

**TOWN OF FREEPORT  
PLANNING BOARD AGENDA – REVISED  
WEDNESDAY, APRIL 3rd, 2024  
6 P.M.  
TOWN HALL COUNCIL CHAMBERS  
30 Main Street, Freeport, Maine**

**Attending:** Wayne Jortner, Chair Sam Kapala, Bonnie Myles, Mitch Rouda, David Spiers and Assistant Planner, Ms. Smith

Andrew Arsenault – arrived late

**Excused:** Rose Mary Burwell

Chair Kapala called the meeting to order at 6:07 p.m. and noted the Board would be having a short meeting because of the storm that is already starting to pick up. He is confident the Board can get out of here in plenty of time to get home safely. We have cancelled the workshop portion and will stick with the agenda items and information exchange. The Board will review the minutes and hold a public hearing tonight. We are expecting Councilor Arsenault to be here fairly soon. We do have a quorum.

**ITEM I:** Information Exchange

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

Ms. Smith advised that the PRB was quite busy in March. There were seven shoreland stabilization applications that were the bulk of their projects that were approved. The 80-unit Harraseeket Ridge Subdivision was approved with 43 acres of open space on Route One North.

2) Update on the Housing Task Force recommendations to the Town Council

Mr. Rouda explained that the Task Force presented to the Town Council on March 19 the next steps of what they recommend should be done. The Town Council discussed it and asked the Task Force to come back with the top items on that list. There were five items on that list that affect this group. There were specific recommendations that we consider of zoning areas along Route One South, that we relax parking standards that limit housing development. We eliminate the three-story maximum in the VC-I Zone which we are discussing today. Today we are discussing alterations of stories to feet but it further says that once we go beyond that we should consider even higher height. We should eliminate all prohibitions on multi-family housing in all village and commercial zones. The rest of the recommendations of the Task Force, one more that sort of affects us directly and the Comp Plan that is being developed is to designate a growth area that specifically is what the Task Force calls a dog bone, but goes down Route One to a node at Maine Beer Company. The rest of it has to do with TIF financing and spelling out a clearer pathway to permitting for all likely developers. Some of that has to do with redoing the Design Ordinance which is most confusing but the rest of it may fall on the Project Review Board to be clearer about what is needed, when and how to make that pathway clearer.

Chair Kapala asked Ms. Smith if there is another potential RFP out on the horizon that is early in process to look specifically at permitting and regulation rewriting? Town Manager Sophie Wilson noted she was quite sure Ms. Smith would not have that answer because she and Caroline have been working on that project. Caroline submitted a grant application to the State of Maine to get us consulting assistance to work on our Subdivision and Site Plan Ordinances as well as our Planning Permitting process. It also includes a pretty significant chunk of assistance with information and media campaign around how to develop in Freeport. It is about a \$50,000 grant that was submitted about two weeks ago. It should be probably several more weeks before we hear if we will receive it.

Mr. Rouda pointed out that issue of housing and affordable housing in Freeport is wide ranging and a lot of that has to do with supply. Most of what he has mentioned has to do with creating more supply of market rate housing but the Task Force is also aware of the need for some direct intervention for affordable housing so, therefore, expanding partnerships with the Freeport Housing Trust and using TIF mechanisms to create a fund for affordable housing are both things that should be considered. How that long list gets prioritized, some of it is up to this group.

Chair Kapala noted that there is a lot of work to be done on this. He saw a presentation where the median home price was \$265,000 10 years ago and now it is \$710,000. He is sure the average price is even higher now. That is a jarring statistic that jumps right out and screams that there must be a way to move the needle on this.

Chair Kapala advised that we did send a couple of members, including him, to the recent GPCOG Housing Summit in Portland which he felt was an interesting afternoon. There was some interesting information sent out the other day but he has not had a chance to go and dive back into the slides. Mr. Rouda feels that collected information should guide a discussion with the community about the Comp Plan. Chair Kapala agrees there is a lot of information that is there.

Mr. Spiers advised that in the information provided, you can see a lot of data there and you can go through every community and see what everybody else is doing and how we stack up. His take away was twofold: 1) it was illuminating to see that according to at least one of the presenters there that 95% of these zoning districts do not allow these multi-units and other types of housing but they are regulated as single-family residences. There is an opportunity there and 2) going up. We were talking about the building height being another thing that could go up in more densely populated areas. Chair Kapala agreed and mentioned there will be more to come on that and tonight hopefully there will be the first small step on that and as we look towards the Design Review guideline overhauls and other more holistic looks at zoning, not just downtown, but in town as a whole, he hopes to come up with good purchase to deal with height restrictions and try to relax some of those requirements.

