

**Kingfield Planning Board**

Date: Tuesday, October, 10, 2023  
Location: Webster Hall  
Time: 6:00-7:40  
Topic: Yurt, Jordan development, Cheimis change of use, WMMH housing application  
Board: J. Clukey, S. Davis, R. Hawkes, S. Hoisington, B. Smith, C. Tranten, M. Wahl  
Public: Gary Cheimis, Valarie Cheimis, Diane Christen, Claudia Diller, Alexi Godin, Laura Godin, Mark Green, Erika Johnson, Jonathan Jordan, Polly MacMichael, Rob MacMichael, Cynthia Orcutt, Seth Page, Betty Parsons, Kim Robinson, Kelsey Silfvenius, Rob Woodhouse.

Planning Board Chair Clay Tranten opened the October 10 meeting at 6:02 pm. He noted that all members were present for a full quorum.

*Scott Hoisington moved to approve the agenda, seconded by Richard Hawkes.* Sue Davis noted that the primary work of tonight's meeting would be on Western Maine Mountain Housing's contract zoning application. Tranten added that the first items should not take much time, leaving adequate time for WMMH's application. *The motion passed unanimously.*

*The Board then approved the 9/12/23 minutes, the 9/19 public hearing notes and the 10/3 workshop notes as a whole, moved by Scott Hoisington, seconded by Mark Wahl and passed unanimously.*

***Laura Godin yurt***

Tranten explained that since this is one additional structure on her 18-acre lot, Godin needed only a building permit from the code enforcement officer (CEO). It doesn't come under subdivision rules. If they have questions, they can come back. There is no septic.

***Jonathan Jordan development of Sid Savage lot***

Tranten explained that this is a preliminary/pre-approval of a development on the West Kingfield Road diagonally across from the elderly housing units. Jordan presented drawings of the two 4-unit buildings of two bedrooms, one bath and a garage each and of the lot design on 1.05 acres lot. Tranten will go over the zoning ordinance to see if it needs to be treated as contract zoning. This already meets the setbacks; density is the issue. Tranten will send Jordan the contract zoning application to see if that might be his approach. On Jordan's property across the street there are 6 units on not quite two acres.

*Davis moved to look this over, look into the ordinance and come back to discuss whether this needs to be a contract zoning issue, seconded by Hawkes.* Tranten will take the lead on this. Jordan's timeline would be to begin construction next spring. There should be plenty of time to pass. *The motion passed unanimously*

***Cheimis application for a change of use at Mt. Village Farm***

Orchard Girls Cidery would like to move their manufacturing/production to the Mt. Village Farm barn. Tastings will be run out of the bar under Cheimis's license, who will also manage any distribution. The property is already licensed for liquor but would now go to a full-time bar in the barn, complete with a commercial kitchen to provide food, which allows under-21 persons to be

on the property. This is separate from the liquor license for the B&B, with the driveway dividing the licensed areas.

For the full bar liquor license, there will also be plumbing for required bathrooms. The septic has been inspected and the property will be ADA compliant. The change of use applies to the full-time bar and the manufacturing aspect. Actual licenses for these activities will come from the State. Liquor licenses are not transferrable, thus the Cheimis's will need to apply for them.

Responding to Davis's question about the event space and barn, Gary Cheimis explained that it would not be licensed so that it can be a BYOB space. They have held two events there so far and see that to be the best use of that space.

Hoisington asked if they would have to come back for approvals. Tranten explained that only the change of use is the purview of the Planning Board. Internal licenses will be governed by the state. The Fire Marshall and fire chief will have to sign off. Parking is adequate. Gary Cheimis pointed out that it would be mostly snowmobile parking in the winter, shifting to a different audience in the summer.

*Jared Clukey moved acceptance of this application as a change of venue with the condition that the Planning Board receive copies of all licenses and Fire Marshall and food and safety approvals on record, seconded by Mark Wahl. The motion passed unanimously*

#### **WMMH contract zoning application**

Hawkes explained the running minutes for the workshops, consisting of responses to 40 questions that were posed August 1 upon receipt of the first draft of the application. He has updated with the public hearing and 10/3 workshop. WMMH heard the concern about density and reduced their proposal from 60 units to 45 after the 10/3 workshop. They also agreed that if after the two 9-unit apartment buildings were built and met all contractual points, phase 2 would go forward with simple Planning Board review. But if they or the PB wanted a change and made an amendment that would require it to go through the full Planning Board—Select Board—Town Meeting approval process all over again.

Hawkes then reviewed the changes coming out of the 10/3 workshop:

1. Occupancy criteria: WMMH has shared mainehousing.org's 2023 Rural Affordable Housing Program and the State of Maine Rent Restricted Programs eligibility limits and maximum rent level tables for Franklin County and drafted a Rental/Lease Agreement that provides further clarification on occupancy criteria.
2. Behavior: The Planning Board recommends to the Select Board that WMMH's Rules and Regulations be included in their "restrictions and conditions" and/or be a requirement of the Site Plan Review.
3. Appearance: The Planning Board is concerned about house designs should lots be sold separately; WMMH will have standards to which individuals have to build, should they and not WMMH build them.
4. Phases: WMMH agreed to a maximum of 2/3 rental and minimum of 1/3 owner occupied units. They also agreed the project would be phased, Phase 1 to be two 9-unit apartments and Phase 2 for a combination of townhouse(s), single family homes and possibly one more apartment building. Phase 2 will likely occur after other workforce housing project(s) are completed in the other towns, Carrabassett Valley and Eustis/Stratton, which could be several years out. The final building combinations will be based on need

and financing at that time. If lots are sold separately, exterior home design criteria needs to be provided reflecting previous discussions. Any changes would require an amendment, which would require the full process of Planning Board—Select Board—Town Meeting to be repeated.

