

Freedom Planning Board Meeting 4/9/24

Present: Tyler, Peter, Mary Ann, Kevin, Prentice, Brian Murphy, Clara was on line  
Also present: Laura Greeley, Rhonda Leyden, Heather Donahue

Called to order at 6 PM

Minutes from the 3/12/24 meeting were discussed and approved with changes  
Voted/approved (Unanimously) 7-0

Citizens Concerns:

Rhonda had a list of questions for the board

They will be placed with the minutes and Tyler will forward a copy to each member to study before the next meeting.

Clara asked when the survey would go out and get back to the board

Heather explained that we are trying to institute a town-owned email to handle this, instead of using personal emails.

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Smithton Road Subdivision:

TYLER WAS NOTIFIED THAT the proposed subdivision applicants WILL NOT BE PURCHASING THE PROPERTY, so that project has been dropped.

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Energy Storage was discussed. As of now it will stay part of our ordinance. WE will research concerns and return to this at future meetings.

Cindy was appointed Code Enforcement Officer (CEO). We would like to increase communication between boards about new construction and plans for the future.

Motion to meet once a month on the 2nd Tuesdays at 6PM, with the provision that additional meetings can be called as the need arises.

Voted/approved 7-0

Tyler proposed a social gathering to celebrate our work over the past several months. Details will be arranged via email.

Motion to adjourn at 7:15PM

Voted/approved 7-0

Next meeting is May 14th.



Freedom Planning Board Meeting Minutes  
Freedom Town Office  
Recorded live on Facebook Live  
5/14/2024

Planning Board Members Present: Mary Ann Bennett, Brian Murphy, Kevin Malady, Prentice Grassi, Clara Alvarez, Peter Abello. Absent Planning Board Member: Tyler Hadyniak.  
Selectboard present: Heather Donahue, Laura Greeley. Community members present: Rhonda Leyden

Mary Ann called the meeting to order 6:03pm.

4/9 Minutes

Tyler had made a few proposed changes to the draft minutes prior to meeting. Those were reviewed and agreed to. Brian said he wasn't listed as being present, but he was there. Brian was added to the 4/9 minutes.

Motion to accept minutes as amended (Prentice). Clara 2<sup>nd</sup>. All in favor? Unanimous.

Citizens/Board Members Concerns

None. Mary Ann mentioned one concern she has regarding a potential solar ordinance is who will enforce the ordinance once adopted. Should this be spelled out in the ordinance? Possibly the CEO?

Digest solar survey results/discussion on how to edit proposed ordinance

Laura suggested that the planning board adopt the Town of Lovell's Solar Ordinance due to the urgent situation the town is in currently. A lawsuit has been brought against the town by Freedom residents Ellie Hess, Tyler Hadyniak and Elaine Higgins alleging the selectboard did not follow legal process in renewal of the Commercial Solar Moratorium. The urgency, according to Laura, is the quicker the town passes a Commercial Solar Ordinance, the more money the town will save on legal fees. An approved-by-the-voters commercial solar ordinance makes the solar moratorium and this lawsuit moot. The Town of Lovell's ordinance is thorough and restrictive.

Effort to stay on task was urged by several planning board members. Prentice asked the selectboard members present to email the planning board the Lovell Ordinance to review. Heather emailed it.

Mary Ann read aloud some of the comments from the solar survey. It was suggested that someone make a prioritization list of the solar survey comments.

MMA (Maine Municipal Association), per Laura, suggested to not have an ordinance that prohibits commercial solar arrays because that could expose the town to lawsuits. We need to have an ordinance.

Are Solar Arrays taxed? No one knew for sure.

Do we have to justify a fee (yearly or application fee)? Can the town charge whatever it wants?

Two common comments in the survey: (1) good visual buffers from property lines, roads, vantage points. Do not want to see it; (2) good setbacks from property lines, residences, roads, and water resources. Visual screening language in ordinance should require large trees (12 feet or greater) at time of planting.

There were many comments in the solar survey about zoning. Should this be part of this ordinance? Consensus that the same result could be achieved by having appropriate setbacks of any solar development from property lines, structures, waterbodies.

Prentice stated that though most of the respondents of the survey were against solar development 9 respondents were in favor of solar development. He intends to keep them in mind when participating in this process. He is in favor of a restrictive ordinance while not taking away the rights of landowners.

Clara would rather see a restrictive ordinance. Does not want to repeat what happened with the wind turbines which she feels created division in the town.

Now that the planning board members have a copy of Lovell Ordinance, it was suggested that we each look at the ordinance on our own time, replace Lovell with Freedom in the document, read through it and see how we like it. Discuss at the next meeting.

Agreed to actions:

- Clara will investigate Commercial Solar Array Fee Structures from other towns and resources and report back on her findings at the next meeting.
- Each Planning Board Member will review the Town of Lovell Solar Ordinance by next meeting, ready to discuss its applicability to the Town of Freedom.

Next meeting – May 28th?

