

Kingfield Planning Board
Notes 3/12/24 Work Session at 5:00 and Meeting at 6:00

Date: Tuesday, March 12, 2024
Location: Webster Hall
Time: 5:15 workshop, 6:00-7:00 meeting
Topic: ADU legislation; Signage; JV CZ application, coffee shop
Board present: J. Clukey, S. Davis, R. Hawkes, S. Hoisington, M. Wahl, B. Smith, C. Tranten; CEO Ben Hitchcock
Public: Wade Browne, Myra Coffin, Terry Coffin, Aaron Hanson, Jonathan Jordan, Kim Jordan, Jeffrey Maget, Morgan Dunham, Fred Luce, Warren Gerow, Will Jeffries, Rob MacMichael, Polly MacMichael

Work session

Planning Board chair Clay Tranten introduced the work session with a plan to slow down the effort to present a signage ordinance for a Town Vote. Select Board members Wade Brown followed by Hunter Lander and Kim Jordan concurred that it shouldn't be rushed, especially considering the other work on the PB's plate: another Contract Zone application and LD 2003's July 1, 2024, deadline to have an Accessory Dwelling Unit (ADU) ordinance in place.

A Public Hearing is scheduled for Tuesday, March 19, originally for the signage ordinance and the Contract Zone application. The PB is adding consideration of an ADU ordinance to that agenda, given the July 1, 2024, deadline.

Signage Ordinance

Tranten suggested treating signage requirements by district, using the term "overlay." Currently Kingfield identifies 4 zoning districts:

1. Rural 1
2. Rural 2
3. Village
4. Growth

Analyzing the 2008 AVCOG map created for the last Comprehensive Plan, it appears that the 'Village District/Overlay' extends to Sillanpää's Trading Post and Dollar General, which PB members had assumed to be Growth. Such designations are created in the Comprehensive Plan process; PB members discussed recommending the Village District stop at the Lord Bridge when the forthcoming comprehensive plan committee begins its work. Sue Davis also suggested the Village District/Overlay extend across the river to include the first block of mostly historic homes on Rt. 16, Stanley Avenue and Maple Street. That area is currently in the Growth overlay. PB members also discussed adding 'residential.' Currently all residential areas throughout Town not designated as 'Village' is "Growth." This allows businesses in currently actual residential areas, including all the houses south of Town to the New Portland town line and to the furniture shop on Rt. 16 at the top of the hill on the old Thompson garage site to become businesses. (One and Three Stanley Avenue Restaurant and B&B started in the 1970s before the first Comp. Plan and the following zoning ordinances, written in the mid-1980s.)

Scott Hoisington and Richard Hawkes created an inventory of signs in preparation for the February 27 Informational Hearing, noting which would be in compliance and which not, having to be "grandfathered." Based on that, Longfellow's and the Skowhegan Savings Bank signs

would have been too large. Sue Davis and Jarod Clukey both thought those signs did not seem too big, suggesting that size designation could be changed. Clukey added that lighting was the Kingfield public's primary concern.

Discussion then centered on sign size and sign pricing based on speed limit, primary arteries vs. side streets and adjusting permit cost to business type:

- Primary arteries: Rts. 27, 16 and 142: speed limits in the "Village Overlay" are all currently 25 mph, including on the east side of the river;
 - Village overlay: sign sizes would be X sf. in the 25 mph areas
 - Growth overlay: sign sizes would be Y sf. in the 30/35 mph areas north and south on Rt. 27
- Pricing and size based on:
 - Use:
 - Commercial
 - Home business
 - House names (Exempt?) (as in current historical designation signs on historically significant homes and businesses around Town)
 - Speed limit:
 - Commercial
 - Home business
 - House names (Exempt?)

Tranten mentioned that Town Manager Leanna Targett has provided him with a list showing all permit fees, from signs to building permits. That raised the question of adjusting fees based on work required by the Planning Board as well as the Code Enforcement Officer. Approving subdivisions and reviewing Contract Zoning applications often take numbers of meetings including information and public hearings. Tranten suggested there was no reason to saddle the town with that expense, suggesting it be passed on to the applicant. Richard Hawkes recommended a subcommittee be set up to research pricing methods and examples from other communities, overseen by Scott Hoisington as lead on this ordinance.

