see those things specifically stated on his plans as different methods right now, no one would be able to hold him to one or the other. She would like to see them delineated properly noted with the notation on all of the plans with native pollinator seeds. She knows that it is typical to put typical language on these plans and in the notes and construction sequences but she would like it to be what it is going to be, what Mr. Tobey is explaining and what will be approved with the correct wording.

Mr. Tobey agreed they could graphically depict the clearing and include it in the notes and will make sure it is very clear on the plan.

Ms. Berger referred to the plans where Mr. Tobey has the two wetland areas, she was wondering where it says in the wetlands you are going to cut the vegetation in the wetlands. She does not understand why they would need to do that. The fence line is on the array side so she is not sure why they would need to do cutting of the wetlands. It shouldn't be tree top height. She does not believe there is anything that will cause deflection of the solar panels but feels Mr. Tobey knows better than she does. She asked that he address that. Regarding cutting, on the east side abutting Lot #23-42, that area is very steep and the fence line goes west of the steepness but the tree cutting line is almost running along the property boundaries. She doesn't understand the benefit of cutting on such steep areas to the extent that it is shown on here and she is concerned about erosion control, stumps or anything that they have. She knows that they still need to do their erosion and stormwater plans but she would rather see some of this not on the cutting side. She would rather see the cutting line closer to their fence line. Mr. Tobey asked her to explain a little more. With the wetlands they can depict that a little more. The intent is not to clear cut it down to the ground. If there are any larger trees in that area that could shade the panels, they would cut those but leave any low-lying vegetation. They can depict that better on the plan. As for the tree cutting at the top of the hill, in this area because the sun is coming around from the south and the hill is much higher than the panels themselves, they have to cut to the top in order to get that shady relief. Otherwise, with the natural terrain and the height of the trees themselves, the sun will be shading a portion of that hillside. They would cut the trees at the top of the hill but again, that area is where all the stumps will remain and most likely that would be 3-foot, 4 foot or five-foot-high scrub vegetation. The intent is not to go in and rip everything out and take it right down. It is just to prevent any shading. On their next plan they will show erosion control matting in any areas that are steep or of concern. Ms. Berger asked if they were going to pull stumps in those steep areas? Mr. Tobey advised they plan to leave the stumps so saplings could grow up. Those roots would maintain strength in that slope. Ms. Berger advised that this cleared up her questions but she would like to see it properly recorded on the plans. Mr. Tobey assured her they would do that.

Ms. Campanelli mentioned she had questions about erosion control but it sounds like it will be covered in the next submission. She read in a report that these panels last 20-25 years. She asked what happens to the panels and how are they disposed? Is the 25 years part of the de-commissioning or are anticipating the replacement of the panels? Mr. Tobey advised that the panels have a 25-year life but the racking systems that hold the panels and screw into the ground have a 50-year life. After 25 years those panels would be removed and recycled and then all of the racking systems will be repurposed with new panels for another 25 years to take them to the end of the 50 years. In their de-commissioning estimate they account for the cost to remove the panels, take them away and recycle them, remove the racking system and then there is an escalation cost on it. If for some reason, after 23 years into this they walk away, the Town could pull that bond with the de-escalation on it, recycle the panels and take them away, take away the racking and restore the site to pre-existing site. The bond is like a safety net for the Town should anything happen.

As a former member of the Active Living and Complete Streets, Ms. Campanelli noted she is excited about the proposed 15-foot easement across the property. This has been a long-thought plan and it didn't seem like it would ever come to fruition but this being the first property involved, maybe it will be a catalyst for more properties to contribute to this. She thinks it meets the requirements for 527 absolutely. That's great and she is glad they are doing it. She thanked them.