### 3) Update on the status of current and future Planning Board projects

Chair Kapala noted the Board just talked about several of them. He knows that there is a Town Council Workshop next week and Ms. Smith and Caroline have been working on getting their arms around that list and figuring out what has been done working towards the Downtown

Vision Plan. He knows Caroline has been thinking about the Planning Board projects that have been completed over the last year or two and looking ahead to what is still on our plate. Obviously, we have just talked about a lot. We have the Comprehensive Plan. We have the RFP for the Design Review overhaul. Hopefully, we have some grant funding to look at a permanent overhaul which will fall on our plates and, of course, we always have the applicant-driven stuff that comes in from time to time. Ms. Smith agreed the Board has a lot going on. She mentioned the RFP for Design Review has been released so there will be some work with that and hopefully, with some public input. It will help to fix the issues identified in the Design Review Ordinance.

Mr. Rouda asked when was that due and is there a selection process defined? Ms. Smith advised that the selection process is outlined in the RFP. It has been released for quite a few days now so she thinks it might be the end of the month. Chair Kapala suspected it was the end of April but did not remember the date. He mentioned that it is a similar selection process. There will be an interview process and he thinks the Planning Board will be the Board in charge of this overhaul as opposed to having the Central Core Working Group or another group in town. It will be the Planning Board's and it will be up to us to decide who else we want at the table in a more formal capacity. The Central Core Working Group and the Project Review Board are the obvious other committees that come to mind and hopefully, there will be some Council representation along the way as well. Ms. Smith feels it will be exciting and she hopes we will find some consultants that have a strength that is unique to help make the process less subjective and more objective.

Ms. Smith advised that the food truck amendments the Board voted on at the last meeting were approved by the Town Council so that is going through. She received a phone call advising that someone might be bringing in an application for a zoning amendment related to cannabis in May. In May we will be looking at parcels intercepted by two zoning districts. There are a lot of parcels in Freeport that have to meet both of those requirements and it can be quite difficult. We heard about that when someone commented when we were doing LD 2003. Mr. Rouda asked if it is possible to redraw those boundaries? Ms. Smith noted that some of the boundaries could most likely be fixed with a property line. She thinks there were some mapping issues where maybe it was a different projection and it made it 10' or another district is not where it was intended to be. There is also the RP-I and the RR District but don't quote her on this. Those two districts' primary purpose is to protect ground water for public drinking water sources. That is something we may consider one day doing an overlay for ground water aquifer protection. Chair Kapala added that we have overlays where we shouldn't and don't have overlays where we should.

Ms. Smith advised that she is hoping the Board will have time to look at moving multi-family units from Subdivision review and having them go to Site Plan review. She has been working on comparisons and is hoping she will have something for the Board in May. Of course, we will have more draft chapters for the Comprehensive Plan but unfortunately, the ones we are not getting through today.

It is possible we might reach out to you to see if there is any other date that we can accommodate a meeting with the consultants to do that since it is not getting done. It will not happen today. She added that there are always things the state changes and a long list of clean up and projects to do so we will be quite busy. Chair Kapala agreed but unfortunately with the postponement of

tonight's workshop, the Board will have to find another date to stay on track with our Comprehensive Plan timeline.

**ITEM II:** Review of the minutes from the March 6th, 2024, Planning Board meeting. Chair Kapala pointed out that Mr. Rouda was not in attendance but we do have a quorum of people who were here. He asked if anyone has any comments on these minutes?

Mr. Rouda referred to the bottom of Page 5 there is a sentence that repeats. Chair Kapala agreed and mentioned the Board can make a note of it and approve them with the note. It does not change the intent. Ms. Myles pointed out that her last name was misspelled "Miles" on Page 6.

**MOVED AND SECONDED:** To approve the minutes as amended. (Arsenault & Jortner) **VOTE:** (5 Ayes) (1 Excused: Rouda & Burwell) (0 Nays)

Mr. Rouda asked a question. On Page 10, the 3<sup>rd</sup> paragraph, it says Ms. Pelletier added that we can't zone for just one specific parcel. He asked if we can zone for one specific street? Ms. Smith asked him what he means by that? Chair Kapala explained can we create some sort of Main Street overlay or Depot Street overlay? Chair Kapala advised that he thinks so but in some communities, there are such things as contract zones. More discussion followed. Ms. Smith added that she thinks they are not thinking about contract zones but more like an overlay that would follow a street. She noted that is totally do-able. In a way that is how the Color Overlay was done. Put a buffer in the middle of a street with 100 feet to each side and that is the overlay. Mr. Rouda asked what if something sits in a zone that has a 35-foot height and you want to create a little sub zoning site that has a 45-foot height? Chair Kapala explained that it could be an overlay. Mr. Rouda mentioned that it would not be consistent with the zone standards that it is in. Chair Kapala thinks that typically you could add a little bit of language to the underlying zone that said, notwithstanding, the provisions and then you could have an overlay. It could be complicated and not the best way to do that but theoretically you could.

