

**Kingfield Planning Board**

Date: Tuesday, July 9, 2024  
Location: Webster Hall  
Time: 6:00-7:00 Informational Meeting  
Time: 7:00-7:35 Regular Meeting  
Topic: LD 2003; Contract Zoning fee structure  
Board present: J. Clukey, S. Davis, R. Hawkes, S. Hoisington, B. Smith, C. Tranten,  
Board Absent: M. Wahl; CEO Ben Hitchcock  
Public: Diane Christen, Rob Woodhouse, Jeff Maget, Audrey Tague, Carol Conant [Weld Planning Board]

***Informational Meeting on LD 2003***

Outline LD 2003 Requirements for increasing housing density: Richard Hawkes explained that this is a state law that has to be in place by July 1, 2024. Kingfield is behind so we are trying to catch up. The schedule requires the Planning Board, after this Informational Meeting and subsequent presentation to the Select Board, to convene a Public Hearing with the appropriate 2-week notice after which it prepares the final document for the Select Board to place an article into the Town Warrant for the November 5 voting day. This has to be done by late September so that a month of absentee voting can take place before the November 5 voting day. Sue Davis added that this started in 2022 as an attempt by the State to address the need for housing; the State estimates it needs 200,000 housing units above its current inventory.

1. Affordable Housing: Allow a density bonus for developments that meet the definition for affordable housing. Of the units, 51% must be designated as affordable [which qualification is identified by state law], must be located in a designated growth area identified in the comprehensive plan, or served by public water and sewer and must be located in an area where multi-family housing is permitted. There is also a density bonus when these conditions have been met: 2.5X base density and 2 parking spaces for every 3 units. Example: if 6 units were permitted under base density, 15 units would be permitted with 10 parking spaces for 15 units.
2. Housing Density: allows more than one dwelling unit per lot, either within, attached or detached, subject to lot area and setback requirements. On vacant lots, up to 4 units are allowed if in a designated growth area or has public water and sewer; if not, only 2 units are allowed per lot. Lots with an existing dwelling may have up to 2 additional dwelling units as 1) within or attached to the existing structure, 2) detached from the existing structure and 3) one within or attached, and 1 detached.
3. Accessory Dwelling Units (ADUs): allows one additional dwelling unit on a minimum-sized lot with an existing dwelling and is exempt from all lot area and parking requirements. The ADU can be achieved by conversion of a space within the existing dwelling, attached to the dwelling, a new structure or conversion of a detached structure. The minimum size is 190-sf.; Kingfield Planning Board is proposing a 1,200-sf. maximum. Kingfield PB is also choosing to include common ownership between the existing structure and the ADU and that one or the other be owner occupied. **If not connected to public sewer, septic needs to be large enough to handle additional bedroom(s) or new septic needs to be built.** [The single ownership requirement runs with the land, which is recorded in the County Registry of Deeds: they can never be sold separately.]

Hawkes explained that the PB received a model ordinance from Androscoggin Valley Council of Governments, a state resource for municipalities, components of which the PB chose to incorporate into the current ordinance rather than creating a separate ordinance. Set-back requirements still apply. The applicant has to demonstrate that the lot has potable water or is connected to a public water system and that the sewer system will accommodate the additional bedrooms or proof that it connects to a municipal sewer system. Subdividing or selling an ADU from its primary dwelling is prohibited.

Currently the three LD2003 provisions are allowed in Growth and Village district. The Planning Board would like to add Rural 1 to this ordinance. Hawkes also removed reference to a building code because Kingfield does not have one. In reference to covenants, deed restrictions, Kingfield's wellhead protection and shoreland zoning, these rules cannot be abrogated by any of the three LD2003 provisions.

Hawkes then went over the ordinance showing where the changes were made. With regard to preventing the use of ADUs and other housing density solutions for short term rentals, Hawkes reached out to Sugarloaf to find out the length of stay of their seasonal workers. Sugarloaf responded that the shortest was 3 months, going up from there from seasonal to year-round. Planning Board members and attendees discussed limiting rentals for 3, 6 and 9 months and agreed that the "mid-level" 6 months seemed reasonable.

