

Kingfield Planning Board

Date: Tuesday, May 9, 2023

Location: Webster Hall

Time: 6:00-7:50

Topic: Carrabassett Coffee garage; Contract Zoning ordinance

Present: J. Clukey, S. Davis, R. Hawkes, B. Smith, C. Tranten, M. Wahl; Bob Lightbody, CEO

Absent: S. Hoisington,

Public: Bob Luce, Rob MacMichael, Tom Hildreth, Polly MacMichael

Planning Board Chair Clay Tranten opened the meeting at 6:00 pm. He noted that all members were present except Scott Hoisington who was out of town.

Approval of the Agenda and minutes of the April 4 meeting

Tranten asked for approval of the Agenda, moved by Babe Smith, seconded by Mark Wahl. Sue Davis noted that she had added "Report from the CEO" to the agenda in order to ask if the code enforcement officer could report activity such as building permits, etc., to the Planning Board at each meeting in order to keep Planning Board members apprised. CEO Bob Lightbody responded that that would not be a problem, he would be glad to do it

Richard Hawkes moved approval of the minutes of the April 4 Planning Board meeting, seconded by Jared Clukey. Passed unanimously

Carrabassett Coffee owner Bob Luce application for garage

When CEO Lightbody received Bob Luce's application to add a 44' x 52' garage/storage building on the south side of the Carrabassett Coffee building, Lightbody looked at the property's records and noticed that there was no record of a storm water management plan for the property between Valley Gas and the coffee company. Luce reported that one had never been requested. After discussion, it was determined that based on buildout on the lot, none would be needed for the addition of the building, nor would a DEP permit be needed.

But Luce added that he would be coming back to the Planning Board as soon as next year for approval of expansion of the main building to the back of the property. Carrabassett Coffee, which Luce purchased recently, doubled over the pandemic: instead of one storage container in the back he needs at least two more and workspace in the building is severely constrained.

As that would be expanding the built part of the lot, DEP and possibly other permits would be required. Luce would be working with his engineering firm St. Germain. At that time, a storm water management plan and any other necessary permitting could be determined. There was discussion about Lightbody contacting DEP at this time but he thought it premature. ~~and did not want "to open a can of worms."~~

Sue Davis moved, seconded by Jared Clukey, to approve the application for the garage building with the condition that a storm water management plan and any other permitting, be investigated and required for any further development on the lot. As contractor for the project, Mark Wahl abstained. The motion passed unanimously 4-0 of those present.

Review Contract Zoning

Tranten explained that the Planning Board has two articles on the June 3 Town Meeting warrant that represented new zoning: Contract Zoning and signage. Because both represent the only new components of the 1989 zoning ordinance that has received extensive editing to remove redundancies and to include reference to the Comprehensive Plan, Tranten explained that if both were rejected, the 1989 ordinance would remain unchanged.

If only one were rejected, the improved ordinance would be approved, but not include the rejected article. In either case, the Planning Board would go back to the drawing board. In the case of the signage article, further study would create a possible stand-alone ordinance. ~~that could be lengthy.~~

At Davis's request, Richard Hawkes led the board through the step-by-step process of handling a contract zoning application, should it be approved:

1. Phase 1: Preliminary joint review by CEO, Planning Board and Select Board.
 - a. Applicant files application with CEO and Planning Board
 - b. CEO and Planning Board evaluate application for completeness
 - c. Planning Board and Select Board conduct a joint preliminary review
2. Phase 2: Planning Board review: the "Heavy Lifting"
 - a. Site plan approval
 - b. Information hearing for voters
 - c. Public Hearing followed by provisional approval to the site plan and findings of fact, if a subdivision
 - d. Planning Board endorsement, positive or negative, forwarded to Select Board
3. Phase 3: Select Board and Town approval
 - a. Select Board approval or denial; if latter, the process ends
 - b. Town Meeting if Select Board approves for final public citizen approval
4. Phase 4: Final Planning Board Action
 - a. Final Site plan approval
 - b. Applicant records the contract zoning agreement in the registry of deeds.

All noted that there were 4 points at which voters could decide to reject an application, not counting their right and ability to attend all Planning and Select Board meetings:

1. Planning Board and Select Board preliminary hearing
2. Planning Board-conducted information meeting
3. Planning Board-conducted Public Hearing
4. Town Meeting Vote

Hawkes prepared a 15-point list of considerations to determine if the proposed contract zoning application is in the public interest and has beneficial effects on the Town as a whole that would not result if the property were developed under existing zoning district classifications.

If contract zoning gets approved at the June 3rd meeting, the above two documents (procedural steps and 15 point considerations) could be used for any applications submitted. If deemed helpful, they could be added to the zoning ordinance as appendices at our next update.

Town Meeting

Tom Hildreth asked who would be representing Contract Zoning for the Planning Board at the Town Meeting. Richard Hawkes and Clay Tranten both responded that they would speak to it.

Polly MacMichael brought up a previous Select Board topic related to drive-thru's and could contract zoning be a way to prohibit new drive-thru's in the town. The answer is no. Our current zoning ordinance does not prohibit drive-thru's. The topic could be discussed in a public forum and voted on at our annual meeting.

At 7:45, Hawkes moved to adjourn, seconded by Mark Wahl. The motion passed unanimously.

Respectfully submitted, Susan Davis, Secretary