

Kingfield Planning Board

Date: Tuesday, January 10, 2023

Location: Webster Hall

Time: 6:00-7:20

Topic: Planning Board ordinance; Contract Zoning ordinance

Present: J. Clukey, S. Davis, R. Hawkes, S. Hoisington, B. Smith, C. Tranten; Billy Gilmore, interim CEO

Absent: M. Wahl

Public: Mark Green, John Beaupre, Tom Hildreth

Chair Clay Tranten called the Tuesday, January 10 meeting to order at 6:00 p.m. Richard Hawkes moved acceptance of the minutes of the 12/13/22 minutes, seconded by Scott Hoisington and passed with Babe Smith abstaining as he was not at the meeting.

Planning Board Ordinance

There is confusion about the form of the Planning Board. Originally constituted with 5 members and 2 alternates, it was changed to 7 members to manage the Poland Spring application. Board members Sue Davis and Clay Tranten will ask Administrative Assistant Leanna Targett to find the documentation to clear up conflicting information. Jared Clukey moved to table the issue for future review, seconded by Smith and passed unanimously.

The problem

Growth issues in the community, from new arrivals and new businesses to housing, are putting pressure on planning boards. From Kingfield to Eustis they are looking for ways to accommodate change more efficiently.

Housing is a near-crisis-level issue. Local businesses like Arc Welding cannot grow; Longfellow's reduced its hours from 7 days a week to 5; 'help wanted' signs abound. Seasonal workers can't afford to live in the area. Sugarloaf is housing workers in Kingfield's Hotel Herbert and in Stratton.

Carrabassett Valley funded a regional housing study of the entire area that defined the problem clearly. Kingfield meets all the criteria for workforce housing because it is rich in necessary amenities and is walkable.

Contract Zoning ordinance

Current zoning throughout the region can sometimes limit growth, when growth might be desired by both the property owner and town on a particular piece of property (housing options would be one example). Hawkes researched contract zoning as a possible solution that could avoid the necessity of re-writing entire zoning ordinances, which can take years. He found contract zoning has been added to many towns and cities' zoning ordinances in the state of Maine, allowed by state of Maine statutes. Examples include Dayton, Standish, Sanford, Portland, Castine, Saco, Bath, Gorham, Bangor and more.

Contract zoning is a free-standing section of a municipality's zoning ordinance. If a contract zone is approved, the applicant still needs to go through the planning process to get approval for their project. The only difference is that an approved "contract" between the property owner/developer and the municipality would outline the unique requirements and maybe restrictions with which the project must comply. The approved contract is then attached to the zoning ordinance as an appendix.

Once contract zoning is in place by the town, the normal avenues of approval apply (CEO review, planning board review, hearings, findings of fact, site plan review, etc.) with a major difference in that the Select Board, with a required Planning Board endorsement, has final approval authority over each of these projects.

The town will need a legal review of the contract zone wording, to assure that the updated ordinance meets all necessary legal standards. The Carrabassett Valley select board approved such a review at its Monday, 1/9 meeting in hopes that it might be a model for Kingfield, Coplin and Eustis as well.

Tranten pointed out that each town may have its differences, which will need to be clarified, although he also expressed an interest in not paying twice for the same opinion. Interim code enforcement officer noted that Maine
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Municipal Association could render some legal advice. Tranten will ask Targett if one lawyer could represent two towns.

Timeline

Tranten and Davis proposed doubling up on meetings in order to meet an April deadline to submit an article on contract zoning for the warrant for the annual town meeting in June. The board agreed to the schedule of meetings every two weeks until the end of February: Tuesdays, January 24, February 7 and 14. Assuming the Board has approved the ordinance and the Select Board approves, the Planning Board will schedule a meeting on March 7 as a public information hearing and a meeting on March 14 as a public hearing.

In an attempt to review the ordinance in time for approval by the Planning Board at its next meeting, Jared Clukey moved to allow Tranten, Hawkes and Davis to have a work session on the contract zoning ordinance and to put their suggestions in a Google doc that would be shared with the rest of the board before the next meeting, seconded by Smith. The motion passed unanimously.

Hoisington moved that the board inform the Select Board on its work on incorporating contract zoning into existing ordinances, seconded by Davis. The motion passed 5 to 1, Smith against the motion. Tranten will arrange to be on the agenda for a Select Board's meeting.

Contract zoning definition

Guest Tom Hildreth pointed out that contract zoning is for many things. Hawkes noted that Sanford lists as many as 10 uses they have made of it. All agreed that it was important at the information and public hearings to make clear that this was not for housing exclusively, that it accommodates many forms of growth.

Incorporation into the current zoning ordinance

Hawkes felt that the contract zoning ordinance fit in specific areas of the current zoning ordinance: section 2 in Definitions and in section 5, Zoning Districts and Overlay Zones.

Hawkes moved to adjourn, seconded by Smith and passed unanimously.

Respectfully submitted,

Sue Davis, Secretary