Ms. Smith recommends that the Board get that zoning to the point that you think it should be instead of relying on case by case or something like that. She suggested coming up with what you think should be there and let that be the zone. For the downtown area, it might be something that has been suggested in prior meetings to be that the Design Review should be along Main Street, the longest corridor. Mr. Rouda added that the Board might want to think about is it appropriate to encourage very specific and more dense development in very specific places such as Mallet Drive and Depot Street? Ms. Smith mentioned that when we look at the current Zoning Ordinance, you will see there are some zoning districts that are tiny plots. Chair Kapala advised that the local business district is his favorite one. Ms. Smith noted we already have something like that. The Village mixed use is pretty small. Mr. Rouda asked if when the Board is going through the Comp Plan, can we get on this subject? Chair Kapala agreed and added that it is pretty much in the Design Review discussions too thinking about where we really want to target. He recalled back in 2018 or 2019 when we came up with the idea of doing an overlay when Donna Larson was here. We actually had a consultant and came up with an Overlay District on Depot Street with the idea we had taller buildings but it didn't go forward. Brakes were applied because there was push back from the PRB and he thinks it was very valid. It was a good idea but the implementation wasn't there and then COVID hit and it fell apart and didn't come back

around until about a year ago. The idea was there but the implementation was flawed and we didn't get to it so now we are getting to it again.

Mr. Rouda advised that we are doing the Comp Plan and we don't want to drop the ball. He thinks a lot of things people won't accept in many places, they will accept in very specific places. Ms. Smith feels the timing is right to have these conversations. It could not be more perfect because we just finished the Downtown Vision Plan which is not the Comprehensive Plan so it is not what our zoning should be based on for now although we will see how it gets incorporated into the future update of the Comprehensive Plan and with the RFP for Design Review, it is really a good time to get a lot of community input and see what people think about this when we discuss the future land use plan and have a conversation about our growth areas. Are they where they should be? Are our rural areas where they should be? Mr. Rouda feels the Board gets so lost in the VC-I or the VC-II and really do we want to talk about this street or that street or this very specific area? He feels that somehow that should guide how we guide growth. Chair Kapala feels it is a challenge but the key is paring back the overlapping districts. Mr. Rouda asked if we can simplify the whole zoning map? Chair Kapala feels it can be done as a recommendation that comes out of the Comp Plan. The Comprehensive Planning process is not going to undertake that as part of it but it could certainly be a recommendation that comes out of the Comp Plan. Ms. Smith explained that after the Planning Board works on the Comp Plan, she will have to send letters to the people that would be affected so they could come and give input as well. That is how the process is supposed to work.

**ITEM III: PUBLIC HEARING – Proposed amendments to Section 413. Village Commercial I (VC-1) of the Freeport Zoning Ordinance regarding maximum building height standards.**

The Freeport Planning Board will hold a public hearing to discuss a proposed amendment to Section 413. Village Commercial I (VC-1) of Chapter 21 – Freeport Zoning Ordinance that would change the maximum building height standard for buildings in this district. The specific change would be to remove the limitation on the number of stories, which is currently limited to three stories. The maximum height, which is currently 45 feet, would remain unchanged.

Chair Kapala mentioned that we have just given some background on this where we talked a bit about the history of some thinking at least about the thought about the area down on Depot Street specifically and he thinks there is a broad consensus that one way to make it easier for housing development to come in is to reduce the height limits. We are not talking tonight about changing the maximum height which is currently 45 feet and would remain unchanged. The change is limited to the number of stories which currently is set to three. By removing stories, we could potentially see four-story buildings which would still have to meet that 45-foot maximum height restriction. Because of the grade in particular down toward Depot Street, the thinking is that because of the way a building height is calculated, it is very possible to build a four-story building which is potentially well under 45 feet in that part of town specifically and by removing the limitation on the number of stories, we could get some projects moving that might be held up otherwise.