Mr. Yankee advised that he was unable to make the site walk even though he was looking forward to it. He is curious about what observations other Board members had that can be shared as well as any concerns the abutters perhaps made during the site walk. Chair Blanchard added that one of the comments was on the road above the proposed project area and just whether or not they would be able to see the project once it is completed from their houses and what is the clearing of the trees going to do with regard to noise especially coming from Route One and 295? When the Board was in there, they observed the noise from the highway and it was winter and in leaf-drop conditions so it was not necessarily quiet. The noise is already there so he is not sure clearing the space will necessarily make a huge difference as far as noise. He is sure it will but as far as a perceptible difference, he is not sure it will be huge and that is what he took away from the site walk. He thinks this is a difficult site for development in general so he thinks it is good that it is being developed and used in this way. It does have a plateau at the center and that is where the panels will be installed. You can see on the plans the topography lines and the steep slope areas. From walking the site, it does make sense that this is where the panels will be installed and these are clearly areas out of bounds that would remain vegetated. Mr. Troidl agreed and he feels this is a good use of the land. That trail will be a nice feature for the Town and the neighbors. In general, he feels things lay out fairly well.

Mr. Yankee asked Ms. Berger and Ms. Campanelli if they have observations to share? Ms. Campanelli noted that she pretty much agrees with what has already been said. Mr. Yankee explained that his concerns initially were about the visual impact from both directions, from the residents and from Route One looking up as well and from a noise perspective as well. His concern was that the lack of trees and we won't have that buffer there any more for not only the residents but everybody from 295 to the water. They hear it on Wolfe's Neck Road the ambient traffic as well as the reflectivity of the panels themselves because they are going to reflect any sound that will come off of them. That was a concern he had. He recalled from the original presentation or submittal, wasn't there a phased approach to this? Mr. Tobey explained that the project would not be constructed in a phased approach. It would be one series of construction and there would not be any future expansion. There is not any additional space.

Ms. Berger wanted to add to Mr. Yankee's comments about the noise coming from cutting back. She is still concerned about the extent that it could still be clear cutting and would really appreciate the applicant looking at the entire design and see if they can move in some of that cutting boundary in the next go round, at least give it a little more buffering particularly on the side where there are houses already. For erosion control she feels it will be a big problem of controlling it when you are cutting all those trees. She feels they will have a lot of work on erosion control so maybe the areas on the steep slopes and along the whole eastern side they could consider cutting back where their cutting line is. Mr. Tobey agreed they could look at that. He feels they could infill on the western edge with different plantings, maybe spruce trees or low-growing vegetation to help absorb some of that sound. If they were to infill with different vegetation, it might help absorb some of the sound coming up the hill. They can look at that as well as some of the tree cutting.

Chair Blanchard asked if any members of the public wished to speak. Doug Leland of Cushing Briggs Road advised that he agreed to get together with the applicant and do their own site walk which they did. He thanked Mr. Tobey and the applicant for that site walk. They were very open to their request and very generous in their response. On behalf of the Complete Streets Committee, Freeport Connect and the Casco Bay Trail Alliance this is a big deal regarding this trail. This was a critical segment for the trail they are trying to build from Yarmouth into Freeport which will actually be Portland into Freeport. It has great economic significance for the Town as well as recreational opportunity for people in Freeport. This particular piece was a critical piece and on behalf of the three organizations he represents, they are very appreciative of the applicant's generosity and support in coming forward with this trail option.

There were no members of the public on zoom providing comments.

Chair Blanchard advised that there is nothing to vote on this particular item tonight. Ms. Pelletier wanted to cover the next steps. She noted that having the site walk and hearing that their plans had changed and they were doing a little more due diligence, she felt it was appropriate to have them come back and check in. She doesn't think the Board will see them back until they have their final submission. They need to have a pre-application meeting with Adam Bliss

regarding stormwater. They need to do the engineering and get the draft language done for the easement. They have a lot of other conditions under the new Solar regulations that they need to comply with so they will pull that together before the Board sees them back on another agenda.