With affordable workforce housing now an issue, Tranten mentioned the possibility of turning currently tax-exempt but unused churches into housing, noting that they are owned by the state church organizations, not Town congregations. Purchasing them and turning them into taxable properties would be correspondingly difficult, though Tranten noted one young pair is working on one of the church properties.

ADU Discussion

Davis interrupted the signage workshop to report that Erica Bufkins, Land Use and Transportation Planner from AVCOG, was joining the meeting to introduce LD 2003 legislation, which requires Towns the size of Kingfield to allow Accessory Dwelling Units (ADUs) effective July 1, 2024. She is available at 6:00 for a limited time because of an obligation at another Planning Board meeting. With that in mind, Davis suggested taking the last 15 minutes of the work session to prepare.

Davis noted that not having an ordinance in place by July 1 could put Kingfield in legal jeopardy were someone to come to Kingfield's CEO for a permit to build one. Tranten referred to the "Kitchen sink clause" in Town ordinances that protected Kingfield if such a thing happened—it

had been added when the Town was working on permitting Poland Spring to build here. Davis then gave a brief summary of the material covered in the four documents she sent to the Planning Board in preparation for tonight's meeting:

1. Model ADU ordinance, 8 pp.
2. DECD LD 2003 October Update, 24 pp.
3. MMA Legal Services: Affordable Housing, 20 pp.
4. AVCOG's LD 2003 Town Requirements, 14 pp.

Erica Bufkins arrived by Zoom at 6 with a brief Power Point summary of LD 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions." [LD2003 PowerPoint.pdf](#)

Bufkins started with a quick explanation of LD 2003 addressing the State's housing crisis. The legislation covers three areas:

1. *Affordable housing*
2. *Density*
3. *Accessory Dwelling Units*

She outlined the definition of 'affordable':

- For rentals: income is 80% of average median income (AMI) or the area [for Kingfield c. \$53,000, meaning c. \$43,000]. Rent cannot exceed 30% of \$43,000 and includes rent and utilities.
- For owned housing: 120% of AMI; 30% includes mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

She explained the 'density' requirement for number of units on a lot:

- Up to 4 dwelling units are allowed if the lot is located within a Designated Growth Area approved by the Town in its Comprehensive Plan OR is served by public water and sewer, or a centrally managed water system and a comparable sewer system. The owner of the lot is permitted to have up to four (4) dwelling units, notwithstanding the requirements of (Subdivision Ordinance). The third and fourth dwelling units may be located within a structure or multiple structures. If the third and/or fourth dwelling units are created within a 5-year period, the project may be subject to subdivision review and approval.
- If the lot is located outside a Designated Growth Area approved by the Town in its Comprehensive Plan, the owner of the lot is permitted to have up to two (2) dwelling units per lot, provided that the requirements in 12 M.R.S. Chapter 423-A, as may be amended, are met. The two (2) dwelling units may be within a single structure or two separate structures.

For 'accessory dwelling units,' she explained that once the PB creates the ordinance, it is the code enforcement officer's jurisdiction: Planning Boards are not allowed to be involved any further. Should there be a dispute, either an appeals board, municipal officer or the Maine State Housing Authority would adjudicate.

She went into the details starting with a definition of an ADU:

- Definition: An Accessory Dwelling Unit includes bathroom and kitchen with separate sinks along with living / sleeping / dining area and separate egress/access.
- Relationship to primary dwelling: Located within, attached to or separate from dwelling unit. Depending on location and lot specifics, can be as many as 4 separate accessory units on one zoned lot, see DECD LD 2003 October Update and MMA Legal Services: Affordable Housing.

Bufkins noted related particulars:

1. Minimum size of 190 sf. set by State.
2. Maximum size left to the municipality. Examples include:
 - a. 30% of size of primary dwelling.
 - b. 700-800 sf.
 - c. Recommended to set a minimum to keep the nature of the neighborhood.
 - d. Without restrictions could be larger than original dwelling.
3. Highly recommended to add controls to prevent use as STR (short term rental):
 - a. Limit STRs to commercial areas for example.
 - b. Tax: e.g.: fee-based registration
 - c. Require owner occupancy in primary dwelling.
 - d. Outright ban
4. Setback cannot be increased, allowed to have same setback or less than original dwelling.
5. Lot size requirement has to stay the same with each ADU: if lot is originally, 30,000 sf., stays at 30,000 sf.; again, see DECD LD 2003 October Update and MMA Legal Services: Affordable Housing.
6. Additional parking cannot be required.

