

# Freeport Insider

What's going on at Planning Board, Coastal Waters, Sustainability, Council, etc.

A weekly news source on issues of concern taken up at Town Hall.

20 October 2023 No.6

## TOWN COUNCIL

17 October meeting:

- A plea not to sell the Bartol Building.
- Sponsors for the 4<sup>th</sup> fireworks.
- Momentum grants committee appointments.
- Ordinances on general assistance & signs pass.
- \$8000 to hire a grant writer for Route 1 trail.
- \$185,000 for new harbormaster boat.
- Northstar team hired to do CompPlan update.
- Audit excellent.
- Executive sessions on town manager & 22 Main. Next meeting 14 November, after election.

## CENTRAL CORE DISTRICT GROUP

18 October meeting agreed on Design Review ordinance changes: Boundary shrunk, "nearby" clarified, Color Overlay deleted, Board of Appeals review eliminated. Next meeting not yet set.

## COASTAL WATERS COMMISSION

No report. Next meeting 8 November will hear of 3<sup>rd</sup> party advisor on *Island Rover* launch plans. Also workshop with Town Council 28 November.

## PLANNING BOARD

Meeting 4 October cancelled. Next meeting 1 November. No agenda as of 19 October.

## PROJECT REVIEW BOARD

Meeting 18 October missed (sorry!). Notes on agenda. Next meeting 15 November.

## SOCIAL AND RACIAL EQUITY

No report. See No.3 for last meeting. Next meeting 2 November.

## SUSTAINABILITY

Plans 14 November workshop on climate actions. Tree Task Force moving on ordinance changes.

## SHELLFISH COMMISSION

No report. See No.4 for 12 October meeting. Next meeting 9 November.

### HOUSING

No report. Next meeting 8 November.

### PEOPLE

Town manager, communications coordinator.

### EVENTS

Candidates night 19 ~~October~~. CANCELLED.

FreeportCAN 21 October meeting

Community Services annual mtg 23 Oct.

### RAILROAD/CONNECT FREEPORT

MDOT bridge design unveiled 16<sup>th</sup>. Connect Freeport asked for wider path.

## **Town calendars October, November**

### **FROM THE EDITOR**

#### **Still a choice**

I'll send out this issue via Ghost, giving you a choice of the two-column or one-column format, as before.

#### **Highlights**

In the post itself, before you click on button, you'll see the highlights of the issue.

#### **Subscriptions! Bargains!**

The paywall will begin with the first issue in November. You will get, for the meager payment of \$2.50 per month (I'll make the proverbial comparison to a cup of coffee) the three issues of November (no issue Thanksgiving week) and the three issues of December (no issue Christmas week).

In January, the subscription will go up to the (still low!) \$5/month, a bit more than a buck an issue.

#### **Thank yous**

To my webmaster Nicky Hardenbergh (aka "sister").

Also to all those who respond to my sometimes curmudgeonly requests for further information!

- Chalmers

(I'll request payment after the 26 October issue)



Note: Linda Bean, though a descendant, is not officially part of LL Bean.

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## TOWN COUNCIL

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17 October. **THE COUNCIL WORKED SMOOTHLY THROUGH MANY AGENDA ITEMS.**

### FORMER LIBRARY, BARTOL BUILDING

Bob Stevens, in the public comment period, reported he had heard that LL Bean would like to purchase the town-owned Bartol building which formerly housed the library. He said that LL Bean already occupied much of downtown Main Street, and he would like to keep the building in town hands so that it can be leased to other businesses. {Insider discussion with Stevens}

When Abercrombie & Fitch leased the building some years ago,<sup>1</sup> it paid the Town

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<sup>1</sup>The Town in 2019 issued a request for proposals for the future use of the Bartol Library Building, located at 55 Main Street. 'Over the past 20+ years, the building has been leased by the Town to two separate national retailers for use as a business location. Prior to that, the property

\$500,000 per year, according to Town Finance Director Jessica Maloy. Responding to a question from Councilor Pilch, she noted that the Town held \$500,000 in the 'Bartol Reserve Fund' which has been used for repairs to the building. The coincidence in the dollar amounts is just that. *{Insider discussion}*



**Bartol building** *{Maine Biz}*

## **JULY 4<sup>TH</sup> FIREWORKS**

The Council voted to accept \$500 sponsorships for the Independence Day celebrations from these entities: Bath Savings, Bradley Foundation, Bucks Naked BBQ, Derosiers, Desert of Maine, Maine Beer Company, Mast Landing Brewery, The Met.

