

Kingfield Planning Board

Date: Tuesday, May 14, 2024
Location: Webster Hall
Time: 6:00-7:00 meeting
Topic: Signage, CZ ordinance change, LD 2003, Jordan Ventures
Board present: S. Davis, R. Hawkes, B. Smith, C. Tranten, M. Wahl; CEO Ben Hitchcock
Board Absent: S. Hoisington
Public: Diane Christen, Judi Hawkes, Taylor Jordan, Jonathan Jordan, Jeffrey Maget

Chair Clay Tranten called the meeting of the Kingfield Planning Board to order at 6:00 pm in Webster Hall. A quorum was declared.

Agenda Approval

Secretary Sue Davis noted that she omitted the item on the Agenda of amending the Contract Zoning ordinance to cover legal costs of an application.

Minutes Approval

Babe Smith moved acceptance of the 4/9/24 Minutes, seconded by Richard Hawkes. The motion passed unanimously.

Contract Zoning ordinance

Chair Clay Tranten reported his consultation with Maine Municipal Association (MMA)'s legal team, which explained that it is illegal for a Town to charge its legal expenses to an applicant. In preparation for discussing this topic, Richard Hawkes prepared a paper on fees related to Contract Zoning based on prior research in 10 municipalities that had adopted contract zoning. Because they made little or no mention of fees, Hawkes looked at three additional municipalities: Trenton, South Berwick and Scarborough. Using the Town of Trenton and emphasizing that "costs were predetermined to be paid at the time the application was submitted and not an open-ended fee to be determined after the fact," Hawkes noted Trenton's wording:

"Any proposal to amend the town's zoning map through the establishment of a contract zone shall be accompanied by a non-refundable fee in such amount(s) and for such purpose(s) as the Board of Selectmen may from time to time establish, which shall be paid at the time the request is filed with the Planning Board."

Hawkes added "If we used something like this, I feel that we might want to add some words like "reasonable and necessary in order to complete a thorough review of the application." Trenton's words go on further to state:

"To help recover costs incurred by the town in the review, administration, site inspection, and public notice associated with the contract zone proposal, the following fees and deposit in such amount(s) and for such purpose(s) as the Board of Selectmen may from time to time establish shall be paid by the applicant to the town of Trenton at the time of filing the contract zone proposal:

Publishing, notification of abutters and related public notice fees;

Review fee;

Town counsel fees;

Town meeting expense fee; and;

Independent consulting and peer review escrow account to be established by the town."

In discussing the legal standing of Trenton's text, Hawkes suggested Kingfield's TM contact Trenton's TM to see if their legal counsel had reviewed and okayed the language. All agreed that open-ended costs not be considered. Likewise, depending on the size of the project, a reasonable upfront fee, perhaps \$1,000 up to the cost of the project, could be put in escrow to cover allowed expenses.

As a contractor himself, Mark Wahl pointed out that anyone bringing an application before the PB will have engaged all necessary professionals related to the project, from engineers and architects to lawyers. He wondered why a town would have its lawyer review something another lawyer has already reviewed.

Tranten asked Hawkes if he would re-word Trenton's text and ask for legal review from MMA. Hawkes agreed, saying he would reach out to the TM before submitting his text to MMA. Once the PB has reviewed the final wording at the next meeting, it will pass it along to the Select Board and prepare to set Informational and Public Hearing dates to prepare for the Select Board to approve an article for a Town Meeting warrant and election by the November 5 voting day.

All agreed this did not need a motion.

CEO/Planning Board relationship

Davis and Tranten noted the TM's correction of previous minutes that the Code Enforcement Officer, currently Ben Hitchcock, works for the Select Board and TM and is not staff to the Planning Board. Davis added, however, that the CEO's job description states that Hitchcock is expected to attend all PB meetings. It was agreed that the PB did not need details but that as a courtesy they might like to hear how many building or sign permits had been issued. Hitchcock agreed, saying that would not be a problem.

Hawkes added that Hitchcock is a resource to the PB and in that capacity it would be good for him to inform the PB about how the ordinances are working or not working and educate the PB about ordinance changes the State may be considering. Hitchcock agreed that that was a logical expectation.

Signage Ordinance delay

The Select Board does **not** want the PB to stop its work on a signage ordinance, but because of timing, the PB focus should be to concentrate on the required LD 2003 Accessory Dwelling Unit ordinance and the change/amendment necessary to clarify fees related to the Contract Zoning ordinance. Given the need for Town Meeting approval, which includes informational and public hearing meetings, everything has to be done by mid-late September in order to be ready for a November 5 date. Instead, the PB will work to have a signage ordinance ready for next year's Annual Town Meeting in June.

There was some discussion of fees. Though set by the SB, the PB is responsible for creating the ordinance and recommending fees. Tranten noted, however, that the State determines plumbing fees, and building fees based on square footage.

LD 2003 and housing

Hawkes has not yet worked the LD 2003 legislation into Kingfield's zoning ordinance. Tranten researched Stratton-Eustis's incorporation of LD 2003 in its zoning ordinances, which they are doing based on the square footage of lots by zone. Davis reported that Carrabassett Valley has

added related definitions and incorporated LD 2003 into their primary zoning ordinance as Sections 13, 14 and 15, using Erica Bufkins/AVCOG's model ordinance as a start.

Davis agreed to pass along CV's work to Hawkes to assist in creating Kingfield's ordinance language.

Hawkes then asked if the Kingfield PB would be including its LD 2003 ordinance language in its current 1989 subdivision ordinance. Davis, who prepares the minutes for the CV PB, explained the CV has inserted relative language about its subdivision and shoreland zoning ordinances into the first of the three LD 2003 Sections to assure that those limitations are observed, rather than inserting LD 2003 ordinance language into them.

Unlike other towns, Kingfield has a well-head protection ordinance that will need to be referenced as well.

Likewise, re restrictive covenants that might exist in HOAs or other legal documents, LD 2003 and AVCOG note that any LD 2003 ordinance "does not interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restrictions between private parties that impose greater restrictions."

Hawkes will need to have a document drafted for consideration by the PB in order to pass it along to the Select Board. The next PB meeting is June 18 because June 11 is Primary Election Day. In discussing the timeline necessary to meet the Town's deadline for inclusion of an article in a Town Meeting warrant for voting in the November 5 election, the PB decided to have a workshop on June 4 at 6:00 pm—Tranten will confirm the availability of Webster Hall that day with the TM. The PB can set dates for informational and Public Hearings at that time. Based on those results, if the PB then finalizes the language, etc., on the 18th, the SB will be able to vote on it at its July or August meeting dates.

To summarize *possible* timeline:

- June 4, 6:00: PB workshop on LD 2003 language for its ordinance amendment
- June 18, 5:30: before regular meeting: informational meeting on LD 2003 language for its ordinance amendment
- June 18, 6:00: PB Meeting to vote on LD 2003 language for its ordinance amendment
- July 9, 6:00: PB meeting if necessary to finalize LD 2003 language for its ordinance amendment
- July 23, 6:00: Public Hearing on LD 2003 language for its ordinance amendment
- August 5, 6:00: SB receives, accepts, approves LD 2003 language for its ordinance amendment
- Sept. 21: inclusion as article of LD 2003 language for its ordinance amendment in Town warrant

Jordan Ventures

Hawkes asked if the paperwork for G1 and G2 had been prepared for voting. Tranten will ask MMA to approve the language, which Tranten will prepare.

Jared Clukey moved to adjourn, seconded by Mark Wahl. The motion passed unanimously.

Respectfully submitted,

Sue Davis, Secretary