Motion (Clara): Planning Board to meet every 2 weeks until Solar Ordinance is ready to be voted on by citizens of Freedom. Kevin 2<sup>nd</sup>. All in favor? Unanimous

**Next Meeting; May 21**

Adjourn no later than 8 pm

Motion (Prentice) to adjourn. Kevin 2<sup>nd</sup>. All Favor? Unanimous. Meeting adjourned 7:12 pm

Town of Freedom Planning Board Meeting Minutes  
5/21/24  
Town Office and Facebook Live

Freedom citizens present: Tim Biggs, Steve Bennett, Rhonda Leyden, David Spencer, Rene Ouellet, Tom Clay

Non-Freedom citizens: Kyle Laurita, Republican Journal reporter

Selectboard present: Heather Donahue, Laura Greeley

Planning Board present: Clara Alvarez, Kevin Malady, Prentice Grassi, Tyler Hadyniak, Brian Murphy, Mary Ann Bennett, Peter Abello

Tyler gaveled the meeting into session at 6:00 pm.

Three Announcements

Tyler read from a statement he wrote, which is appended to these minutes.

Motion: to appoint Prentice as temporary chair of the planning board (Tyler), Mary Ann seconded. Discussion? Brian asked if any other planning board members would be interested in serving as temporary chair. No response. All in favor? Unanimous.

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5/14 Minutes

Spelling error noted and fixed.

Citizen concerns

None

Solar Ordinance work

Action from 5/14 meeting - planning board homework was to look over Town of Lovell Solar Ordinance and see if it could be adopted as Freedom's Solar Ordinance. The resulting discussion and points were made:

- Prentice: easier to keep Draft Freedom Ordinance and amend it with sections we like/agree with from Lovell Ordinance, suggested we go through Lovell Ordinance and see what we like/what we can take and add to Freedom's Ordinance. Many verbally agreed with this.
- Rene: project the Draft Freedom Ordinance on wall via projector and go through together at the same time, section by section and edit/keep/delete as necessary. Many agreed that this was a good suggestion – a similar process was done to develop the Town Charter.

- Back and forth regarding the urgency of completing the ordinance and the lawsuit and impatience of selectboard with how long this process is taking. One specific point: Prentice requested to go on record stating that he disagrees with Heathers' assertion that the planning board was reluctant to get input from Freedom residents in the ordinance development process.
- To reiterate (Mary Ann and Brian): go through Freedom Ordinance step by step identify items we want to keep and items we want to change. Use the results of the Town of Freedom Solar Survey Results and the Lovell Ordinance to guide this process. Tyler, based on his review of the Solar Survey Results, opined the top priorities of the town are:
  - Location
  - Setback
  - Screening
- Several other priorities of the town in regards to siting commercial solar arrays were briefly discussed, such as: avoiding placement on existing farmland, prime farmland soils and soils of statewide significance; need to consider chemical leaching from panels in ordinance; solar arrays cause interference with radios, soil testing for chemicals prior to SES development to create baseline; is it legal to restrict a certain type of development (i.e. solar) on farmland?

The Planning Board then started to go through the Draft Freedom Ordinance line by line identifying sections/language that we want to revisit. Kevin read out loud for a few sections, followed by Tyler for a few. Here are the items we want to revisit

- Title of Ordinance should be Commercial Solar Ordinance. (Many verbally agreed)
- Section 3 D. specifically the statement that replacements do not require a permit
- Section 4 – SES definition includes storage (i.e. battery storage), and other non-photovoltaic energy systems.
- Section 5 – many agreed that application and permit fees are inadequate. Look at Lovell's Ordinance here for guidance
- Section 6 – STOPPED HERE.

Rene suggested that each planning board member take a section from Draft Ordinance, review and make suggestions individually and bring back to larger group at next meeting. Mary Ann reiterated this idea, resulting in the following section assignments:

Section 1 – previously discussed/consensus agreement to change title of ordinance

Sections 2, 3, 4 – Brian

Section 5 – Tyler

Section 6 – Tyler and Kevin

Section 7 – Mary Ann and Clara

Section 8 – Peter

Section 9 – Prentice

Section 10 – Peter

Sections 11, 12, 13 – Tyler

Each planning board member will review their assigned section(s) and write comments/suggested new language (using Lovell Ordinance and Solar Survey Results as guide) on the Google Doc: [12/12/23 Solar Ordinance Working Copy](#). At the next meeting, this document will be projected or copied, etc. so all can view at same time to further refine the ordinance.

Motion for next meeting to be scheduled on 6/11 6:00 pm, then meet every two weeks thereafter until Commercial Solar Ordinance can be passed on to Selectboard for Town consideration (Clara); Tyler 2<sup>nd</sup>. All in favor? Unanimous (with Tyler abstaining)

Motion to adjourn (Tyler); Prentice 2<sup>nd</sup>. All in favor? Unanimous. Meeting adjourned at 7:43 pm.

### Appended Document

Three Announcements by Tyler Hadyniak:

Before we get started I have three announcements to make.

The first is that we will not take any formal Planning Board meeting time to talk about my lawsuit against the town. However, after we adjourn, meet me by my car and you can ask me any question you like.

Second, public reaction to this suit has taken an unanticipated and unfair turn. Town residents and officers have contacted my editors at the Republican Journal multiple times over the past couple weeks. Evidentially, some residents take great issue with what I write and how I write it, and are taking out their discontent on people in what I would describe as a petty, vindictive, and vicious manner. I have conversed many times with the editors of the paper over the past couple weeks. It is apparent to me that they will continue to be treated nastily and harshly while I report the news of this town.