**ITEM IV:** Review of the meeting schedule for 2022

Ms. Pelletier pointed out that we do have a couple of Board members whose terms are expiring in March so we might see some turnover. It is good to get a schedule set in advance to the greatest extent possible as we run into quorum issues which we hopefully won't. An appointment was made last night so we will soon have a full Board. She expects that we will probably have our new Board member here. Sometimes they like to watch and sometimes they dive right in but we do have a Board member that can't make it next month. Does anyone else have a conflict on February 16? We do have a couple of people that are interested in coming to the Board but if people can't be here that week, we can look at an alternative meeting date. Mr. Troidl noted he is on vacation the week before but he cannot do the meeting on the 16<sup>th</sup>. Ms. Pelletier advised that Ms. Campanelli has a conflict in June and she has one in July. Ms. Pelletier noted that the Board usually takes a summer month off but she doesn't know if the Board would want to take July off or she could find someone else to Staff that meeting. Ms. Berger noted that a June meeting and an August one is iffy for her. Everybody else is committed to being here and Chair Blanchard noted he will be taking attendance. It was decided to revisit the schedule in May for the remainder of the year.

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

Ms. Campanelli asked about the Board's meeting with the Council. Was it dropped? Ms. Pelletier advised that it did not get dropped. She asked if Board members still want to meet with the Council and the answer was yes. Ms. Pelletier will send the Board some dates that they offered and on the next agenda we will make up a list of items we want to talk about with them. She advised that the Board had planned to meet with them but then we had a lull, we had an election, we hit COVID and each Board was trying to do their own and now they are fitting you into a workshop schedule with the Council. The intent for now is to get this Board into the workshop schedule. If you want to try a workshop on a different night, she can try that again. She was going to see if you could use the time allocated to the Planning Board but she is open for suggestions. Ms. Campanelli thought that the Board was supposed to meet with them for two hours. Ms. Pelletier agreed that it is still the intent of the Board. If the Board feels it needs a separate designated time, she can pursue that and see if we can get on the schedule. Ms. Campanelli recalled that the Council wanted to meet with the Board and discuss some of the issues in more detail. Chair Blanchard added that we were supposed to include the Planning Board in that conversation, too. Ms. Pelletier noted that we always intended that we would do both and under former Council leadership they offered two hours with each individual Board. She thought each Board would meet independently and talk about your separate issues. She thinks this Board's issues will tie into the Village so if we are going to meet jointly, it might make sense to do it after the Vision. It would be good to get stuff on the radar but if you don't feel that half hour or hour is enough time, she can try to get more time.

Mr. Troidl feels there are issues on both ends of that but it will definitely change with whatever comes out of the Vision process. We are not a Board that adopts things and makes rules. We make decisions so if it is the Council or the Planning Board, they are the ones that are going to be putting that into action but we all have expressed an interest to be involved but we want to be able to avoid some of the pitfalls we have now. There are certain improvements we can make regardless of this Downtown Vision process but he thinks whatever happens with the Downtown Vision and how it will come forward, it is something the Council, the Planning Board and this Board should meet and talk about whether with Principle or not because there will need to be new ordinances or revisions to ordinances and all kinds of stuff that make those things that we have heard so far become possible. If those are done in a vacuum by anyone of those groups, we are always at the end of the train so we get those things last when it is a project that has already had a zoning change, a contract zone and everything else that happened. The public has somehow not heard of the steps of the Council or the Planning Board and they show up here having issues with it. He thinks both are needed, the before and the after. It wouldn't hurt to have the Planning Board and the Council meet with us beforehand but he thinks it is imperative that after the Visioning happened and if there is starting to be action steps brought out, then it happens for sure.