## **MOMENTUM GRANTS COMMITTEE**

The Council unanimously agreed to appoint five people to a committee to evaluate applications for the FEDC's Momentum Grant Program [see 21 September issue]:

- Phil Wagner, Complete Streets Committee rep
- Jonas Werner, Downtown Vision rep
- Kathy Smith, Downtown Vision representative
- Enoch Boudreau, High School student rep
- town manager

## **GENERAL ASSISTANCE ORDINANCE**

The Council passed the updates to this ordinance [see 5 October issue].

## **SIGN ORDINANCE**

The Council passed the updates to this ordinance [see 5 October issue].

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served as Freeport's Public Library for over 90 years.' *{Town website}* Currently, the Maine Organic Farmers and Gardners has occupied the space.

## **COMPLETE STREETS GRANT WRITER - “nature trail”**

Barbara Guffin of the Complete Streets Committee requested up to \$8,000 to hire a grant writer to assist with the Town’s application for a federal Land and Water Use Conservation Fund Grant.

The Committee is recommending that the Town apply for \$500,000 to design and build a multi-use trail along the Route One corridor from Pine Street to Summer Street.

Councilor Ed Bradley noted that when the trail concept came before the Council in February in connection with the Downtown Vision Plan, the trail was to have a second part which utilized LL Bean trails to reach West Street.

Adam Bliss, town engineer and Complete Streets staffer, said the part to which Bradley referred would not be multi-use, but more like a nature trail.

The \$8000 would come from the Concord Gully TIF, which has \$58,500. The person hired, it was hoped, would be a local resident.

## **HARBORMASTER BOAT \$185,000**

The Council approved the purchase of a new boat from Chislett's Boating and Design LLC for the harbormaster, and agreed to add \$5000 to the request so that the boat's cabin would have a heater. Harbormaster Charlie Tetreau noted that aside from the Coast Guard, only Freeport has personnel on duty during winter months on Casco Bay.

## **COMPREHENSIVE PLAN CONSULTANT**

The Council approved the selection of Northstar Planning Consultants of New Gloucester to do the required update to the 2011 Freeport Comprehensive Plan, for \$144,726. The Council budgeted \$150,000; the balance will be used for additional public outreach.

Town Planner Caroline Pelletier said Northstar had worked in 2021 on zoning ordinance amendments for solar energy generation systems for Freeport – which passed. Councilor Ed Bradley was impressed that, during the selection process, Northstar said

where appropriate it would consider what the Town had already done on downtown visioning.

Pelletier noted Northstar had a diverse team, bringing in three others:

### **AUDIT PRESENTATION**

Finance Director Jessica Maloy introduced Jennifer Connors from Runyon Kersteen Ouelette of South Portland, who presented the annual audit, receiving acceptance and approval from the Council. Maloy was also praised for the clean results. {*Insider coverage*}



### **TOWN MANAGER SELECTION**

(same as 3 October agenda)

The Council held another executive session at the end of the evening with its consultant Baker Tilley.

### **22 MAIN STREET PURCHASE?**

The Council held an executive session on the topic “22 Main Street.” The *Insider*, alas with no inside information but some rumors, presumes the Council will talk about a price. Owners Moser only want to be “made whole” and “get some positive” feelings, according to one citizen. {*Insider coverage*}

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## *CENTRAL CORE WORKING GROUP*

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18 October. ***THE GROUP COMPLETED A DRAFT OF CHANGES TO THE DESIGN REVIEW ORDINANCE.*** While recognizing that the changes would not reach Town Council

until the membership changes after the election, chair Sam Kapala believed that once the Group okayed proposed changes, they could go to legal review, then to a joint working group of the Project Review Board and the Planning Board, and then to Town Council in time for adoption by the 5 or 19 December Town Council.

The members are well aware that the Town will hire a consultant to examine the Design Review Ordinance, but wanted to get the “low-hanging fruit” to speed up and simplify the process in the meantime.