Despite this public reaction, they back me 100 percent. They always have. But I also back them 100 percent. To prevent further disruption to their lives, I informed my editor last Thursday, the 16th, that I am going to regretfully but voluntarily step-down as this town's columnist. I have written this column for the past three years. I have enjoyed every edition and proudly followed in the footsteps of someone who loved writing it as much as I did. But I am not entitled to the job and not irreplaceable. I hope now the Journal staff will avoid critics' misdirected wrath, and just be left alone to continue the important work they do for our County. If you have any questions about that, ask me later. My last column will be published online tomorrow morning.

Third, I commit to the people in this room, and the people watching at home, that I will be mindful of optics and ethics, and during the pendency of my suit against the Town will freely recuse myself from most substantive and procedural votes related to commercial solar arrays. I cannot make a blanket promise now because every situation, and every vote, is different. I trust

my fellow Planning Board members will hold me accountable– as the Town Charter encourages us to do – as we proceed forward.

My first recusal is the following: I am going to temporarily step down as chairman while this lawsuit is pending. I have not been asked or pressured to. But I feel like that is the right thing to do and something I decided to do when I filed this suit. Let me be clear, neither the Planning Board as a body, or any of its members individually, have ever had, or have now, anything to do with this suit. And nothing they do, or any votes they take, will influence the suit's outcome or resolution. But I know to outsiders looking in it may not appear that way. So with that I am going to seamlessly transition into our next agenda item, and that is for us to nominate and elect a temporary chairman. I confidently nominate the former, long-time Chairman of this Board, Prentice Grassi. Prentice, I'm sorry to ask you to thrust yourself into this position but I know you understand why. Is there a second?



Town of Freedom Planning Board Meeting Minutes

6/11/24

Town Office and Facebook Live

Freedom citizens present: Lindsay Knapp, Giffen\_\_\_\_\_, Deborah Deemer, Borg\_\_\_\_\_, John Selmarson, Jerry Stephanski, \_\_\_\_\_, Rene Ouellet

Selectboard present: Laura Greeley

Planning Board present: Clara Alvarez, Kevin Malady, Prentice Grassi, Tyler Hadyniak, Brian Murphy, Mary Ann Bennett, Peter Abello

Prentice gaveled the meeting into session at 6:02 pm.

5/21 Minutes

Page 2, first bullet, change language to “Tyler opined”. Change made. Tom Clay’s last name was omitted in minutes. It was added.

Motion to approve minutes as amended (Prentice), Tyler 2<sup>nd</sup>. All in favor? Yes

Entertain a motion to reinstate Tyler as Chair

The situation of the lawsuit Tyler is involved in against the town has changed in such a way that Tyler feels that it is no longer a conflict of interest for him to chair the planning board. Motion to reinstate Tyler as Planning Board Chair (Mary Ann). Clara 2<sup>nd</sup>. All in favor? 6 – 0 – 1, Tyler abstained. Motion passes. Tyler took over facilitation of meeting.

Discussion of potential trailer park on Ayer Ridge Road

A new landowner on Ayer Ridge Road inquired to the town about developing a trailer park on their 5 acres. There is no ordinance regulating such development except the Commercial Development Review Ordinance. The result is this agenda item and 6 Ayer Ridge Road residents were present. Since the news surfaced, a couple of weeks ago, the selectboard learned that aforementioned landowner no longer wants to develop a trailer park on lot, per Laura: landowner of Ayer Ridge Road land said they would never build a trailer park on Ayer Ridge Road, but are looking for land in Freedom to build a trailer park, and an ordinance would be helpful to them.

Deb Deemer – reviewed Montville Mobile Home Ordinance. She had the following takeaways: ordinance is outdated, developed in the mid-1990s; in talking with a Montville resident, the town has had problems with a trailer park that was established in the town in the 1990s.

Brian/Mary Ann – New state law (LD2003) coming into effect 7/1/2024 that will regulate trailer parks, thinks the density of trailers allowed under law would be 2 trailers/2 acres. Mary Ann suggested that Cindy come to the Planning Board and speak about this new law.

The following comments were made in regard to trailer park developments from the public present at meeting

- Impacts property values of neighboring properties.
- Traffic on road would double with such development, feels that Ayer Ridge Road is not built to handle this kind of traffic, encouraged planning board to consider this factor for any future ordinance development.
- Water and wastewater are important factors in a rural town like Freedom with no municipal water/wastewater system
- The value of trailers decline quickly within 10 years of construction.

Tyler said that the Planning Board can start a Trailer Park Ordinance after completing Commercial Solar Ordinance.

Mary Ann asked if a moratorium could be enacted by the town. Laura said that she would bring it up for discussion at the next Selectboard meeting.

Deb Deemer asked what she can do to help. Mary Ann suggested looking at other towns' trailer park-related ordinances and report back to Planning Board on her findings.

#### Other Citizens Concerns

Lindsay Knapp, new owner of 140 Pleasant Street, asked the board about applicability of shoreland zoning ordinance and her potential project of tearing down house/structure on this lot and rebuilding. Tyler suggested she contact Cindy to see how this ordinance would be enforced in this situation.

#### Continue Work on Solar Ordinance

Between 5/21 meeting and tonight's meeting, each planning board member was tasked with reviewing specific sections of existing draft ordinance and applying comments/edits as necessary to align with the results of the solar survey and the Town of Lovell Ordinance. Comments/edits were made on the draft ordinance google doc on Planning Board google drive. Hard copies were printed and provided to all members and residents. Discussion started with Section 1, each edit/suggestion was reviewed and discussed by the board members, Tyler edited the master copy on the google drive as they were agreed to or rejected by board. One proposed edit was voted on due to the vigorous debate on the subject, which was Section 2 Purpose. The discussion was regarding whether the proposed ordinance should only be applicable to photovoltaic systems or leave as is, which encompasses a wider scope of solar energy systems. Motion to reject suggested edits to Section 2 (Tyler); Kevin 2<sup>nd</sup>; discussion? Much discussion ensued. All in favor? 4 in

favor (Tyler, Prentice, Kevin, Peter), 2 abstained (Clara, Mary Ann), 1 against (Brian). Motion passes.

