

Kingfield Planning Board

Date: Tuesday, Sept. 19, 2023
Location: Webster Hall
Time: 6:00-8:05 pm
Topic: Public Hearing on WMMH CZ application
Board: Jared Clukey, Sue Davis, Richard Hawkes, Scott Hoisington, Babe Smith, Clay Tranten, Mark Wahl

Public: Town officials: Leanna Targett, Wade Brown, Kim Jordan, Hunter Lander; WMMH officials: Mark Green, Jesse Thompson, John Beaupre, Lloyd Cuttler, Tom Hildreth, Brooklyn Leclair, Cynthia Orcutt; public: Judy Bemis, Michelle Beedy, Kat Carlson, Jence Carlson, Valarie Cheimis, Diane Christen, Amy Clukey, Adam Craig, Jane Deely, Dave Deluca, Christen Dilworth, Ian Donnelly, Chip Eames, Laura Godin, Penny Hall, Kathy Houston, Marilyn Howe, William Howe, Taylor Jordan, Robin Konieczko, Jeffrey Maget, Donna Miller, Seth Page, Annie Pendency, Kim Robinson, Audrey Tague, Travis Targett, Annie Twitchell, John Witherspoon, Rob Woodhouse.

Introduction by the Planning Board

Kingfield Planning Board Chair Clay Tranten opened the September 19 Public Hearing at 6:00 pm at Webster Hall. Tranten welcomed attendees and explained that this hearing was about Contract Zoning changes to regular zoning that were being sought by the applicant, Western Maine Mountain Housing (WMMH), as they seek approval for workforce housing on a lot in Kingfield Village. He then turned the meeting over to Richard Hawkes.

Hawkes explained that this Planning Board Public Hearing is to hear from the public about creating a workforce neighborhood. It welcomes positive and negative comments. For background, Hawkes noted that the vote at Town Meeting in June approved contract zoning as a tool to allow the Town to meet some of the goals and strategies of the comprehensive plan, in this particular case for housing.

Contract Zoning gives the Planning Board, the Select Board and in the end the voters the ability to relax some of Kingfield's zoning ordinances. This is the Planning Board's first application for Contract Zoning. Over the past two months the Board has been working with WMMH on this process, starting with 40 questions on their application, discussed over about 8 meetings and workshops. "It's been a very collaborative effort, agreeing and disagreeing and finally agreeing on what we want in this rezone," summarized Hawkes.

"One of the things we did during those two months," continued Hawkes, "was to have a 'charette' to conceptually design this parcel of land. Important to us, a lot of young people who might actually want to live there participated. Both we and WMMH listened to them. We summarized these comments around density, behavior and occupancy. Our next step is to hear your comments and concerns. Then the Planning Board will have a workshop October 3rd and our regular PB meeting October 10 at which we will vote to approve the application or not. If we approve it, we will send the application along to the Select Board and provide a report. But first we need to hear from you," Hawkes summed up. He then turned the meeting over to Mark Green, the Executive Director of the WMMH.

Western Maine Mount Housing presentation

“We want to thank the Planning Board,” began Green. “We’ve met with them 4 times and we appreciate the fact that the Town of Kingfield appreciates what we’re doing. This all started in 2021, before I got involved, when the Carrabassett Valley Select Board was getting complaints from local businesses that they couldn’t get employees because workers couldn’t find places to live. The CV Select Board commissioned Camoin Associates, an economic development firm, to do a study. (As a town manager for years before retiring here) I had worked with the man leading the study and found him very knowledgeable, highly regarded by the Maine Municipal Association.”

“This is not a Valley problem but a regional problem,” Green continued, “So Camoin combined the study area to include Eustis-Stratton, Coplin, Carrabassett Valley and Kingfield. They interviewed local employers and all confirmed, yes you have a serious problem here. This is not a Kingfield problem, it’s really a national problem.

“Some of the specifics of the study,” Green continued, “included the median sale price of a house was \$385,000, which means you have to earn \$100,000/year to afford a house, only 17% of houses sold in 2021 were affordable to people earning the study area’s median income, somewhere around \$53,000/year. A lot of year-round and seasonal workers are commuting long distances, approx. 1,100 people commute 25 miles or more to this area to work. Approximately 285 households in the study area are spending more than they should on housing. There are underhoused young adults that live with someone other than a partner or spouse who would love to have their own house. We need somewhere between 100-300 units of affordable housing. That is the number we started working with.

