

10/10/23

Updated 1/9/24

Wade Browne, Chair
Town of Kingfield Select Board
38 School Street Kingfield, Maine 04097

Dear Chairman Browne:

I am writing to share the Planning Board (PB) recommendation report on the Western Maine Mountain Housing (WMMH) contract zoning application submitted 8/1/23, revised 9/7/23, 9/14/23, 10/9/23 and most current update on 1/2/24.

Executive Summary

Per our Town of Kingfield zoning ordinance adopted June 3, 2023, Section 5 D 6, Contract Zoning, 6F, Recommendation; the Planning Board provides the following recommendation report to the Select Board addressing the WMMH Contract Zoning Application (Enclosure 1).

Enclosure (1), Exhibits G1 and G2 are the WMMH proposed conditions and restrictions to our 2023 Zoning Ordinance. WMMH is requesting to re-zone this 7 acre parcel next to Dollar General (called 479 Main Street, Kingfield, ME) into a contract zone parcel in the town's Growth District. The negotiated contract zone change requests can be summarized as 1. Allow reduced building setbacks, 2. Allow an increase of the height limit for townhouses with garages only, 3. Limit capacity to a maximum of 45 dwelling units on this 7 acre parcel, 4. Allow for a reduced square footage of lot size and 5. Allow for a reduction in the required number and size of parking spaces. The Planning Board, working with WMMH, have gone through these conditions and restrictions through several meetings with detailed discussions as evidenced by Enclosure (2), a set of running minutes and comments. As you can see reading these minutes and comments, we have discussed many other details of the project that will be part of the future PB review process (zoning ordinance site plan review and subdivision ordinance findings of fact), should the Select Board and voters approve this application. The Planning Board felt the review of these detail was necessary to better describe this application to the citizens of Kingfield. In addition, a Public Hearing was held on 9/19/23, see Enclosure (3) minutes for a transcript of this Public Hearing and feedback incorporated into these final recommendations. The Planning Board, in accordance with our zoning ordinance, contract zoning section 6F- Recommendation, make positive findings on each of the four standards below, along with a list of recommended conditions and restrictions as well as provide critical comments related to density, behavior and occupancy for your review and consideration.

Summary of Standards Review:

The planning board has made positive findings on the four standards set forth in the ordinance as listed below. Details can be found in **Section 1** of this report.

- A. Is for land with an unusual nature or location;
- B. Is consistent with the Town's Comprehensive Plan;
- C. Is 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

Conditions and Restrictions:

The planning board has made the following recommendations. Details are contained in **Section 2** of this report.

- A. Occupancy language inserted in application to support long term housing for the local workforce
- B. Behavior – Draft Rules and Regulations - see Enclosure 5
- C. Taxes - Negotiate with Applicant to provide payments in lieu of taxes (PILOT) and include in final application
- D. Add an additional process step at the completion of Phase 1 and prior to the start of Phase 2 to determine whether there is a need for a contract zone change, Select Board approval and/or final voter approval
- E. Consideration of Applicant contributing to the extension the Route 27 town sidewalk and lighting down Route 27 and into this new neighborhood

Further details on projects density, behavior and occupancy

The Planning Board has provided additional information on the following components of this application in **Section 3** of this report.

- A. Density
- B. Behavior
- C. Occupancy

Critical Comments:

The Planning Board has made note of additional critical components for the Select Board to emphasize with the Applicant. Details can be found in **Section 4** of this report.

- A. Importance of Applicant providing detailed information regarding the final structures including but not limited to external appearance and breakdown of units during future Planning Board approval processes.
- B. Emphasize to the Applicant the need for a schedule/timeline for completion of each and all phases and the need for performance guarantees to be put in place
- C. Request Applicant provide details (Ex: occupancy criteria, operation criteria, etc.) that may need to be part of this application or future updates based on final funding sought by Applicant. This is especially critical if federal funding is pursued.
- D. Ownership structure ratio of maximum 2/3 rentals and minimum 1/3 owner occupied at the time of project completion.
- E. Need for legal review of final application by Town Attorney.
- F. The Planning Board recommends the Select Board and voters use Enclosure (9) factors in their review of this contract zone change.