Review of edits/suggestions continued through Section 6.

Actions resulting from this work:

Peter will refine soil study language to provide more specific requirements in regard to soil testing.

Rene Ouellette offered to be the 3<sup>rd</sup> party reviewer/editor of the completed draft ordinance.

Next meeting will be 6/25 6:00pm at town office. Solar ordinance work will continue with review of edits/suggestions starting at Section 7.

Adjournment

Motion to adjourn (Tyler). Multiple members 2<sup>nd</sup>. All in favor? Yes

Meeting adjourned at 8:00pm

Town of Freedom Planning Board Meeting Minutes  
6/25/24  
Town Office

Freedom citizens present: Rene Ouellet

Selectboard present: Laura Greeley

Planning Board present: Clara Alvarez, Kevin Malady, Prentice Grassi, Tyler Hadyniak via phone, Brian Murphy, Peter Abello. Mary Ann Bennett was not present.

Prentice gaveled the meeting into session at 6:15 pm. Motion for Prentice to chair the meeting due to connectivity issues preventing Tyler from joining meeting remotely (Clara), Kevin 2<sup>nd</sup>. All in favor? Unanimous (minus Tyler).

Minutes from 6/11/2024 Meeting

Motion to accept minutes as amended (Prentice), Peter 2<sup>nd</sup>; All in favor? Unanimous (minus Tyler who was still not able to join)

Note: the meeting started late due to no one present had the key to the office. Tyler drove in from home with sick daughter and opened the office, then drove back home to join the meeting remotely. Laura Greeley arrived late to the meeting; she did not know there was a planning board meeting tonight. Per Laura, the meeting was not posted/no public notification. The date and time of tonight's meeting was not part of the regularly scheduled planning board meetings (2<sup>nd</sup> Tuesday of the month). Tyler, now able to join remotely, argued that there was public notification as there was discussion and approval by the planning board at the 5/21/24 meeting to meet every 2 weeks until solar ordinance draft is completed. Discussion of adjourning the meeting ensued resulting in a motion to adjourn (Kevin); Brian 2<sup>nd</sup>. All in favor? Yes.

Meeting adjourned at 6:48 pm

Town of Freedom Planning Board Meeting Minutes  
7/9/24  
Town Office

members of public present: Ron and Barbara Littlefield, Lindsay Knapp

Selectboard present: Laura Greeley

Planning Board present: Clara Alvarez, Prentice Grassi, Tyler Hadyniak, Brian Murphy, Peter Abello, and Mary Ann Bennett. Kevin Malady was not present.

Tyler gaveled the meeting to order at 6PM. We began by approving the minutes from our meeting on 6/25. In the end, we decided not to conduct any business at that meeting given the fact that there was a question as to whether it was properly posted.

Tyler opened the floor to citizen's concerns. Ron Littlefield asked whether townspeople would be able to continue to use the Beaver Ridge Rd. as they have in the past. Tyler said that this was not a question for the Planning Board at this time.

Next, Lindsay Knapp gave the Board an update on her thinking about her newly acquired property, the former Hubbard House on Pleasant St. (140 Pleasant St.) at the head of Sandy Pond. She informed the Board that she no longer believes that the house is salvageable. She now plans to demolish the house and build a new structure. She also would like to do some regrading of the property to lessen the drop from the lawn to the street as well as create a ditch by the road. Ron Littlefield is planning to do this work. Because they anticipate moving less than 10 cubic yards of material, the Board agreed that the CEO, per our Shoreland Zone Ordinance, would have authority to oversee this work.

Lindsay provided the Board with a map, attached to a building permit application, that the buildings, and much of the property, are in the 250' restricted area of the Shoreland Zone. Clearly, any building within this area would require Planning Board approval. What is unclear is whether any demolition would also require a permit. Tyler agreed to research this question and be in communication with the CEO so that they can proceed. Laura wondered whether the Shoreland Zone Ordinance needs to be amended to help clarify these issues.

Next , the Board moved to its continuing work on a Commercial Solar Ordinance. We started with Section 7. Mary Ann and Clara took the floor to describe the changes that they made to this section. Revisions are as follows:

Section 7. A: Lot coverage. The Board agreed to use the language from the Lovell Ordinance. We agreed to have a maximum project size of 10 acres. For comparison, the Curra Solar Project in Knox is roughly 10 acres.

Section 7. B: We agreed to leave this section as it is in our original draft.

Section 7. C: Setbacks. We discussed a 200' setback requirement. Tyler suggested that this seems arbitrary. Is there a reason for 200'? After discussion, the Board agreed to a 200' setback to the security fence from adjacent property lines. The buffer/screening area would be required within this 200' area. The Board agreed that height restrictions should be struck from this section and addressed elsewhere in the ordinance.