### **Boundaries of the Design Review districts**

In an effort to keep their proposed changes simple, members decided to shrink the Design Review districts, but only by cutting off the thick “tail” of District One below the rail line [see map].

Some citizens, the group noted, viewed the “tail” as the “gateway to Freeport” and thus wanted to keep some design restrictions. Members kept in mind that the public will comment at the proposed workshop, and then when Town Council holds a public hearing.<sup>2</sup>

Some members wondered whether to remove the area around Mallett Drive. The group decided to keep the change simple. Councilor John Egan noted that the Council has funds in the capital budget to redesign Mallett

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<sup>2</sup> Under Maine statute Title 30-A: MUNICIPALITIES AND COUNTIES §4352, Zoning ordinances. “2. Relation to comprehensive plan. A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body ... For purposes of this subsection, “zoning ordinance” does not include a cluster development ordinance or a design ordinance prescribing the color, shape, height, landscaping, amount of open space or other comparable physical characteristics of development. 9. Notice; general requirements. Before adopting a new zoning ordinance or map or amending an existing zoning ordinance or map, including ordinances or amendments adopted under the laws governing growth management contained in [chapter 187, subchapter II](#) or the laws governing shoreland zoning contained in [Title 38, chapter 3, subchapter I, article 2-B](#), the municipal reviewing authority must post and publish notice of the public hearing...”

about five years hence.



### Clarify “nearby buildings”

Design Review section VIII requires (as the Group would amend it) that newly constructed buildings “shall be visually compatible ~~within the buildings, squares, and places to which they are visually related and specifically with nearby and/or adjacent “A” or “B”~~ with nearby buildings in terms of the following factors:”

The Group discussed a definition of “nearby buildings” and settled on adding the following language to the definitions section:

“For the purposes of this Ordinance, buildings are considered nearby when they are within 500 feet ~~and clearly within sightlines~~ of a project seeking a Design Certificate. The distance shall be measured from the project's primary facade(s) along public rights of way.”

Guy Blanchard suggested deleting the language about “clearly” in order to get simplicity. Others agreed that “clearly” was too subjective, and the Group decided to keep only the “500 feet.”

### Delete Color Overlay district, color



## **regulation**

Members were unanimous about eliminating the “Color Overlay District” which is not defined within the Design Review Ordinance. The Group will delete the single reference to the “District” and all references to “color.”

Blanchard, who serves on the Freeport Historical Society board, warned that while the Society as a whole might want some color regulation, he himself favored eliminating it.

Chair Sam Kapala, in an e-mail, noted that the “District” is 'entirely within the design review ordinance, so there's no other ordinance' to delete.

### **HOW LONG FOR A SUPERIOR COURT DECISION ON APPEAL?**

In one example, Penobscot County Superior Court Judge Patrick Larson vacated the permit issued in September 2022 and sent it back to Bangor's planning board in an order issued 10 October, nearly a year after neighbors Brian Ames, Sandra and Dwight McIntosh, Laurie Cote-Dunn, Jeffrey Gray and Melissa Bolduc **filed an appeal in October 2022**. Maine Woods Development is proposed a 60-unit project. {Marie Weidmayer in *Bangor Daily News* 16.Oct.23}

### **Appeals from PRB to the Board of Appeals**

For the reasons that “one volunteer board is reviewing the action of another volunteer board” and in no other town does the Board of Appeals review the action of the Project Review Board, the Working Group decided to delete the language providing for appeal to the local Board of Appeals. Instead, all appeals of Design Review decisions will go to Superior Court.

One member, Linda Berger, wanted to keep the Appeals jurisdiction. Another, David Latulippe of Priority Real Estate, said that if a developer received a Design Certificate from the PRB, and the decision was appealed, the developer would probably end the project. Why? Because Superior Court decisions take two years in his experience.

### **Not much easing?**

Latulippe also said that in his opinion, the changes made by the Group would not improve the situation much. “This is as heavy a process” as he has seen, even with the changes. It’s “not open for business ... a very arduous process.” {*Insider coverage*}

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## *PROJECT REVIEW BOARD*

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[I did not attend this meeting. Apologies]

18 October. ***THE BOARD HELD A PUBLIC HEARING ON A NEW SUBDIVISION***, Whitetail Drive. [See 28 September issue for location.]