Chair Blanchard advised Ms. Campanelli that some of this was shared when he and Vice Chair Troidl met with a couple of Town Councilors and Caroline and Mary Davis from FEDC. Ms. Pelletier added that as part of the Downtown Revisioning, they met with Chairs from the Planning Board, the PRB, Complete Streets and Sustainability. There have been a lot of meetings. She referred to dates the Town Clerk offered, February 8, March 8 and March 22. They are typically only 20 minutes but she was going to see if we could get another 20 that were allocated to the Planning Board. She mentioned having concerns. No. 1 is we have three people whose terms are ending and we don't know if they are going to continue. Mr. Troidl will be done since he served six years. She is not sure about the other two and does not know what the Appointments Committee will be doing so at the end of March. We could potentially lose three Board members. She would like to see if we can get into the schedule in a short period of time with the current Board. Clearly it has been hard to get two hours with everything going on. Chair Blanchard added that among ourselves, we have had quorum issues. Ms. Pelletier noted there is no good time if the Board keeps putting it off. Chair Blanchard agreed that we should try to meet with the Council as soon as possible with the existing Board. Ms. Pelletier pointed out that February does not give the Board time to talk as a Board about what you want to talk about. Usually, it is the Chair and Vice Chair but anyone can go but Mr. Troidl will be away. Chair Blanchard advised that he definitely wants the Vice Chair there since he has such a good perspective with his years on the Project Review Board and always gives such thoughtful responses and he appreciates that especially when it comes to ordinances. Mr. Yankee agreed.

Ms. Berger did not have much to add. When the Board had this discussion previously, it was in her first three months of being on the Board and she didn't know what the concerns were. She is not 100% sure of what the concerns are now so she is not going to say anything else. Ms. Campanelli advised that she is dumbfounded. This has been going on for 3 to 5 years in trying to get together with the Council to do another 20-minute workshop and just go and say the same things we have already said. It is disappointing to her and she knows that the Vision Plan has sucked the life out of everything which is why the Comp Plan is not moving forward either. She feels the Board will get into the same dilemma. This has been repeated by Freeport so many times. When a new plan comes in, it is not thought through and then like Mr. Troidl said, we are at the end of that chain which is probably why no one wants to be on the Project Review Board because we get all the abuse at the end of the whole thing. Council doesn't seem to understand what we do or how those decisions have repercussions for the Project Review Board. It is very disappointing to her that these meetings have not been planned and we are back to the dog and pony show in front of the Council. She doesn't know what to say because we have gone over that so many times about what we want to talk about with them. She is always the outspoken one and that is her feeling on the whole thing.

Chair Blanchard asked if we are workshoping with the Council, are we doing it for more than 20 minutes? He asked if it could be at least an hour? Ms. Pelletier noted that if the Board cannot get an hour on a night, we should advocate for another night. As Ms. Campanelli said, Chair Blanchard noted there is a lot to cover and a lot to discuss. When he and Mr. Troidl did their quick presentation, that is all it was and they were getting peppered with questions by some of the Councilors. That is a much larger discussion to be had. Ms. Pelletier asked him if he thinks it is the same topics? He replied absolutely and it is going to be some of the same stuff we brought up during our Visioning conversation with the two Councilors that were there. It was the concern this Board had about that process. There is a lot going on in the town and it is just making all of the Councilors aware of what the Project Review Board does and the challenges we face. Ms. Pelletier explained how she got it done for the Planning Board. It is hard to get on the Council's schedule. They are super busy but they invited them to a Planning Board meeting and we could do the same and invite them to one of our meetings. If a lot of stuff didn't come in, we could invite them to come in and we could workshop before and start the meeting later or we could workshop at the end. If the Board is open to this, she could talk to Chair Piltch and see if that might be an easier way. She'll advise him that the Board really wants more time with them. Chair Blanchard is definitely open to that. Ms. Pelletier explained that they did it at the January Planning Board meeting virtually. They had a couple of people in the room and had a Councilor on zoom and three or four Councilors there. It was pretty good attendance.