In conclusion, the Town of Kingfield Planning Board recommends approval of the re-zoning of this property to a contract zone to support this workforce housing project with the outlined conditions, restrictions and critical comments fully considered and/or incorporated by the Select Board. The Planning Board considers this re-zoning consistent with the town's Comprehensive Plan and in compliance with the town's zoning ordinance D. (Contract Zoning). The Planning Board will be fully prepared to continue the detailed Site plan Review as well as Findings and Facts Review process with WMMH should they receive Select Board and voter approval.

Section 1. Standards

The Planning Board's positive findings are detailed below:

A. Is for land with an unusual nature or location;

A workforce housing project is proposed for this 7 plus acre parcel next to the Dollar General store on Route 27. The unusual nature or location of this property is that it is nearby to the town center giving prospective residents walking access to town to: work, purchase groceries, as well as visit restaurants, retail shops, healthcare, town services and other services. This land also has direct access to a state highway. This land also has access to town water and fire protection adjacent to the property. In addition, this land is also mostly flat with what appears to be ideal soil conditions. In summary, the nature of this parcel looks to be ideal for a workforce housing neighborhood.

B. Is consistent with the Town's Comprehensive Plan;

The Town of Kingfield's Comprehensive Plan repeatedly cites the need for affordable and workforce housing. The Comprehensive Plan gives goals, policies and strategies to achieve this, including investigating zoning ordinance changes, seeking grants and working regionally to address this need. The Planning Board did just that in adding a contract zoning section in our zoning ordinance, giving the town a tool to encourage favorable growth, as determined by the voters. This application happens to be related to workforce housing.

C. Is consistent with, but not limited to, the existing uses and permitted uses within the original zone

This parcel of land is in the growth district of Kingfield. Multi-family and single-family dwellings are allowed under our existing ordinance, but with limited density. The town's Comprehensive Plan has a strategy to amend our ordinance to allow greater density multi-family housing in this Growth district. The contract zoning section recently added to our zoning ordinance can allow for greater density housing (multi-family and/or single family) on this parcel with Select Board and town voter approval. Re-zoning this parcel into a contract zone remains part of the Growth District.

D. The conditions proposed are sufficient to meet the intent of this section.

Through a series meetings including submittals/comments/responses (see detailed chronology in Enclosure 2), the Planning Board is comfortable that WMMH has addressed why they need a contract zoning change(s) to bring workforce housing to Kingfield on this particular parcel of land. This application certainly is in line with our Comprehensive Plan's goals, policies and strategies for affordable and workforce housing. The application contents meet our requirements required by subsection 6C "Application contents".

Section 2. Recommended conditions and restrictions

- A. As part of the Planning Board review process several questions were raised related to the "Occupancy" criteria of this project. Details of the "Occupancy" criteria need to be well understood by the Select Board and voters to ensure focus on Workforce housing. Enclosures (4), (6), (7) and (8) best define these criteria under WMMH current plan to seek State of Maine funding under the Rural Affordable Rental Housing Program for Phase 1. Later Phases may or may not be funded by State and/or Federal funding that may or may not have different occupancy criteria. **Recommend the**

following condition and restriction: WMMH states they are totally committed to providing long-term housing for local workers and their families and they are confident that they can provide housing for the local workforce while still following all relevant rules and regulations. Occupancy criteria (rental, lease and ownership application forms) will be shared with the Town of Kingfield Select Board for information and comment, if and when funding sources change and/or criteria needs to change. We are recommending that the above statements be added to Exhibit G1 of their Application.