### **Design Review also**

The Board had on its agenda three changes to exterior, as well as a shore stabilization project.

### **Bean's work**

Bean’s is applying for a Design Review certificate to alter 57 Main Street, owned by Downeast Energy, as well as amendments to its plans for the main building, 95 Main Street.

### **Central Core Working Group**

The Board was scheduled to discuss the Group's work [see *Central Core* above]. {agenda from Town website}

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## *SUSTAINABILITY ADVISORY BOARD*

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16 October. ***THE BOARD SET ITSELF THE END OF DECEMBER AS A GOAL.***

### **GETTING CLIMATE ACTION TARGETS**

FSAB is facing the need to complete its work on action steps to achieve the targets passed by Town Council [see 5 October issue] by the end of 2023, because the Board will lose much of the assistance of GPCOG. The latter has other

work on its schedule which will use its time.

### **Workshop 14 November**

Given that, the Board wants to hold a workshop to receive comments and suggestions about the steps to achieve the targets, and has chosen 14 November at the Community Library.

### **Outreach**

Board members decided split up amongst themselves the effort to engage various stakeholders such as the people working on the Downtown Vision plan, Connect Freeport, and Freeport Climate Action Now as well as formal Town groups, and ask them to approach their members to get some feedback in advance of 14 November.

The Board hopes that the 14 November meeting will draw in people not of those groups.

The Board also plans, with the assistance of Sustainability Coordinator Meddy Smith, to have some materials which will assist discussion during outreach, listing some high-level goals and a sample action which could be taken to reach the goal.

By 22 October members should sign up to contact other groups, and have had meetings with those groups by 30 October.

### **Outreach to Bean's**

Members kicked around notions of how to involve LL Bean in the formation of the actions to reach the emission reductions. Members agreed that they needed to know the areas where Bean's is willing to act. Mandy MacPherson, FSAB co-chair, said she had consistently invited feedback from Brian O'Connor, director of Sustainability and Global Compliance at L.L.Bean.<sup>3</sup>

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<sup>3</sup>"L.L.Bean has always had the environment as one of our key stakeholders," said Brian O'Connor, director of Sustainability and Global Compliance at L.L.Bean. "OIA's Climate Action Corps has been instrumental in helping us turn our corporate intentions into impact." O'Connor was quoted in a 16 August 2023 press release about a national effort, [Outdoor Industry Association's \(OIA\) Climate Action Corps](https://outdoorindustry.org/press-release/outdoor-industry-climate-action-corps-releases-2022-impact-report/). {<https://outdoorindustry.org/press-release/outdoor-industry-climate-action-corps-releases-2022-impact-report/>}

Member Bob Stevens insisted that the Board definitely deal with Bean's. "It is not one of the businesses, it is THE business. They have to get involved [with setting the actions] to have an effect."

Group with Alan Caron. Susana Hancock said MacPherson, she, and possibly Valy Steverlynck will meet with Alan Caron of ClimateWork Maine on 24 October. Hancock said they were learning "where Bean's is willing to start [on sustainability goals] and where they are less willing to go."

The Board, she said, keeps wanting the company to do "what they are less willing to do." She added that "it's clear they do not want to be a leader in sustainability, like Patagonia." On the other hand "they do not want to left behind." [For example, Bean's provides free EV chargers to the public. *Editor*]

Street Gang. Members noted that an unofficial group, nicknamed "the Street Gang", does have LL Bean as a participant. The "Gang" was formed, according to one participant, when town mothers and fathers were considering periods of time to close Main Street to cars, and let it become a pedestrian place.

## **UPDATE ON TREE TASK FORCE**

The Task Force is a subcommittee of the Sustainability Advisory Board. Chair Kristen Dorsey; members Eric Horne, Theresa Oleksiw, Marc Miller, Tyler Kolle, and others. The Tree Task Force came from an FSAB request to Project Canopy, a program of the Maine Forest Service, to help conduct a public tree inventory. With the data Project Canopy extrapolated the monetary savings value in Freeport provided by the existing canopy, and recommended: 'Strive for an urban tree canopy cover percentage of 35-40%' from the current 25%. FSAB wants to achieve Tree City designation via the National Arbor Day Foundation by Spring of 2024.