Section 7. D: Restricted areas. This section led us to discuss areas in town where solar development would be prohibited. Laura pointed to the survey in saying that there are areas (ie. the village, along main roads, along water bodies) where residents did not want to see commercial solar arrays. A number of Board members were wary that defining prohibited areas of town might cross into the purview of a zoning ordinance, which the town does not currently have and would be the responsibility of the town's legislative body to adopt. In the end, Prentice suggested that this section stay as written and that these concerns be brought in a different section.

Section 7. E: Utility Notification. This language was taken from the Lovell Ordinance and we agreed to leave it as written.

Section 7. F: Fencing. This language was taken from the Lovell Ordinance and we agreed to leave it as written, with the minor change to the height off the ground changed from 5" to 6".

Section 7. G: Signage. Board agreed that this language was good.

Section 7. H: Screening. The board agreed to take this subject up at the next meeting.

At 7:30PM, Laura asked to address the Board about some concerns.

The next meeting date is set for July 23 at 6PM.

Meeting adjourned at 8:00 pm

Respectfully submitted,

Prentice Grassi

Town of Freedom Planning Board Meeting Minutes  
7/23/24  
Town Office

Freedom citizens present: Mike Smith, Willa Dibner, Steve Bennett, Elaine Higgins, Drew Fales

Selectboard present: Laura Greeley, Heather Donahue

Planning Board present: Clara Alvarez, Kevin Malady, Prentice Grassi, Tyler Hadyniak, Mary Ann Bennett, Brian Murphy, Peter Abello.

**1. Gavel into session at 6 pm**

Tyler gaveled the meeting into session at 6:00 pm.

**2. 7/9/24 Minutes**

Motion to approve minutes (Tyler); second? (Kevin). All in favor? Motion passes 7 – 0.

**3. The Great Cathart** – in reference to concerns about Tyler’s actions as planning board chair that Laura brought up to planning board at 7/9 meeting. Specifically, these actions were brought to light due to FOAA requests made by Lincoln Frasier and Kirk Thomas, regarding Tyler and commercial solar array developer, Chris Byers during planning board’s work on commercial solar ordinance from fall of 2023 to spring of 2024. As a result, discussion ensued at that meeting about whether or not to remove Tyler from the Planning Board. Planning Board members expressed concern but did not have all the information to decide. Prior to tonight’s meeting, Tyler shared with the planning board all the emails between Chris Byers and Tyler that were part of the FOAA request and asked that Planning Board Members read through the emails and be prepared to discuss at next meeting (7/23).

**A. Citizen Concerns**

Citizens weighed in voicing concern, made comments on whether Tyler should be removed from planning board. There were statements made both in favor of Tyler being removed and not in favor.

**B. (Planning) Board Member Concerns**

Each planning board member present made statement. A common thread in their comments was one of concern that Tyler overstepped in his role as planning board chair during the period documented in subjected emails.

#### **Statement from Chair**

Tyler read a prepared statement.

**Discussion about Beaver Ridge Road will be ruled as out of order subject to an overriding vote by majority of PB. If people want to talk with me about the lawsuit, I have filed regarding BRR then I will invite them to stick around after the PB meeting is over.**

No overriding vote

#### **4. Roll Call Vote: PB members vote on Tyler's retention as Chair.**

Motion (Tyler): to have a written vote on the question: shall Tyler remain as Planning Board Chair. Kevin 2<sup>nd</sup>. Written vote results: 5 yes 1 no, with Tyler abstaining.

#### **5. Work on Solar Ordinance**

Worked on sections 7H and 7I. Will resume work starting with section 7J.

Discussion from citizens whether or not Freedom can ban commercial solar arrays all together. Steve Bennett stated that they can because the town has a Town Charter and Maine is a home rule state. Laura will look into this.

#### **6. Adjourn**

Motion to adjourn (Tyler); second (Kevin), all in favor? 7 – 0, motion passes. Meeting adjourned at 8:03 pm. Next Meeting August 13, 2024.

Respectfully submitted by Peter Abello



Town of Freedom Planning Board Meeting Minutes

8/13/24

Town Office

Freedom citizens present: Mike Smith, Willa Dibner, Lindsay Knapp

Freedom Town Officials Present: Heather Donahue (Selectperson), Cindy Abbot (CEO)

Planning Board present: Clara Alvarez, Kevin Malady (arrived late), Tyler Hadyniak, Mary Ann Bennett, Brian Murphy, Peter Abello. Absent: Prentice Grassi

**1. Gavel into session at 6:00 pm**

Tyler gaveled the meeting into session at 6:01 pm.

**2. Approve 7/23/24 Minutes**

Clara requested that the minutes be amended to add the names of the people who filed the FOAA request. All agreed the names should be added; they were added to the minutes. Motion to approve minutes as amended (Tyler); second? (Mary Ann). All in favor? Motion passes 5 – 0.

**3. Lindsay Knapp Construction Permit?**

Lindsay recapped her proposed building project on pleasant street which consists of removing the standing structures on the lot now and building two new structures (house and garage). The lot is a non-conforming lot (1.25 acres) within the shoreland zone (within 250 feet from Freedom Pond). She has submitted a Shoreland Zoning Permit Application to the town. The two new buildings will not be any closer than 200 feet from the pond, 90 feet from abutting property line to the southeast and total square footage of new construction will be less than the old structures on the lot. Also, no plumbing permit is needed as the existing septic and leach field are functional/adequate. The planning board agreed with the proposal, formally Tyler made a motion to approve permit request with an order from Tyler to follow that articulates the approval in writing. Mary Ann 2<sup>nd</sup>. All in favor? Motion passes 5 – 0. Tyler will write the order and provide it to Lindsay. Lindsay thanked the planning board and left the meeting.

