

Kingfield Selectmen Meeting Minutes
Monday, July 15th, 2024; 6:00 PM Webster Hall 38 School Street

Attendance

Municipal Officers: Wade Browne, Hunter Lander, Chris Rushton

Municipal Staff: Leanna Targett (Town Manager). Travis Targett (Wastewater Superintendent)

Public: Richard Hawkes, Clay Tranten, Jeffrey Maget, Dee Menear, Susan Davis, Ryan Reed, Sarah Reed, Rob Woodhouse, Stacey McCluskey

Via Zoom: Rebecca Richards

Absent: Morgan Dunham, Kim Jordan

Chairman Browne calls the meeting to order.

Board reviews meeting minutes from July 1, 2024. Selectman Lander makes a motion to accept all minutes as written. Seconded by Selectman Rushton. All in Favor.

Old Business:

Richard Hawkes to provide update on LD2003 and to discuss proposed fee schedule to contract zoning. Richard presents the board with a handout for discussion. Richard says he has outlined the significant additions to AVCOG's version of the LD2003 to benefit the Town of Kingfield.

First the ADU size max of 1200 square feet, the Planning Board info meeting was OK with this.

Second we took out references to Building Code, again, the Planning Board info meeting was OK with this.

Third ADU's allowed in Rural 1 and Rural 2 districts, will need to allow multi-family in Rural 2 (current zoning ordinance prohibits this), Planning Board info meeting deleted ADU applicability to Rural 2 District. It is noted that currently our zoning ordinance prohibits multi-family buildings in Rural 2 District. Richard says let's keep it that way.

Fourth is that the principle structure and ADU must have common ownership, the Planning Board info meeting was OK with this. It must be owner occupied the Planning Board info meeting was ok with this however there was a lot of discussion. Short-term leases: we discussed less than 60 days; the question is should we say 90 days based on the selectboard's opinion. The Planning Board info meeting was OK with 60 days, and a person cannot subdivide. The Planning Board info meeting was okay with this after it was amended.

The fifth item is that we will need to modify our building permit application if approved in November. Sixth item is we will need to review and reference LD2003 in our Subdivision Ordinance and we thought we might like to run a couple of scenarios (Ex: Jordan lot next to Dollar General, 100-acre parcel, 20-acre parcel) to see how it might play out.

The Planning Board agreed with these items but felt there would be challenges to enforce. Richard says the main purpose is to allow for housing for workers that can be affordable.

Richard says that he has had AVCOG review this a few times now and suggests that it be reviewed by an MMA attorney prior to public hearing.

Rob Woodhouse is recognized. Rob says he has some questions about what has been written as he has researched what is written into law.

First Additional dwelling units (4364-A) Allows up to 2 additional dwelling units for lots with an existing dwelling. Must have one attached or internal if 2 are built. Reads like 2 disconnected can be built. The Town can associate minimum lot area for each unit. (Ie..20k sq ft per unit required.) He says you should remove the 5-year subdivision requirement as it is null and void in statute. Notwithstanding any provision of law to the contrary.

Rob says if the lot contains 2 or more existing dwelling units, no more additional units are allowed. Since up to 3 units are allowed under the new statute, I believe the statute means to convey lots with existing dwelling prior to implementation of this ordinance.

Another item is that a Municipality may set standards for existing dwellings that are torn down creating an empty lot. (missing entirely)

Rob says as far as ACO's are concerned common ownership rule is not in statute (a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which residential uses are permitted) and subdividing an ADU is prohibited. He suggests striking that line completely.

Lastly as far as short-term rentals are concerned municipalities may regulate short-term rentals. A municipality may establish and enforce regulations regarding short-term rental units in order to achieve the statewide or regional housing production goal. For the purposes of this subsection, "short-term rental unit" means living quarters offered for rental through a transient rental platform as defined by Title 36, section 1752, subsection 20-C. Rob says Title 36, section 1752, subsection 20-C. Transient rental platform. "Transient rental platform" means an electronic or other system, including an Internet-based system, that allows the owner or occupant of living quarters in this State to offer the living quarters for rental and that provides a mechanism by which a person may arrange for the rental of the living quarters in exchange for payment to either the owner or occupant, to the operator of the system or to another person on behalf of the owner, occupant or operator.