## **Membership**

Chair Kristen Dorsey reported that two members are leaving Freeport; TTF is seeking two new members.

## Plantings

Town Public Works has planted the two red maples [see 28 September issue], at the Route One Park and Ride. Maine Beer Company has been voluntarily maintaining the area, and has offered support to the Task Force for this beautification project. {*Insider* coverage}

## Ordinance changes

The proposed *Tree Ordinance* would create a Tree Warden and require a permit before taking down a public tree. It will also require planting of trees in the public rights of way in new developments.

Amendments to the *Zoning Ordinance* would require trees for all developments, public or private, in parking lots consisting of 10 or more stalls.

Site Plan Review will require an inventory of existing trees. “All development shall preserve a minimum of 30% of existing canopy trees 10 inches DBH or greater within the required setback area unless trees are non-native invasive species, as identified in Cooperative Extension Listing of Maine Invasive Plants, or are deemed unsalvageable by the Freeport Tree Warden.” {text of drafts}

On 16 October, Town Planner Caroline Pelletier advised Dorsey that the TTF should go to the Town Council first with both the Tree Ordinance and Zoning amendments (two separate projects), to gauge receptiveness and for authorization to receive staff guidance on next steps to ensure alignment with other ordinance and legal conformity. Dorsey said TTF 'will wait until December ( 12/5 or 19th) so that the new Council membership and chairs are in place, as well as the town manager. {e-mail to *Insider*}

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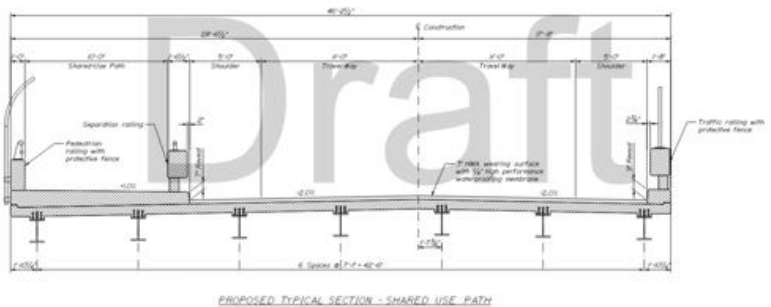
# RAILROAD/ CONNECT FREEPORT

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12 October. **CONNECT FREEPORT REVIEWED ENGINEERING PLANS FOR THE RAILROAD OVERPASS ON ROUTE ONE.** Per Town Engineer Adam Bliss, “The 16’ dimension in the plans is for an 11’ travel lane



{Denver Small, project manager Bridge Program, Maine Department of Transportation}



and a 5' shoulder. The esplanade is 5' wide and tapers to 0' at the existing sidewalk connections. The MUP will be 10' wide."

Jerry Antl suggested the group aim for a 12 foot path as this area will get a lot of activity given its close proximity to downtown Freeport. The extra cost may be justified if it gets us to use it more.

After the meeting, Bliss shared the following information: "...question that came up at the CF meeting today: Can the path be widened to 12'? The answers are: Not across the bridge because of ROW impacts; Maybe on the approaches within the esplanade, but costs

may be prohibitively expensive. It certainly doesn't hurt to ask the question."

Connect Freeport will continue to work on its options. {minutes of meeting from Barbara Guffey}

### **Complete Streets**

The Town body, Complete Streets, will receive up to \$8000 to write a grant of up to \$500,000 for the entire trail [see *Town Council*] which will end at the bridge/Summer Street.

### **Work dates**

Denver Small, project manager Bridge Program, Maine Department of Transportation, wrote that the Preliminary Design Report will be submitted to the Department by its Consultant in 2024. Work is scheduled for 2026. {e-mail to *Insider*}

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## *EVENTS*

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(blue indicates updated from last issue)

### **CANDIDATE FORUM CANCELLED**

Organizers had to cancel the evening on 19 October. Six people are running for Freeport Town Council: Eric Smith and Adam Ulrickson in District 2 where Ed Bradley has chosen not to run again; incumbent Matt Pillsbury and Kimberly Buck in District 3; Joanna Benoit and Tais de dos Reyes for the at-large seat where Jake Daniele has chose not to run again.