**4. The Lost Kitchen – if there is anything to talk about, we can mention it here.**

Cindy stated that from her perspective, The Lost Kitchen needs to start a new permit application. The original approval was for 4 cabins with no plumbing. Now there are more than 4 and a new bath facility under construction. The bath facility will have 2 sinks

and 2 toilets. This will require a plumbing permit. Tyler spoke with Michael of The Lost Kitchen earlier today and Mike plans to submit a revised permit application.

#### **4a. Citizen's Concerns (interjected agenda item)**

Heather asked Cindy about LD2003, a bill passed by Maine Legislature and signed into law by Governor Mills to increase housing opportunities across the state. The law is designed to remove unnecessary regulatory barriers to housing production while preserving local ability to create land use plans and protect sensitive environmental resources. Cindy, who is the CEO for 7 Waldo County Towns, including Jackson, which just passed an amendment to their building ordinance in response to this new law. Cindy gave an example of one of the amendments: subsurface plan required if structure (e.g., trailer) is on site more than 7 days. Cindy said she would get us a copy of the updated ordinance for our review. Tyler said that the planning board would add LD 2004 to the list for future discussion/action.

Willa: The country of Italy just stopped all commercial solar development on land that can support agriculture.

#### **5. Solar Ordinance Work**

Commenced work on section 7. Mary Ann led the discussion as she had made the suggested changes to this section. All changes were verbally approved by the board. Worked on sections 8 and 10, tabled section 9 until next meeting because that is Prentice's section. Proposed changes to sections 8 and 10 were verbally approved. Approved as is Sections 11, 12 and 13. The verbally approved changes were made in real time in live google doc Draft Ordinance – see that document for details. Two items to note as a result of this work:

- Tabled pfas discussion for next meeting when Prentice is here.
- Added the requirement of a licensed survey to section 7b.
- Cindy suggested once the ordinance is final and approved by the town to create a checklist to keep track of required items necessary for approval and an operation and maintenance checklist to help the town keep track of operation and maintenance requirements.

Clara volunteered to contact the Town of Lovell and research application and permit fees and how that Town handles them.

#### **Adjourn**

Motion to adjourn (Tyler); Mary Ann 2<sup>nd</sup>. All in favor? Motion passes 6-0. The meeting adjourned 8:01 pm. Next meeting: August 27 6:00 pm at Freedom Town Office.

Respectfully submitted by Peter Abello

Town of Freedom Planning Board Meeting Minutes  
8/27/24  
Town Office

Freedom citizens present: Mike Smith, Willa Dibner

Freedom Town Officials Present: Laura Greeley (Selectperson)

Planning Board present: Clara Alvarez, Kevin Malady (arrived late), Tyler Hadyniak, Mary Ann Bennett (arrived late), Brian Murphy, Peter Abello, Prentice Grassi

**1. Gavel into session at 6:00 pm**

Tyler gaveled the meeting into session at 6:00 pm.

**2. Approve 8/13/24 Minutes**

Forgot to add Clara's homework assignment to contact the town of Lovell regarding their permit and application fee structure/sop. Added. Motion to approve 8/13 minutes (Tyler); Peter 2<sup>nd</sup>. All in favor? Motion passes 5 – 0.

**3. Citizen's Concerns**

Laura had 3 concerns to discuss:

1. Town Records show that there are several town officials (including some planning board members) that don't have official records showing that they have been sworn into the position nor have they taken the proper training such as ethics. MMA (Maine Municipal Association) requires this of town officials. Suggested the planning board review terms of board members and ensure the proper documentation is in place. Discussion ensued. Laura will investigate whether MMA would allow a group swearing-in (i.e. all planning board members be sworn in at the same time). Clara suggested that each member find their official planning board certificate. If you don't have one, come into the office during business hours and get sworn in.
2. Marijuana ordinances. Laura recently spoke with a town resident that said they have worked with a lawyer to start a marijuana business and noted that the town of Freedom's ordinances has loopholes. She suggested that the Planning Board review these ordinances. Tyler acknowledged that the planning board will take this up.
3. Lost Kitchen. Question: have they stopped construction? What is the status? Tyler responded that he is expecting a CDRO application by the next meeting.

## Finish Solar Ordinance

### Section 9

Added requirement for operator/owner to report to the Town on energy generation of SES monthly.

### Section 10

Clara reported on her homework from 8/13 meeting. Town of Lovell said that accounting of permit/application fees not burdensome.

The planning board agreed to keep language on security deposit vs switching to application fee.

Unanimous approval to add language requiring that all exposed parts of solar panels shall be pfas free.

Requiring panels of a permitted SES in Freedom to be American Made was brought up for discussion. This was a carryover from a comment from Willa at the 8/13 meeting. Motion (Brian) requiring that solar panels of a permitted SES in Freedom be American Made. 2<sup>nd</sup> (Clara). Discussion. The following arguments both for and against were raised in response to this motion:

- This could be challenged legally.
- This would be an overstep/infringement on the ability to conduct business in the town
- Table the discussion/topic until the board can research to see if this is feasible
- This is an opportunity to send a message to the residents of Freedom and beyond that the town cares about American Made products
- This is the right thing to do

No further discussion. All in favor? Motion passes 4 – 3. In favor: Mary Ann; Clara; Kevin; Brian. Not in favor: Tyler, Prentice, Peter. Provision added to section 7a of draft ordinance.