Mr. Troidl explained to Ms. Campanelli that he and Chair Blanchard brought up a lot of those points when they had that meeting a couple of months ago and Dan Piltch and John Egan were the two Councilors there. A lot of this comes down to process but obviously the Ordinance is an issue and those specific things need to be dealt with. It is all about process and including everyone to be inclusive but including everyone that has an input that we all have a different role in that

process and the Project Review Board sees different things than Planning does and the Council does. He thinks overall it is a good thing that the Planning Board and the Project Review Board are split. He would hate to be on the Planning Board and have to do all of that and all of this but the problem with that is that it separates the Planning Board from the actionable results of the ordinances and things that get written. They don't see that at the end unless they watch our meetings which he is sure they are all doing now. He thinks with Downtown Visioning, if they don't think about process then neither anything is going to happen or it will just kind of run roughshod through things and not get the results people are after. He expressed that he attended multiples of those public meetings and housing downtown seemed to be a top issue for a lot of the public. He totally agrees with that and he has not heard anyone voicing opposition to it but to get a large residential development in downtown Freeport requires a whole lot of ordinance changes and a public process and will take months to do so. He thinks there needs to be an action plan that great, we are going to have Design Week and it is really exciting and then people will summarize the results and come back with that but if we don't have a process in place to know what we are going to do with that, then it is not going to go anywhere despite the best of intentions because the process to get it there will be too long and hard to do, especially if we are concerned about downtown, retail and COVID, while we are two years into that. We probably need to think about having those action steps other than the small things that have been done and have been great and hopefully those continue and be made more possible. To get a decent sized residential development and boost retail and all of that kind of stuff, there is a lot more that goes into that.

Chair Blanchard added that it was something they talked about with Councilors and one of the questions was who is following through the Vision Plan? Who is implementing it? They were sort of raising their hands that they are going to do it and saying the Boards will have some responsibilities. He reminded them that this is a Board of volunteers with constant turnover, we have folks rolling off this Board soon, so we need to really think about how this is going to work or it is never going to happen and we will be just like we were the last time the Town did a Visioning Plan and the time before that and the time before that. These are things we obviously need to be speaking to the Council about.

Ms. Pelletier thinks the other thing this Board has insight into is that there has been a lot of conversation about the reputation in Freeport that we have a lot of rules and it is hard to get things done and that might be some stuff like current systems and inefficiencies where you could look at loosening standards, not just in the downtown but in all of Freeport, in a way to improve it. She feels that that would be really valuable for the Council because based upon stuff she has brought to them, they want to look at opportunities to make us more friendly. Chair Blanchard added if more things could be Staff approved, it would be great. Mr. Troidl feels a prescriptive standard that narrows them down and still needs approval would be pretty obvious. Ms. Pelletier noted there was some talk about that at the Planning Board but being realistic as Ms. Campanelli did, we can only do so much with the two Boards and constant stuff coming in. With the Vision, we talked about making a budget request for some potential Planning projects but realistically if we have an rfp for a Comp Plan, and have other stuff going on, we have applications coming in before we can even look at the Overlay. Realistically it will be later in the fiscal year to do it the right way that everybody talked about. She will go and see if she can invite the Council to one of the Board's meetings and will set it up as a two-hour invitation. Chair Blanchard agreed. She noted that if it can't work with the Council's schedule, worst case she will push for one of the workshops and it would be really good to get some time with them before turnovers.

Mr. Troidl mentioned that if he is not on the Board, he could still come and summarize the past six years he has done since he has been here the longest if that is legal? Ms. Pelletier noted that yes, it is a public meeting and he can share his opinion. It is a workshop and this Board can choose to take public comment from anybody that comes.

Chair Blanchard pointed out to anybody in the public watching, there may be vacancies on the Project Review Board and Ms. Pelletier added the same is true of the Planning Board so please apply if you are interested. There are plenty of opportunities.

Chair Blanchard suggested that Ms. Pelletier try to get the maximum number of people to attend the workshop but he would really like Ms. Campanelli to be present. Ms. Pelletier noted she would see what she could do and will reach out to the Board.

**ITEM VI:** Adjourn.

**MOVED AND SECONDED:** To adjourn at 7:23 p.m. (Troidl & Yankee) **ROLL CALL VOTE:** (5 Ayes) (1 Excused-Reiche) (0 Nays)

Recorded by Sharon Coffin