“The committee then became a non-profit in 2022,” Green continued. “Each town in the study area appointed a representative to the board: Cindy Orcutt was appointed by the Kingfield Select Board to represent Kingfield. There are now 14 people on the board, all related to the area in one way or another. We’ve had 4 meetings, we hired architect Jesse Thompson who will be speaking next to talk about concept plans. Richard talked about the (charette) meeting on July 27 with people who helped with the design, which Jesse will go over with you. We look forward tonight to hearing your questions and will stay after the meeting to answer questions you may not have had a chance to ask,” Green wrapped up.

Application for Contract Zoning: the architect

Jesse Thompson of Kaplan Thompson Architect then talked about the process. “We have a contract zoning application before the Planning Board to modify zoning ordinances to prepare to present a plan. We do not have a plan, we’re not allowed to do that yet. We’re asking for a few changes so that we are allowed to come back to submit a full-fledged plan.

“Why do we need to change some rules? History: current zoning requires 20,000 square feet of land to build an apartment, so WMMH could only build 15 apartments on its 7 acres. No apartment should have more than two bedrooms, those apartments can only be for senior citizens or physically handicapped people. So we had to change those rules first. We put together a request for a set of rule changes. The Town has never seen this before so everyone is being really careful with multiple workshops. If we ask for the wrong thing we might not be able to build anything.

“Right now this is a hearing on the rules. And right now, you must have a minimum number of parking spaces. There can also be a maximum. In the current proposal we shall have no more

than 9 units [per single building]. We had a long debate about how many units an apartment building can have. What we landed on was just a cap, which you can always come in under. That's the key thing.

“WMMH is a non-profit, they can't make any money... Here tonight: even though we have plans here, we're not here to judge a plan, we're here to approve a set of rules. How do we set this up? We didn't want to show up with something people didn't want. So we held a charette and showed up with a blank slate, paper doll houses, apartment buildings, recreational things like a dog park, community garden, village green, all to scale. Three tables tested out a bunch of designs. All came up with single family homes in the back and apartment buildings in the front. All liked a bicycle pump track.

“We took those three designs and consolidated them into one. Right now, Maine State Housing Association (MSHA), the workforce housing bank for the state, will have a competitive program. On December 5, small towns around the state, Dexter, Millinocket and more, will present their applications for these funds. MSHA will pick those that score the highest for a maximum of 18 apartments.

“If approved by the PB, the SB and the Town, we then would return to create an actual design, planning to come back with 2 apartment buildings. This is all that will show up next. MSHA will give more points for plans that are ready to be built—they don't want to approve a plan that has to go through approval processes before it can be built. They want their money to go to work on a project that is approved. A fully approved plan receives 20 points, the highest rating.

“Everyone knows how expensive it's been (to build housing). And if the state does provide funding, it is very strict about how the money will be spent: accessibility, energy efficiency, carefully vetted applicants, regulations about pets, laundry lines, etc. MSHA then inspects the project. They have minimum standards: really high-quality buildings, some of the best in the entire town, but affordable; only for full-time residents, not free housing; rent designed to meet income. This is not free money, WMMH will not flip it.

“This is not just a local need. We have projects going in Norway, Farmington, housing all over the state. Things have gone haywire. But it doesn't have to be like that. This site meets all the rules. It's been a very thorough process, there's a log of every meeting to show how we've gotten here, available for anyone who would like to see it,” Thompson summarized.

Planning Board chair Clay Tranten then summarized the five ordinance changes that WMMH is requesting in its application:

1. Setbacks: they will stay the same externally; internally they will be reduced.
2. Height at 35' except for townhouses at 45' with a garage on the ground floor
3. Limit to 60 living spaces on the 7-acre lot
4. Square footage of lots: 2,500 each individual house, 40,000 for multifamily.
5. Number and size of parking places

These changes are only for this piece of land, which the PB, SB and Town voters need to approve.

Public comment

Will the tenants be paying taxes? As a non-profit, WMMH is exempt from paying real estate taxes but it plans to provide payment in lieu of taxes (PILOT), which they will negotiate with the

Select Board. If built, private homes will pay taxes on the houses themselves; WMMH will own the land under the houses.

Kathy Houston asked what the best-case scenario target/timeline would be for construction. Green responded that optimistically, if there were approval this fall [and successful application for MSHA funds,] best-case scenario would be starting construction in the Spring.