Motion (Tyler) to send draft ordinance to Rene Oullette to copy edit the draft before sending it to the Selectboard (Rene had offered to copy edit the planning board draft at a previous meeting). 2<sup>nd</sup> (Clara). All in favor? Motion passes 7 – 0.

Will Dibner requested a copy of the draft ordinance. Tyler will email a copy to Willa.

Adjourn

Motion to adjourn the meeting (Tyler). Kevin 2<sup>nd</sup>. All in favor? Motion passes 7 – 0.  
Meeting adjourned at 7:56 pm

Next meeting: September 10. Expect to be approving final draft of Solar Ordinance and prioritizing the next tasks of the planning board.

Respectfully submitted by Peter Abello

Town of Freedom Planning Board Meeting Minutes  
9/10/24  
Town Office

Freedom citizens present: Mike Smith, Willa Dibner, Erin Richardson, Michael Dutton, Steve Bennett

Freedom Town Officials Present: Laura Greeley (Selectperson), Cindy Abbott (CEO)

Planning Board present: Clara Alvarez, Tyler Hadyniak, Mary Ann Bennett, Brian Murphy, Peter Abello, Prentice Grassi (arrived late), Kevin Malady (arrived late)

**1. Gavel into session at 6:00 pm**

Tyler gaveled the meeting into session at 6:01 pm.

**2. Approve 8/27/24 Minutes**

Added detailed breakdown of how each board member voted on whether to add “American Made” language to draft solar ordinance. Motion to approve 8/27 minutes as amended (Tyler); Mary Ann 2<sup>nd</sup>. All in favor? Motion passes 5 – 0. Minutes were amended in live google doc in real time.

**3. The Lost Kitchen Shoreland Zone Application**

Michael Dutton of The Lost Kitchen (TLK) provided background on the development project on their lot in Freedom Village (Tax Lot 11), and where it is now. In 2020, the Planning Board approved through the Shoreland Zone Ordinance, the construction of 6 cabins on their property, since then 3 have been built. The construction site falls within the 250-foot shoreland zone area. All 3 cabins were constructed within a year of permit issuance. A fourth structure, an 8ft x 14ft lavatory, is currently under construction. Wastewater from the lavatory will be connected to an existing septic tank on the lot that was installed and permitted via a plumbing permit by the previous landowner. TLK did not submit another permit application for the lavatory because they thought they were already permitted for it in 2020 along with the 6 structures. Once alerted to the fact they needed a permit, TLK submitted a permit application to the planning board on 8/27/24. Per application, the structure will be 142 feet from the normal high-water mark of a regulated waterbody in town of Freedom’s shoreland zone ordinance.

Clara had two concerns. (1) The format of the shoreland zone permit application, there seems to be two different formats, which one is correct? Answer given: the one that TLK used for this most recent application is the correct one. (2) Permitted for 6 structures, 3 were built between 2020 and 2021 and then in 2024 construction of the lavatory (structure #4) was started. Clara asked Cindy if this would be a violation. Cindy

responded: “yes”. Clara continued that according to permit, TLK needs to be written up and potentially fined. Wants to ensure provisions in the town’s ordinances are applied consistently, citing a situation recently where a landowner was fined for a violation of the Shoreland Zone Ordinance in Freedom.

Discussion ensued regarding whether the situation constitutes a violation. The general consensus of whether or not to issue a fine rests solely on the CEO; furthermore, this development is still within the original scope of permit issued in 2020, the only difference being a wastewater pipe from lavatory to septic tank. The question of needing a plumbing permit was discussed but decided not needed because a permit was issued when the septic tank was installed under the previous owner. Motion to approve TLK’s shoreland zone permit application to construct an 8’ x 14’ lavatory 142 feet from high water mark of Sandy Stream (Mary Ann); Tyler 2<sup>nd</sup>. No further discussion. All in favor? Motion passes 5 – 0. Tyler will formalize the decision in writing and send out to planning board, CEO and TLK.

#### **4. Citizen Concerns and Finish Solar Ordinance**

Steve Bennett had the following concerns with Draft Solar Ordinance:

Page 4 – replace “developer” with “manufacturer of panels” regarding the source of toxicology report of the panels of a proposed SES development. Consensus agreement from planning board to change this language.

Page 5 – a statement on this page allows the planning board to waive any requirement in the ordinance. Steve suggested that there should be no way to waive a requirement. Consensus agreement from planning board to delete this provision in draft ordinance.

Page 6 – pfas report on the panels from “developer” should be changed to “manufacturer of panels”. Consensus agreement from planning board to change this language.

Changes were made in real-time on Working Draft of Solar Ordinance Google doc.

Steve wants to ban solar arrays on open farmland. Argues that because Maine is a “Home-Rule” State, towns can do this. This is conflict to guidance the town has received from MMA which they say enacting a ban or overly restrictive ordinance will open the town to lawsuits.

Willa Dibner had the following concerns regarding Draft Solar Ordinance:



Under definitions section – add definition of prime farmland instead of just referring to USDA definition. Much discussion about this. Consensus from planning board not to change how it is currently worded in draft solar ordinance.