5. Buildout: WMMH agreed to a maximum number of 45 units.

There was considerable discussion about income qualifications. It was made clear that initial qualifications were based on AMI (average median income) as defined by the Rural Affordable Housing Program and the State of Maine Rent Restricted Programs eligibility limits and maximum rent level tables for Franklin County. However, once qualified, income could increase without a change in the rent, and it could decrease as long as the renter could meet the rent.

Similarly, if an owner sold their house, it could only be sold in the income range of someone making AMI. WMMH Ex. Dir., Mark Green, added that it was one of the reasons WMMH owns the land underneath the structure, to keep them affordable long term, not just initially, one of the reasons to own the lot, to attach requirements to keep them affordable.

Davis discussed the possibility of contract zoning approval for a project be divided into “acquisition” and “disposition” as she experienced saving the Stanley School in 1981: would it be possible, legal, to allow not only a vote on the zoning changes but also on the project at a town meeting. She expects this is a question for a lawyer.

Hoisington stressed that the choice to phase the project allows the town to evaluate WMMH’s success or failure of living up to their promises. Tranten added that WMMH operates under the gun based on funding sources to State standards, our standards and their own Rules and Regulations.

Rob Woodhouse spoke again to density, his primary concern. Valarie Cheimis and Polly MacMichael spoke to the tight neighborhoods they have experienced, where houses were very close together, people were proud of their properties, there were lots of kids in the neighborhood, Laura Godin likes the opportunity for the communal feel.

“These are affordable workforce houses, the lots have to be small, the houses are going to be small, you might not want to live there, I wouldn’t want to live there but there are a lot of people who want to live there I hope,” added Hawkes.

Valarie Cheimis talked of growing up in a suburban area with “houses so close you couldn’t drive a car between them, if there were no blinds, you could see what people were cooking for supper. And there were lots of kids all over the neighborhood. Sometimes you liked them, sometimes you didn’t, but it was a great place to grow up... Just because these houses are close together doesn’t mean they’re going to turn into some poorly managed trailer parks. HOA rules will also keep things neat.”

Polly MacMichael noted “WMMH is trying to keep things in the look and feel of Kingfield and we should be thankful for anybody who wants to come and live in their individual way and work in our community.”

As a new volunteer fire fighter, Lexi Godin talked about growing up in a working house neighborhood, which was great, but she was concerned about fire. Tranten responded that everything has to pass Fire Marshall and the local fire chief inspection, there will be fire hydrants, and the units will have be sprinklered.

“People will be proud to own their starter homes,” he added.

WMMH board member Cynthia Orcutt noted that if 45 units are approved for the final buildout and 18 units are in Phase 1, that leaves 27 units left to build. Green noted that the concept drawing was 48 units, if you took out three units, lots could either be bigger for each house, or there would be more open space.

Davis suggested the project should have a proper name, like Narrow Gauge Park across the street. She suggested Bunker Park for the previous owners, another suggested calling it the Bunkers. Or Dunton Park for Barbara Bunker’s family—she was the daughter of Eva Bunker, the previous owner.

Tranten asked about voting that the application was complete. Davis noted that there were several remaining changes that have been agreed upon but not yet inserted into the application. Hawkes moved to call the application complete subject to the remaining additions that WMMH has agreed upon. Hooisington seconded the motion, which passed approved unanimously.

Hoisington asked about the PILOT. Tranten explained that the Select Board was responsible for that. The Select Board has had one meeting and will come back the next meeting, Monday October 16, to make their final determination.

Tranten noted that the Planning Board was on the October 16 agenda as well, to present its recommendation report.

***Planning Board owes the Select Board a report***

Richard then read the report, an endorsement of the application in 4 sections which he read in detail.

**Section 1:** Standards, all of which have to be positive

- A. Is the land with an unusual nature or location’
- B. Is it consistent with the Town’s Comprehensive Plan
- C. Is it consistent with, but not limited to, the existing uses and permitted uses within the original zone
- D. The conditions proposed are sufficient to meet the intent of this section

**Section 2:** recommended conditions and restrictions

- A. Occupancy criteria to assure the housing was for local workers and their families
- B. That occupancy Rules and Regulations to added to the application as a supporting document.
- C. Because WMMH is a nonprofit, the Select Board negotiate payment in lieu of taxes (PILOT)
- D. The development to be built in phases and reviewed after Phase 1 for fulfillment of all contractual commitments before proceeding to Phase 2, requiring WMMH to go through the whole contract zone process again (PB—SB—Town Meeting) or not depending on their success
- E. Make a financial or work-related contribution to extend the Rte. 27 sidewalk and lighting to the new neighborhood

**Section 3:** Further details on density, behavior and occupancy

**Section 4:** Critical comments to be emphasized by the SB to WMMH

- A. Housing appearance
- B. Phased construction of the project
- C. Note that SB supported this application in seeking a 1.5 million dollar Congressionally Directed Spending Grant (CDS/earmark) for workforce housing in the region
- D. Occupancy structure: max. of 2/3 rental to a minimum of 1/3 owner occupied housing
- E. PB recommends that the proposed contract be reviewed by town attorney before signing.
- F. Recommend that the SB (and voters) use contract zoning factors on whether the proposed application is in the public interest and will have beneficial effects on the Town as a whole.

*Babe Smith moved to accept this letter as a recommendation to the Select Board, seconded by Scott. The motion passed unanimously.*

*Babe moved to adjourn, seconded by Jared Clukey and passed unanimously.*

Respectfully submitted, Sue Davis, Secretary.