Kim Robinson asked about onsite management. Green responded that WMMH would be hiring a professional management firm to administer resident Rules & Regulations (R&R), which they have drawn up using Stonington's workforce housing rules as a template. There will be no ATVs, snowmobiles, bees, a limit on pets, etc. The manager will be on call 24 hrs/day monitoring behavior and all other rules. WMMH is committed to running a good facility.

Several expressed concern about local control over state or federal subsidy money. Some were sure the rules could be changed randomly and worried about being able to trust that it wouldn't happen. Green responded that everyone has to comply with Fair Housing Act requirements related on discrimination, age, sex, etc., but emphasized that this is not low-income/section 8 housing. Housing choice vouchers are sometimes given to people only making 40% of AMI (average median income), but nothing can force WMMH to keep people who don't behave or otherwise meet their R&R requirements.

Architect Jesse Thompson responded that this is a state-funded piece, a rural rental program, not federally funded. By the time they get to the other 40 units, they may be accessing federal funds, but it is unlikely that WMMH would go after low-income housing tax credit (LITEC) money.

Some expressed concern about density, that 60 units was too much to control and wanted assurances that WMMH was not obligated to take section 8. John Witherspoon asked why Kingfield has to have 60 units, why can't the number of units be split up among the 4 communities [Kingfield, Carrabassett, Coplin, Stratton-Eustis], asking who was going to support the cost of 120 more kids going to school, that Kingfield was the only town in the group who's kids go to MSAD 58.

Chair Clay Tranten responded that Kingfield, Stratton and Carrabassett are growing communities, that Strong, Phillips and Avon [the other towns belonging to MSAD 58] are not growing. Witherspoon then mentioned houses in Kingfield that are old and in tough shape, perhaps support should go to those types of houses. Sue Davis responded, having restored 4 of those old houses in her 52 years living in Kingfield, that years ago every other house on Maple Street, where Witherspoon lives, had a for sale sign, that now there are none, to which Witherspoon responded there's one sign there now.

Tranten continued, this addresses the need for affordable housing. There are teachers and doctors coming for jobs in Kingfield who don't stay because they can't find houses they can afford. Witherspoon thought it was the other way around, that they were more concerned about the schools.

Laura Godin responded, "I bought my house in 2018 thanks to my in-laws signing the loan. As a 35-year old and business owner at Sugarloaf, I'm closing my restaurant because I can't find staff. Workforce housing will open the area up to people who can work in the area and allow businesses like mine to be here. I see the need to have a new generation come to this town and commit to it. We're setting up a yurt on the back of our land to house someone who can't afford a house. This [housing] will support a cycle of growth."

Rob Woodhouse returned to the issue of density. "Current zoning on this property would only allow 14 units. (The 60 proposed) is 4 times that density. How about smaller houses that are more affordable? Setting a density level at 4-times (what current zoning allows) could set a precedent for the future. Are we doing too much on a small piece of land? How do we determine 2- or 3- or 4-times the density?"

Thompson responded that he was working from the guidance given by the town at the charette: of the three designs, the housing total ranged from 50 to 75. Participants were eager to live here, they were very concerned about green space. The number proposed is on the low side of the middle. He cautioned to understand that this is just a proposal, that the plan might change. Tranten added that this is only for one lot, that they have to start somewhere.

Richard Hawkes added "If it weren't for the Contract Zoning (the Town approved at the June 3 Town Meeting) we wouldn't be here, adding that if phase 1 gets built and it's a success, we'll keep going. If there is no one standing in line, we'll reconsider."

Sue Davis talked about zoning in general, pointing out that zoning came to this town in the 1980s. "None of the housing in the middle of town could have been built if that zoning had been in place in the beginning. Density creates community. One of the unfortunate things that has been happening as a result of that zoning is the buildout of homes on [former farmland] on West Kingfield, Riverside, Cedar streets, that has not added to the population in the Village, to build that community."

Responding to the question about amending the Contract Zone, Green responded that they would not want to go through a whole new set of meetings.

Penny Hall asked what would happen if the organization went "belly up," to which Green responded that mortgages would be held by Maine Housing, which would require following their requirements. If WMMH failed, its assets would have to go to another nonprofit. He also explained that the more units they can put on the land, the lower the cost. "Based on what the Planning Board approves, we may never build 60 units. And This organization is not going to fail," he finished.