Mr. Rouda pointed out that in flat areas where that calculation wouldn't affect it, you could still easily fit four stories in 45 feet if one of those stories was partially submerged and that right now is not allowed in our current zoning. If you have a basement or a half story there, you can't have three above it. Ms. Smith feels this is a good point. She is thinking about people watching from home and explained the way we define height; it takes into account the measurement from ground up. It could be if you have a place with a slope, it could be that some areas are much taller than 45 feet but they have to average out to that maximum. We don't mean that it is always 45 feet from the ground up everywhere. Chair Kapala mentioned that it is one point half way on the façade on the four sides 20' out. It is very complicated. He noted that the Central Core Working Group tried to come up with a different standard for measuring but it was very challenging and they gave up on it because it was going to hold up the rest of the process. Mr. Jortner mentioned that now that the standard is a number of feet, some of us hope there will be discussions about increasing that number. Chair Kapala agreed he is in favor of increasing the number but in targeted areas. He would definitely have to think hard about increasing the height in all of the VC-I for example, but for targeted areas, it would be appropriate and he would welcome that change. That is his personal view.

The only thing he would add as a preface to this discussion is the reminder that the Design Review District still applies to all of the VC-I but it also applies to other zones. There is still the review process that has to be considered as part of a building's design. It still needs to be found visually compatible with the neighborhood by a variety of metrics, one of which is scale still. We changed the way the Project Review Board considers building scale. We made some tweaks to that as part of the recent update to the Design Review Ordinance but that still applies here. It is not to say that we are removing the limitation on the number of stories and all of the sudden it is the wild west out there. He wanted to remind everyone of that.

Ms. Smith feels that is a conversation this Board has been having for a while. It used to be 35 feet but it was changed. It is interesting that the 2011 Comp Plan said to explore changing that in certain areas. It can get very emotional for people when they think about heights. In the Downtown Vision Plan it was identified as something we might want to look into. She thinks this is a baby step and as we move through the revamping of Design Review and Comprehensive Plan, we will have a good opportunity to get more public input and hopefully, come up with something that most people want to see in Freeport. Some people are reluctant to see taller buildings.

Mr. Rouda advised that this is connected to the housing issue because housing economics on multi-family buildings of three stories is tough with parking issues. Ms. Smith noted we also have a vision that was identified in the previous Comp Plan and in the Downtown Vision Plan of keeping that traditional New England Village style. If you think about back in those days, usually we didn't have very tall buildings because buildings were generally up to four or five stories at the most since we only had stairways and people were only willing to climb up those stairs. Right now, keeping it at 45 feet is not taking away from that vision.

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

Stephanie Millette of FEDC and a token downtown resident on the Board. She wanted to voice her support for the Board's discussion. She looks out her window directly into the empty parking lot that will be developed as a result of these conversations. Her home is two stories with a third if you consider her attic space. There is a multi-family right across the gully from her that is three stories tall supporting many residents. She feels what the Board is describing will build on a village that is already there. She is excited to see her neighborhood grow and is very supportive.

Brett Richardson of FEDC mentioned he is grateful for the work of the Planning Board to bring this issue forward and the opportunity for him to voice support of the FEDC Board for the recommended action. The Board has been an engaged partner for the Downtown Vision Plan and one of the top recommendations of the Downtown Vision Plan was to support downtown housing. There are pretty significant needs in Freeport and beyond for housing. FEDC supports the recommended change that will make it easier and more viable to develop downtown housing. The action tonight was a recommendation of the Housing Task Force for the purpose of increasing supply. He is hoping this will move forward.

**MOVED AND SECONDED:** To close the public hearing. (Rouda & Arsenault)  
**VOTE:** (6 Ayes) (1 Excused: Burwell) (0 Nays)

Chair Kapala requested a motion and reminded the Board that any such motion would need to include a bit of language finding that it is consistent with our Comprehensive Plan. The vision of the 2011 Plan is to encourage a diversity of housing at a variety of price points. Ms. Smith added that the Comp Plan says that Freeport would remain a desirable place to live by allowing a variety of neighborhoods and housing types and the economy would remain strong by providing flexible regulations that allow creative site and building designs.

**MOVED AND SECONDED:** That the Freeport Planning Board recommend to the Freeport Town Council proposed amendments to Section 413, VC-1 of the Freeport Zoning Ordinance that would remove the limitation on the number of stories which is currently three stories. The maximum height of 45' will remain unchanged. This would support the Comprehensive Plan by providing a variety of housing conditions in the Town of Freeport and benefit the economic vitality of the town. (Spiers & Arsenault)  
**VOTE:** (6 Ayes) (1 Excused: Burwell) (0 Nays)

**ITEM IV:** Persons wishing to address the Board on non-agenda items. There were no comments provided.

**ITEM V:** Adjourn

**MOVED AND SECONDED:** To adjourn at 6:50 p.m. (Arsenault & Myles) **VOTE:** (6 Ayes) (1 Excused: Burwell) (0 Nays)

Please note tonight's workshop was cancelled due to the expected hazardous weather conditions

Recorded by Sharon Coffin