If the goal is to reduce transient rentals, it should apply to all equally.

Richard Hawkes states that the second item of discussion is contract zoning fees. At the last selectboard meeting the action item was to determine small medium and large applications and to set a standard upfront cost. Richard says I looked at Jordan Ventures application which was a small application vs the workforce housing application which was large.

Selectman Rushton asks about legal fees. Sue Davis says it is illegal to charge them legal fees as that is what the lawyers said. TM Targett says that is not the case and reads a statement from the MMA Attorney: *"In my opinion, these standards governing application fees might allow for the inclusion of legal fees, but only those legal fees related to the review and decision on the application. I do not think it would include any additional legal fees related to any litigation resulting from the application decision. With that in mind, I would recommend expressly stating in your contract zoning fee provision that the "legal fees" assessed will be reasonable fees related to any legal review of the application needed when review exceeds the expertise of town staff, rather than simply referring to "town counsel fees" more generally."* The board requests that Richard put in legal fee costs.

Richard presents the board with the following draft for costs.

For Size of Project: Small = 1. Lot coverage density increased by less than 10%; 2. Square footage of building(s) addition(s) less than 10,000 square feet.

Medium = 1. Lot coverage density increased between 10% and 20%; 2. Square footage of building(s) addition(s) 10,000 – 20,000 square feet.

Large= 1. Lot coverage density increased by greater than 20%; 2. Square footage of building(s) addition(s) greater than 20,000 square feet.

For Scope of Project: Small = 1. Site Plan Map required with possible minor admissions.

2. Impact on PB review criteria (Section 7H of Zoning Ordinance): 6 or less criteria impacted.

3. No MDOT driveway/entrance permit required

Medium = 1. Full Site Plan Map required; 2. Impact to PB review criteria (Section 7H of Zoning Ordinance): 7-12 criteria impacted; 3. MDOT driveway/entrance permit required; 4. Subdivision Ordinance impacted; 5. Impact to Town of Kingfield sewer system.

Large = 1. Full Site Plan Map required; 2. Impact to PB review criteria (Section 7H of Zoning Ordinance): 13 items or more criteria impacted; 3. MDOT driveway/entrance permit required.

4. Subdivision Ordinance impacted; 5. Impact on Town of Kingfield sewer system; 6. Project in Shoreland Zoning

For the Complexity of Project: Small = 1. 2 or less ordinance(s) requirements needing relief (variance(s)/waiver); 2. No conditions or restrictions required; 3. No construction schedule required; 4. Project duration less than 1 year; 5. No costs and performance guarantees required.

Medium = 1. 3 to 4 ordinance(s) requirements needing relief (variance(s)/waiver(s)); 2. 1 to 3 conditions or restrictions required; 3. Notional construction schedule required; 4. Project duration greater than 1 year; 5. Statement of costs and performance guarantees required.

Large = 1. 5 or more Ordinance(s) requirements needing relief (variance(s)/waiver(s)); 2. 4 or more conditions or restrictions required; 3. Construction schedule required; 4. Project duration greater than 1 year; 5. Costs and performance guarantees required; 6. Planning Board may require "Municipal Service Impact Analysis"; 7. Additional engineering study/analysis needed by Planning Board to complete review

For Administrative (all Projects)

1. Administrative filing fee; 2. Costs of publishing and mailing out notices for Planning Board informational and public hearings; 3. Costs related to scheduling and holding Town Meeting for voting

Impact Fee Calculation:

Items impacted as determined by meeting with Select Board (supported by the Planning Board) and applicant prior to or at application submittal: Majority of impacts (Small, Medium, Large) determines size, scope and complexity of project and associated fee.

Fee: Small: \$500 Medium: \$1000 Large: \$2000

Following further discussion Richard indicates that he will be sent to MMA Legal for review.