Setbacks for Significant Wildlife Habitat and Wetlands – there is no language currently in draft ordinance, suggests adding it. This led to a discussion on setback language in the draft ordinance which is currently 200 feet from any property line. Several non-planning board members present said that this is not restrictive enough. Laura expressed concern that results of the solar survey were clear residents do not want commercial solar development in town. She is in favor of making it more restrictive. 1000 feet setback was proposed because of this discussion. This aligns with the setbacks in Freedom’s Wind Ordinance. Motion (Brian) to change the required setback distance of a SES from a property line from 200 feet to 1000 feet in Draft Commercial Solar Ordinance. Mary Ann (2<sup>nd</sup>).

Discussion:

- Kevin concerned about this being a de facto moratorium which would open the town to lawsuits
- Prentice reminded folks that yes, most survey respondents do not want solar arrays in town but there were a number of respondents who were concerned about restricting landowner rights, this change would make it too restrictive.
- Tyler is ok with 200-foot setback as it is the most restrictive of the ordinances the planning board researched.
- Laura is in favor of the 1000-foot setback, but she will check with MMA to see if this would too restrictive. If MMA says it is too restrictive, she will ask what the maximum setback would be without being too restrictive.
- Clara ok with 200 foot setback.

All in favor? Motion passes 4 – 3. (in favor: Peter, Mary Ann, Kevin and Brian; opposed: Prentice, Tyler, Clara)

## **5. Next Meeting date: September 24, 2024**

Topics for next meeting:

- Max height language of solar panels in Draft Solar Ordinance
- Screening language in Draft Solar Ordinance
- Rene’s copy edits comments on Draft Solar Ordinance
- Laura’s conversation with MMA

Motion to adjourn the meeting (Tyler). Mary Ann 2<sup>nd</sup>. All in favor?  
Motion passes 7 – 0. Meeting adjourned at 8:04 pm

Respectfully submitted by Peter Abello

Town of Freedom Planning Board Meeting Minutes  
9/24/24  
Town Office

Freedom citizens present: Mike Smith, Willa Dibner, Steve Bennett, Tom Clay, Ron Littlefield, Barbara Littlefield, Kyle Price, Ron Price

Freedom Town Officials Present: Laura Greeley (Selectperson), Heather Donahue (Selectperson)

Planning Board present: Clara Alvarez (via zoom), Tyler Hadyniak, Mary Ann Bennett, Brian Murphy, Peter Abello, Prentice Grassi (arrived late), Kevin Malady (arrived late)

**1. Gavel into session at 6:00 pm**

Tyler gaveled the meeting into session at 6:00 pm.

**2. Approve 9/10/24 Minutes**

Motion to approve 8/27 minutes as written (Tyler); Mary Ann 2<sup>nd</sup>. All in favor? Motion passes 5 – 0.

**3. Citizen Concerns**

Kyle Price:

- Commended the planning board on their work on the solar ordinance.
- Encouraged the board to reinstate waiver language that was removed at the last meeting, to give planning board flexibility for unique situations, e.g. what if neighbor of a proposed SES wouldn't mind if an SES is sited closer than the required setback in the ordinance
- The 1000-foot setback approved by the planning board last meeting restricts property rights
- Asked what the long-range plan of the town is. Are we going to be a town that welcomes well thought out development or are we a town that is going to keep the status quo and close doors to change?
- Debunked concern about pfas in panels, reminding board and those present that its everywhere and the little amount found in solar panels shouldn't restrict its application

Steven Bennett:

- Expressed concern about pfas impacting drinking water and we shouldn't be allowing development that we know will increase potential of pfas leaching into water table.

Willa Dibner:

- Ok with reinstating waiver provisions in ordinance.

Heather Donahue:

- Frustrated, seemingly angry, that none of the changes that were discussed in a meeting in July made it into draft solar ordinance. It turns out that Heather was not looking at most recent working copy of draft ordinance, many of the changes she said were not there, were present in the most recent working draft.

This led to discussion/ideas for improving integrity of working copies of ordinances with no real actionable decision.

Laura Greeley:

- Residents at Monday's Selectboard Meeting asked the selectboard to take ordinance from planning board and finish it. She said that residents present at that meeting requested that several of the planning board members be replaced. Selectboard voted at that meeting to take solar ordinance from the planning board and finish it themselves.
- Asked MMA whether 1000-foot setback is too restrictive and would such a provision open the town to legal action. MMA responded yes, per Laura. Open to and intends to research the possibility banning commercial solar in Freedom due to Maine being a home rule state
- Reminded everyone that there is 6 months left in commercial solar moratorium concerned about getting ordinance done prior to that.

Prentice Grassi:

- Spoke of survey respondents who expressed concern that the ordinance should not be too restrictive of landowner rights. Reminded everyone that in the solar survey there were votes in favor of commercial solar in town.

#### **4. Finish Solar Ordinance**

The Selectboard at their 9/23/24 meeting voted unanimously to take the solar ordinance from the planning board. As a result, no further action was taken on this subject.

#### **5. Next Meeting date: October 8, 2024**

Next meeting will focus on developing a priority list for the planning board's work going forward. A list was informally discussed:

Trailer Park ordinance

LD 2003

Review old ordinances to see if they need updating  
Update Shoreland Zone Ordinance

Motion to adjourn the meeting (Tyler). Mary Ann 2<sup>nd</sup>. All in favor? Motion passes 7 – 0.  
Meeting adjourned at 7:25 pm

Respectfully submitted by Peter Abello