She then outlined water and wastewater requirements for allowing ADUs:

- Sewer: If a housing structure is connected to a public, special district or other comparable sewer system, proof is required of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system.
- Septic: If a housing structure is connected to a septic system, proof is required of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
- Public water: If a housing structure is connected to a public, special district or other centrally managed water system, proof is required of adequate service to support any additional flow created by the structure, as well as proof of payment for the connection and the volume and supply of water required for the structure.
- Well: If a housing structure is connected to a well, proof is required of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards*, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

Bufkins noted exceptions when ADUs might not be allowed:

- Shoreland zoning: This Section does not exempt a property owner from the applicable provisions of shoreland zoning requirements established by the Maine Department of Environmental Protection under 38 M.R.S. Chapter 3 or the Town's Shoreland Zoning Ordinance.
- Subdivision ordinance: This Section does not exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or Kingfield Subdivision Ordinance relating to division of a tract or parcel of land.
- Easements, covenants, deed restrictions or other agreements: All residential units permitted after July 1, 2024, may not interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties (such as HOAs) that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Questions included:

- David Hawkes: Does this ordinance requirement fit into our ordinance or should it be a stand-alone ordinance? Bufkins: whichever you prefer. If included in the regular ordinance, definitions would need to be added. Wade Browne mentioned that Stratton had added it and recommended asking their PB chair Peter Farnsworth. All agreed it would be nice to know what other towns have done. Tranten will follow up with Farnsworth in Stratton.
- What towns have incorporated this? Minot adopted this in 2023. Livermore Falls and Jay are doing this now. Greenwood, Newry and Hartford have done it already along with 6-7 towns that are also working on this now. Whether it is stand-alone or incorporated often depends on what else is needing attention in the towns' ordinances. It would be nice to know what other towns have done. Bufkins is happy to send examples.
- What is the difference between a mother-in-law suite and an ADU? The mother-in-law suite would not typically include every one of the requirements of an ADU of two sinks, for example and is not included in this legislation nor would it need approval.
- How could this be included in next Tuesday's Public Hearing? Bufkins has provided a model ordinance. Once Kingfield-specific references were added, it could be presented for public review.

Regular Meeting

After thanking Erica Bufkins for her time and help, Chair Clay Tranten returned to the regular meeting, calling for approval of the minutes.

Scott Hoisington moved approval of the minutes of the 2/13 PB meeting, seconded by Mark Wahl and approved unanimously. Scott then moved approval of the 2/27 Informational Meeting minutes, seconded by Wahl. That too was approved unanimously.

Sign ordinance

Tranten reviewed information gathered at the earlier workshop. Select Board members are recommending the process slow down, that there was no need to hurry it along for the purpose of voting at the Annual Town Meeting in June, that it could be voted on at a later time. November was mentioned.

Tranten noted additional work defining district/overlays, the need for the Comprehensive Plan to be updated districts in the stalled Comp. Plan committee work. The Comprehensive Plan would be able to provide guidance, possibly to add a 'residential' district, to end the Village district at the Lord Bridge, possibly to take the streets with historic buildings on the other side of the river out of 'growth' and designate them 'residential.'

Signage sizes would also be determined based on speed limits: smaller signage in 25 mph zones, larger as speed increased. Setting sign permit fees according to size and use rather than having a flat \$10 fee was discussed. Hawkes suggested appointing someone or a committee to "comparison shop what other towns are doing" to present at a Public Hearing.

Scott Hoisington, who is spearheading the signage ordinance work, noted that as many as 70% of businesses with signs are not permitted. He suggested once the ordinance has been passed to catch those unpaid up at the \$10 amount and then implement any new fee that would be included in the ordinance. CEO Ben Hitchcock has begun the research to find all sign holders and confirm their status.

Sue Davis reviewed points made at the 2/27 Information Meeting as recorded in her minutes of that meeting. Hoisington appreciated that slowing the process down would allow everything to be considered, grateful to have the pressure relieved.