New Business:

Suan Davis, former Village Enhancement Committee was recognized to inquire about future plans for TIF Funds. Sue says she did not hear at the last meeting the action to discontinue the VEC. Selectman Rushton says there was action we all spoke about it, including Kim and Morgan to postpone or stop the VEC from any future meetings until the selectmen can regroup and the comp plan is completed. Sue says if the VEC does not proceed who is going to do the spending. Selectman Lander says we need to take a pause, we need items to be updated including the TIF

and we need to reevaluate everything. Hunter says to Sue - we haven't even had a moment to discuss any of this since our meeting two weeks ago when we decided to not reappoint the VEC. Sue Davis says she spoke with Cindy Orcutt, and she indicated that the VEC needs to meet and work in tandem with the comp plan committee. Selectman Lander reminds Sue that she indicated that the VEC had run its course. Sue asks again what the selectboard plans to do to which Selectman Lander says we are not discussing that tonight; it is imperative we have a full board to begin discussions. Sue Davis states that VEC members should be on the comp plan committee to which Chairman Browne indicates that it is important to have a good mix of people to serve on committees.

The board reviewed two quit claim deeds for properties that was foreclosed upon. Selectman Rushton makes a motion to sign as presented. Seconded by Selectman Lander. All in Favor.

Town Manager Updates/Discussion: TM, Targett indicates that the roof was repaired recently however the cricket must be removed and repatched. She is awaiting a cost for this. She has been in contact with one gentleman about crack sealing and is awaiting a return call. She has spoken with 18 companies about stripping and has heard from 17 that they are either too busy, too late in season or have a lack of flaggers. She has one person left and she has spoken with an individual that might be interested in doing it. Riverside and West Kingfield bid documents have been signed. The plan is to begin on Riverside Street in the first week in August. The benches have not been placed as we are working with Justin about potential metal plate anchors.

TM Targett says before the board is a document that if agreed by the board would allow the reference of Administrative Assistant to be changed to Town Manager on all policies, forms, ordinances etc. that do not require town meeting action. Selectman Lander makes a motion to sign as presented. Seconded by Selectman Rushton. All in Favor.

TM Targett explains that another item she has before the board is a 906 Form. Section 906 states that: The municipal officers of a municipality may, upon request of the municipal treasurer or the tax collector, require that any tax payment received from an individual as payment for any property tax be applied against the oldest unpaid tax bill. Selectman Lander makes a motion to sign as presented. Seconded by Selectman Rushton. All in Favor.

TM Targett says she has three openings on the budget committee. The damage to the sidewalk lights will be fixed tomorrow by Andrew Bracy's company. Which is something that she feels should be noted that there is no money planned in the budget for things like this and it is not something that can come from TIF. We should have an account for operational or routine maintenance. As far as the rampway leading into the hall is concerned, I am still trying to find someone that has the liability insurance necessary to work on town property. The Riverside Street speed sign can be moved up to 100 feet. This can be done after receiving some red backed speed signs that I have requested. TM Targett says we are finally closing in on getting payments from FEMA (not MEMA) for the May 1, 2023, storm and I continue to work on the December 18, 2023, storm with some smaller pieces moving to approval and the bigger ones needing more information. TM Targett says the last item is the trimming on the sides of the swimming access area, not the new grass that is trying to establish, she has planned to ask that this get completed for Kingfield Days.

Selectmen Discussion: None

Public Comment: Stacey McCluskey asks if handicapped parking spaces will be painted when the crosswalks are done. TM Targett says yes.

Rob Woodhouse says they will be doing some clean up work up to Shiloh and anyone is invited to help. He did notice that the regular street sign and post need to be replaced.

Selectman Lander makes a motion to enter into Executive Session pursuant to 1 M.R.S.A. §405(6)C - Certain Property Matters. To discuss possible property interest and disposition of publicly held property. Seconded by Selectman Rushton. All in Favor.

There are no motions made following executive session.

Selectman Lander makes a motion to adjourn. Seconded by Selectman Rushton. All in Favor.

**The minutes provided above are a summary. The Town meets record management requirements and retention schedules by maintaining permanent records of electronic recordings of meetings to satisfy the requirements of §403-A. Minutes by Leanna Targett.*