Tom Hildreth discussed the health of the community. "I did an inventory this morning on my street. Half the houses on Riverside are not lived in, (their owners are) not consumers, they don't buy groceries. This town will not be a vibrant community without this growth. Besides, think what a great place it would be for Trick or Treating!" [Laughter.]

Kim Jordan came back to the discussion of federal funds, referring to the \$1.5 million dollar earmark that Susan Collins has requested for workforce housing in Kingfield. Citing Kingfield's elderly housing that has been opened up to the handicapped, she expressed concern for mandates that come with federal funds that could require the housing to be opened up to others. Green responded that looking at the two sources of funding at this time, the state Rural Rental Housing funding is not federal and he is not counting on the Collins money being available soon enough for this project.

Green added that while always complying with the Fair Housing Act, WMMH will advertise locally with businesses to make every effort that residents are local, making sure that in any case the vast majority will be workforce. Qualified tenants would be required to show 80% of AMI, \$53,000 in Kingfield. WMMH cannot rent to anyone making more than that. If there were other income earners in the house, the single family rate would go up as high as 120% of AMI. [People

making no more than \$42,400 would be qualified to live in these units, the rent and utilities being no more than 30% of their income, or in the vicinity of \$1,270/month.]

Cristen Dilworth [manager of Kingfield's elderly housing] asked about the eligibility definition of 'workforce housing,' the protocol for remaining in compliance, how long they can stay, do they need to be recertified every year. Green responded that the definition of workforce housing people would be people who are working and are only earning 80% of the area's AMI.

Asking if a requirement would show that the applicant has a 4-year working history, Green responded that they will look at references and they won't accept anyone who cannot afford to pay nor anyone who has to pay more than 30% of their income.

There was also a question of where the applicant was working, could they be working in Farmington? Green responded that by advertising with local employers, they can overcome such possibilities.

Tranten brought the meeting back to the five items on which the Town would be voting. He understands that everyone wants to know about the housing but that none of it will go anywhere until the Town passes the variants to the zoning code covered by this Contract Zoning application. As chair of the Planning Board, he wants to be sure they know what they will be voting on. If that passes, WMMH will then bring an actual plan to the Board for site plan approval.

Several expressed concern that the public would not be able to weigh in on the housing plan itself, wondering how the public could be confident about the outcome. "How can you sell it to the community if you don't have answers, that we could end up with something that's iffy. This is the only time the community has input. Will there be public hearings? This is the time to get answers."

Diane Christen asked if there had been traffic studies done. Thompson answered that Wright Pierce, the engineer firm hired for the project, had met with MaineDOT and would be working with them. Based on the 60 units proposed, DOT projected there would not be more than 100 trips/hour, that fully built out the project doesn't come close to needing a traffic study. There will be a driveway entrance permit that verifies proper visibility, that it is not too steep, that traffic won't stack up. Dollar General next door is in the same range and didn't trigger a traffic study.

Some were concerned about sufficient parking spaces, whether more could be provided. With two income earners in an apartment, there may well be two cars per unit. If residents were working downtown and the project were closer, that might not matter. Thompson responded that there was plenty of land to expand should more parking be needed. There are rules about unused cars, which WMMH intends to avoid.

Robin Konieczko expressed concern about the vote at Town meeting to approve Contract Zoning. She understood that Town voters would be able to change things and now sees that there are a lot of steps, "But this is our last vote?" she asked. She's concerned that the only thing the Town gets to vote on is these changes. "How many people walked away thinking they'd have a vote at the end?"

Kathy Houston then asked if they would vote on each of the five zoning changes individually or as a group. Tranten responded that they would be voted on all together.

Konieczko then asked about approval regarding sewer, fire, etc. There are lots of things still to know. Davis noted that there are 19 “findings of fact” that cover such possibilities, and all have to be acknowledged as met before a site application can be passed. Orcutt and Tranten both pointed out that all Planning Board meetings are open to the public. With regard to the schools, that is a matter of taxation. That will be finalized before the vote when WMMH negotiates with the Select Board what the project will need to do for ‘payment in lieu of taxes’ or PILOT. “It may not be an exact amount, but it will be a good guess,” said Tranten.

Tranten repeated that external setbacks will meet code, only reduced internally. Thompson pointed out that “MSHA won’t give money unless the lot works; WMMH will have to make sure they have an acceptable lot.”