Davis added that this would leave time for a more thorough review of the ADU ordinance for possible approval at the June Town Meeting. Browne demurred, thinking that legal review alone could slow things down. Tranten remarked that besides the Town lawyer, MMA could review an ADU ordinance.

Hoisington brought up a final point on signage, that the Nostalgia sign should come down. It has been at least three-to-four years since Nostalgia has been operational. The sign for the Beer Shed, only recently no longer operational, does not need to come down yet, to assist the owners in selling the property. Tranten appointed the CEO to write a letter to the Nostalgia Tavern owner, which he as chair would sign.

At Tranten's request for a motion, Sue Davis moved that a letter be sent to Nostalgia property owners to remove the sign, seconded by Scott Hoisington. The motion passed unanimously.

Jordan Ventures application

Kim Jordan passed out a revised application to which setbacks to two abutting landowners was defined as an exception to zoning that needed to be added to the density variance in the Contract Zoning application. Jonathan Jordan has spoken with the abutters again and they will sign letters showing their approval that will be added to the application.

Richard Hawkes then reviewed questions from last meeting in his effort to treat this CZ application the same as the previous CZ application:

1. Subleasing: Hawkes recommended that subleasing should be mentioned in renters' lease documents. Lengthy discussion pointed out that the purpose is to prevent someone from renting the property and then using it for short-term or seasonal rental. Davis explained that since the application cites the Comprehensive Plan for the need for housing in Kingfield, it requires sufficient action to assure that it represents Kingfield's needs.

2. Dumpster: The dumpster will not be screened but is located at the back of the property. Jared Clukey and Sue Davis did not see it as an issue. Although it was required in WMMH's application, this application is for 8 units only, not 18.
3. Sidewalk: Whereas WMMH's property was located on Rt. 27, a major public road with a 45 mph speed limit at that point, the JV's property was located on a side road with a 25 mph speed limit at its location, that a sidewalk should not be an issue. *However, Hawkes clarified that he was simply talking about widening, maybe paving, the shoulder on that side of the road for public safety.*

After this discussion, PB members were prepared to accept the application as complete as soon as the following were included:

1. Letters from the two abutters were received;
2. Correction of minor grammatical errors were made;
3. The lease added strict subleasing language;
4. The Water District letter correct its math.

Mark Wahl moved to accept the Jordan Ventures application as complete subject to inclusion of letters from the abutters, grammar errors corrected, sublease language added to the lease agreement and a revised Water District letter. Jarod Clukey seconded the motion, which passed unanimously.

Coffee Shop

CEO Ben Hitchcock informed the PB that new owners of the vacant lot across from the Skowhegan Savings Bank and Orcutt's Schoolhouse Gallery are planning a coffee shop. The previous owner asked for and received an extension of his 2-year allowance to rebuild on the lot of the torn-down building. That has allowed this prospective owner to make plans to build a coffee shop on the spot. Because the proposed building is smaller than what is permitted, Tranten has turned this over to the CEO for approval. The property has Town water and sewer and will have multiple entrances.

Tranten noted that Carrabassett Coffee's recent request to the PB has been kicked back to the CEO as owner Bob Luce has not received a building permit.

Iron Bridge

In the approval of a subdivision on Ira Mountain in 2019, Pleasant River Partners was required to do a bridge study, done in 2022. Richard Hawkes, a resident of Ira Mountain in addition to his membership on the Kingfield PB, noted that one requirement of the study was to post the bridge, which has not happened. He recommended that PRP be officially notified.

Sue Davis moved that the chair sign a letter drafted by Hawkes that Pleasant River Partners post the bridge; the letter requests a date and notification of when the posting will be accomplished. Jarod Clukey seconded it. Six board members approved the motion, Mark Wahl abstaining.

Other

Hawkes introduced site-plan and subdivision ordinance application review documents that he has prepared. He has taken the language straight out of the ordinances. These are intended to be guides/worksheets/checklists for making the applications, which will help both the applicants and PB members. Findings of Fact questions are included, always covered in the final approval, to be sure no part of the application is incomplete.

Davis moved to accept these as worksheets to the zoning and subdivision ordinances. Scott Hoisington seconded the motion, which passed unanimously.

Tranten invited a motion to adjourn at 7:00. Richard moved to adjourn, seconded by Babe Smith. The motion passed unanimously.

Respectfully submitted,

Sue Davis, Secretary