*See 12 October Northern Forecaster for background on the three candidates who responded to reporter Luna Soley: Matt Pillsbury, Joanna Benoit, and Tais de dos Reyes.*

### **FREEPORT CLIMATE ACTION NOW**

On 21 October, FCAN will hold a 'Community Circle' from 10h00 to 12h00 at The Barn at Windpoint ([map](#)). Come to meet one another, learn what's being done by our action groups, and share your concerns and your vision for what FCAN can do. Let them know you are coming: [climate@freeportcan.org](mailto:climate@freeportcan.org)

## FREEPORT COMMUNITY SERVICES ANNUAL MEETING

On 23 October 18h30 to 20h00 in the Bradley Room, to celebrate FCS leadership and name the Carol Kaplan Award winner.

### TOWN HALL OCTOBER

Mon	Tue	Wed	Thu
2	<b>Appointments Meeting</b> 4:45pm <b>Town Council Workshop with Shellfish Commission</b> 5:00pm <b>Town Council Meeting</b> 6:00pm	4	<b>Tree Task Force Meeting</b> 4:30pm <b>Tree Task Force</b> 6:00pm
9	10	11	12
Columbus Day  Winslow Park Commission 6:30pm	<b>Complete Streets Committee Meeting</b> 7:30am to 9:00am <b>Conservation Commission</b> 6:30pm	<b>Central Core District Working Group - CANCELLED</b> 12:30pm <b>Coastal Waters Commission</b> 6:00pm <b>Housing Task Force</b> 6:30pm	<b>Shellfish Committee Meeting</b> 6:30pm
16	17	18	19
<b>Police Advisory Committee</b> 6:00pm <b>Freeport Sustainability Advisory Board</b> 6:30pm <b>Freeport Sewer District Board of Trustees</b> 7:00pm	<b>Town Council Meeting</b> 6:00pm	<b>Central Core District Working Group</b> 12:30pm <b>Project Review Board</b> 6:00pm	<b>Hunter Road Fields Advisory Committee</b> 7:30am
23	24	25	26
		<b>Central Core District Working Group</b> 12:30pm	
30	31	1	2
<b>Freeport Sustainability Advisory Board (FSAB)</b> 6:30pm	<b>FEDC Board Meeting</b> 7:45am to 9:00pm		

### TOWN HALL NOVEMBER

Mon	Tue	Wed	Thu
30	31	1	2
		<b>Central Core District Working Group</b> 12:30pm <b>Library Board of Trustees</b> 6:00pm <b>Planning Board</b> 6:00pm	<b>Tree Task Force</b> 6:00pm <b>Social and Racial Equity Committee</b> 6:30pm
6	7	8	9
<b>Board of Appeals</b> 6:30pm		<b>Central Core District Working Group</b> 11:30am <b>Coastal Waters Commission</b> 5:00pm <b>Housing Committee Meeting</b> 6:30pm	<b>Shellfish Committee Meeting</b> 6:30pm
13	14	15	16
<b>Freeport Sustainability Advisory Board</b> 6:30pm <b>Notice of Public Hearing</b> 6:30pm <b>Winslow Park Commission</b> 6:30pm	<b>Complete Streets Committee Meeting</b> 7:30am to 9:00am <b>Town Council Organizational Meeting</b> 6:00pm <b>Conservation Commission</b> 6:30pm	<b>Central Core District Working Group</b> 11:30am <b>Project Review Board</b> 6:00pm	
20	21	22	23
<b>Police Advisory Committee</b> 5:00pm		<b>Central Core District Working Group</b> 11:30am	Thanksgiving Day
27	28	29	30
<b>Freeport Sustainability Advisory Board (FSAB)</b> 6:30pm	<b>FEDC Board Meeting</b> 7:45am to 9:00pm <b>Town Council Workshop with Coastal Waters Commission</b> 6:00pm	<b>Central Core District Working Group</b> 11:30am	



## ***FREEPORT INSIDER***

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Chalmers Hardenbergh, publisher and editor

### **Coverage and frequency**

The newsletter covers official doings of the Town of Freeport, Maine, with other stories the editor is moved to write about.

A weekly publication.

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