Incorporated in Exhibit G-1 of 1/2/24

- B. As part of the Planning Board review process, several questions were raised related to Rules and Regulations and the operation of this neighborhood. "Behavior" can better be managed with solid Rules and Regulations. WMMH provided Enclosure (5), which is an excellent "Draft" of the Rules and Regulations. **Recommend the following condition and restriction:** WMMH Rules and Regulations be added to the Contract Zoning Application as a Supporting Document to be submitted per Section 7 Site Plan Review of our Zoning Ordinance. This requirement to be added to Exhibit G2 of their Application.

Incorporated in Exhibit G-1 of 1/2/24

- C. Applicant states that WMMH is a qualified 501C3 organization giving them exemption from state, local and federal taxes. Town of Kingfield needs to fully understand this and negotiate with Applicant to provide payments in lieu of taxes (PILOT) at least equivalent to the Applicant's projected demand on municipal services now and in the future. **Recommend the following condition and restriction:** This requirement to provide payment in lieu of taxes be added to Exhibit G1 of their Application.

Incorporated in Exhibit G-1 of 1/2/24

- D. As part of the Planning Board review process, questions were raised related to the schedule and scope of work including any potential changes for Phase 2. Therefore, it was agreed that an additional process step would be added at the completion of Phase 1 and prior to the start of Phase 2. **Recommend the following condition and restriction:** After reviewing the outcome of Phase 1 with the Applicant to ensure all contractual commitments have been met, the Planning Board will make a decision whether an amended contract zone change is needed for Phase 2. If yes, the contract zone process requiring a Planning Board recommendation and public hearing, Select Board review and recommendation and voter approval will occur. If the answer is no, then the Applicant will move forward with the detailed zoning ordinance sight plan review and subdivision ordinance finding of fact process. We highly recommend this process step be added to Exhibit G1 of their Application.

Incorporated in Exhibit G-1 of 1/2/24

- E. **Recommend the following condition and restriction be considered:** WMMH will make a financial or work-related contribution to extend the Route 27 town sidewalk and lighting down Route 27 and into this new neighborhood.

Intent of comment incorporated in Exhibit G-1 of 1/2/24

Section 3. Further details on projects density, behavior and occupancy

Density:

- Maximum number of dwelling units is 45. **Exhibit G-2 of 1/2/24 also contains the wording "of which approximately 60% will be multi-family units and 40% single family units."**
- No more than two multi-family dwelling units on 40,000 square foot plot of land
- Maximum size of multi-family dwelling unit is 9 units
- Maximum number of apartment buildings on entire parcel is three

- Minimum lot size for single family homes is 2500 square feet. **Exhibit G-2 of 1/2/24 modified to 5000 square feet.**
- See Phase 1 and future Phases conceptual drawings in Application Package showing open spaces, village green, community garden, playground, dog park and pump track. Approval of this Application could include a requirement for the completion of a minimum of 4 of these components if not all of them.

Behavior:

- WMMH “Draft” Rules and Regulations were created, see Enclosure (5)

Occupancy:

- See Enclosure (4) Drummond Woodsum memo on Fair Housing Laws and Residency Preference
- See Enclosures (6) Rural Affordable Rental Housing Program Guidelines
- See Enclosure (7) State of Maine Guidelines, Rent Restricted Programs, Income Eligibility Limits and Maximum Rent Levels for Franklin County effective 6/15/23
- See Enclosure (8) Application Package, including Housing Application

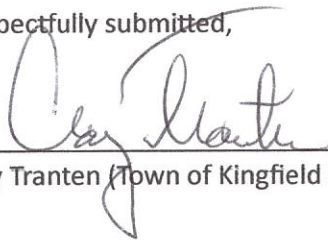
Section 4. Critical Comments to be emphasized by Select Board to WMMH:

- A. Application gives no details of what the exterior of these housing units look like other than some photos shown at the joint design Charette on 7/27/23. The Planning Board also has no knowledge on the breakdown of these units with regard to 1,2 or 3 or more bedroom units. This information will be provided later in the approval process (zoning ordinance site plan review and subdivision review), but not part of the initial contract zoning application process. The Planning board highly recommends the Select Board stress the importance of this to WMMH.
Details to be shared later as part of the Planning Board review process.
- B. Applicant states this project will be built in phases. Planning Board agrees to maximum number of units to be 45 units at full build out. Phase 1 is 18 units. The details of this phased build out is primarily based on the Phase 1 success and funding sources and the current schedule for completion is unknown. This information will be provided later in the approval process (zoning ordinance site plan review and subdivision review) for Phase 2 and beyond. The Planning Board recommends the Select Board emphasize the schedule/timeline for completion of each and all phases and the need for performance guarantees to be put in place.
This information has been discussed with applicant and is a requirement of our Zoning Ordinance as part of SPR (site plan review) and will be submitted during that time.
- C. The town of Kingfield Select Board supported this application in seeking a \$1.5 million dollar Congressionally Directed Spending Grant (letter of 3/7/2023) to aid in the construction of workforce housing in our region. What details (Ex: occupancy criteria, operation criteria), if any, need to be part of this application or future updates to this application package. Current understanding is that WMMH is seeking State of Maine funding under the Rural Affordable Rental Housing Program and not federal funding. Recommended “condition and restriction” 1 above, talks to this, should federal funds be pursued.
Covered in comment in Section 2A.
- D. The Planning Board and Applicant agreed to an ownership structure ratio of maximum of 2/3 rentals and minimum of 1/3 owner occupied at the time of project completion.
Intent of comment incorporated in Exhibit G-2 of 1/2/24. 60/40 split was used to be more accurate.

- E. The Planning Board highly recommends that the Applicants proposed contract (Exhibit G1) be reviewed by our town attorney before signing. The Planning Board has recommended two Town of Kingfield changes be added to the G1 document or as a Town of Kingfield “condition and restriction” addendum.
Town attorney reviewed entire package, including Exhibit G-1 and Exhibit G-2. Her comments have been incorporated.
- F. The Planning Board recommends the Select Board and voters use Enclosure (9) factors in their review of this contract zone change.

Exhibit G-2 of 1/2/24 modified to include standards for street design that are acceptable to the Planning Board.

Respectfully submitted,



Date: Jan 9, 2023

Clay Tranten (Town of Kingfield Planning Board Chairman, representing all Planning Board members)

Copies to:

Leanna Target, Town of Kingfield Town Manager
 Wade Browne, Select Board Chair
 Morgan Dunham, Select Board Vice Chair
 Hunter Lander, Select Board
 Kim Jordan, Select Board
 Clay Tranten Planning Board, Chair
 Sue Davis, Planning Board, Secretary

Babe Smith, PB member
 Mark Wahl, PB member
 Scott Hoisington, PB member
 Jared Clukey, PB member
 Billy Gilmore, CEO acting
 Town Attorney
 Richard Hawkes, PB member

Enclosures:

- Enclosure (1): Western Maine Mountain Housing (WMMH) Contract Zoning Application of 10/9/23
- Enclosure (2): Running list of Planning Board (PB) Minutes, with WMMH input included that have occurred at several PB Meetings, PB Workshops, a PB Charette and a PB Public Hearing during the months of August, September and October of this year
- Enclosure (3): Kingfield Planning Board Minutes of Planning Board Public Hearing of 9/19/23
- Enclosure (4): Drummond Woodsum memo of 9/11/23, Fair Housing Laws and Residency Preference
- Enclosure (5): WMMH “Draft” Rules and Regulations of 8/16/23
- Enclosure (6): 2023 Rural Affordable Rental Housing Program Guide, mainehousing.org
- Enclosure (7): Maine Housing Rent Restricted Programs table for Franklin County effective 6/15/23
- Enclosure (8): WMMH Application Package, including Housing Application
- Enclosure (9): “Draft” Appendix C Contract Zoning Factors on whether a proposed application is in the public interest and will have beneficial effects on the Town as a whole