Witherspoon asked about using Contract Zoning just for phase 1, that it would have a better chance of being less controversial if only 18 units were built. He was also concerned that no property manager had been identified.

Thompson responded, “There are a lot of negatives we can come up with, but there are a lot of positives. There are 60 families we can be friends with. I’m a New Englander, New Englanders are careful. But so often they worry so much about bad things that no good things are happening. Yes, 60 units in the town of Kingfield is a big nut.”

Witherspoon asked if “each town pursuing its own development, (but if this is built) where is the incentive to doing something in another town? We like our freedom, big dogs,” to which Orcutt responded that the Rules & Regulations speak to that.

Dilworth repeated that workforce housing is much needed and she supports affordable housing. But it is very complicated for an owner or manager to evict someone in Maine. Tranten responded the R&R will cover much of that possibility and that should not deter this project.

Kim Jordan and others repeated their concerns about state funding might mean if the units weren’t filled, the state would bus people here who have no housing, expressing great concern about knowing the plan.

Annie Pendency, living on Iron Bridge Road at Ira Mountain remarked, “I am new to town and have a question and a comment: how many people would be added with 18 units? If a maximum of 40-to-45, I think that would be so cool that we could add 40 people to this community... Let’s focus on that.” [Applause.]

Kim Robinson was still concerned. “We do need it [housing] but I haven’t heard with conviction answers to the concerns, no solid answers. I don’t trust that the government won’t come in and say take these. Do I think that Janet Mills won’t send people? How can you approve something when you don’t know? It is a good thing but not if you don’t have the ability to enforce it.”

Kim Jordan agreed with Robinson’s concern. “Ten years down the road, my concern is that there isn’t enough demand for all of the towns to have all the residents, therefore people will be bussed up. It’s been my concern from day one.”

Green responded, “Everything new has some risks. We’re looking at land in all three towns; we need 100-to-300 units of housing. The smallest number is 100, so 60 is a small number. You’ve got to trust your Planning Board. In 2019, the median age in Kingfield was 49. In 2000 it was 36. I just drove through Solon and Bingham and by comparison, Kingfield’s got something really special going on. This project brings more people here to enjoy that success.”

Green continued, "I personally think this will work. I'd like to do single family homes next. You have a commitment from us that this board will make this work."

Summarizing for the Planning Board, member Scott Hoisington repeated, "We have 5 things to pass through the Planning Board, then the Select Board, then the town. Then WMMH has to come back to us." Tranten explained further, "The applicant then comes back to us with a site plan. All meetings are public."

Select Board chair Wade Browne expressed concern about the approval process, citing the example of Dollar General. Tranten responded that the Planning Board can set conditions. Because 60 units is the maximum at this stage, it doesn't mean that is final. The applicant will have a plan for what they have space for. Each phase is just a concept at this point. That may change.

Hawkes added, "What I'm hearing from the public is that we [the Planning Board] need to huddle on the number of units."

Davis added that the Planning Board will come up with a list of recommended Conditions & Restrictions that it will send along to the Select Board. Hawkes added that the applicant may say they're not interested if they are limited to just phase 1.

John Beaupre, president of the WMMH board wrapped up. "I'm a local employer here. At my store [Annie's], I've had 'Help Wanted' signs up every day for 5 years. This is a crisis. We're representing the generation coming behind us. I want to thank this Planning Board. I've been at their meetings at least 5 times. They're protecting the well-being of this town. I want to thank all of you for coming, for your constructive comments. We're in this for the region, the hardworking folks who want to work at Skowhegan Savings Bank, the schools, the restaurants. I want to give back. I'm grateful to the Jordan family for giving us the chance to try this out. Is it going to be perfect? I don't have a crystal ball. But we're going to work our butts off to protect the integrity of this town, to provide an element to solve this crisis. We're learning. Mark and I are not experts. We have a great board, people who work in the housing community, people just like you in this room. We Need This. We're working with [Sugarloaf owner] Boyne and have a great conceptual plan. They want town houses. I've learned so much. These people right here [Planning Board members] are protecting you."

Richard Hawkes then summed up for the Board: "We've taken a lot of notes, heard your concerns. The Planning Board needs to talk about that. The Select Board is here, which is great. Thanks everybody."

The meeting adjourned about 8:10 and many stayed continuing the conversation for about 20 minutes.

Respectfully submitted, Sue Davis, Secretary