In response to questions about developing housing on larger lots, it was clarified that a minimum lot size, 20,000 sf. in Village, 40,000 sf. in Growth, determined whether a structure would qualify as an ADU. On larger properties, if there is enough land, the property owner can build according to Town ordinance, requiring a simple building permit and can sell that property separately.

When asked about not approving this ordinance, Hawkes and Tranten explained that it was state legislation, that if PB adjustments of it to Kingfield's ordinances were not approved, the state legislation would rule.

Rob Woodhouse thanked Planning Board members for the work they've put into this complicated issue. Davis thanked him for the thanks.

The Informational Meeting concluded, and the Board moved on to its regular business agenda.

Chair Clay Tranten called the regular meeting to order at 7:00.

*Jared Clukey moved approval of the agenda, seconded by Richard Hawkes. The motion passed unanimously*

*Scott Hoisington moved approval of the June 18, 2024, minutes, seconded by Jared Clukey. Richard Hawkes made a correction on page 2, 2<sup>nd</sup> bullet: should read "of" original structure, not "or" original structure. With those corrections, the motion passed unanimously.*

*Jared Clukey moved approval of the June 25, 2024, meeting, seconded by Richard Hawkes. Hawkes made two corrections: Mark Wahl was in attendance, not absent; there was an action that Jordan Ventures submit the 2<sup>nd</sup> septic design as part of the final application to be recorded. With these corrections, the motion passed unanimously.*

Hawkes noted that the applicant is required to record the agreement for the application in the County Registry of Deeds and to provide the Town's Code Enforcement Officer with proof that it has been done before building permits are issued.

### ***Election of Officers***

*Chair: Richard Hawkes nominated Clay Tranten to remain chair, seconded by Jared Clukey. The motion passed unanimously.*

*Vice Chair: Jared Clukey nominated Richard Hawkes to remain Vice Chair, seconded by Clay Tranten. The motion passed unanimously.*

*Secretary: Clay Tranten nominated Sue Davis to remain Secretary, seconded by Babe Smith. The motion passed unanimously.*

### ***CEO Report***

Although unable to attend tonight's meeting, Code Enforcement Officer Ben Hitchcock reported to Tranten that he has had an inquiry about a Victualer license for selling food. The request came from

someone who wants to have a Farm Stand to sell produce. Tranten explained that Kingfield no longer requires victualer licensing when the situation is temporary, only run at certain times of the year and not open all the time, which is similar to a flea market or a yard sale. Hitchcock will check into that. Other licenses can apply: if homemade items are sold, a licensed kitchen is required. Food trucks need landowner permission, but not town licensing.

Scott Hoisington asked about parking at the new Silly Goose at the Mountain Village Farm. There is adequate parking based on the event parking that is available for Blues in the Barn events.

### ***Review LD 2003***

There was general agreement that the minutes of the Informational Meeting would suffice as the PB review. Everyone at the meeting seemed to agree with what we presented, including:

- Maximum ADU size will be 1,200
- Remove reference to the Building Code (Kingfield does not have one)
- Add R1 but not R2 to the applicable districts
- Principal structure and ADU will have common ownership
- One of the dwellings must be owner-occupied
- No subdividing
- Shortest lease allowed will be 60 days
- Kingfield's Building Permit application will need to reference LD2003
- Subdivision Ordinance will need to reference LD2003

### ***Contract Zoning Fees***

In response to the Select Board's request, Richard Hawkes has researched fees for Contract Zoning applications. In addition to administrative costs that include the cost of publishing and mailing out notices for Planning Board informational and public hearings and costs related to scheduling and holding a Town Meeting vote, Hawkes defined expenses based on three categories:

## **I. 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

## **II. Scope of Project**

### **Small**

1. Site Plan Map required with possible minor admissions
2. Impact to 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 to Town of Kingfield sewer system
6. Project in Shoreland Zoning

**III. Complexity of Project**

**Small**

1. 2 or less ordinance(s) requirements needing relief (variance(s)/waiver(s))
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

Hawkes recommended the following fees:

- Small: \$500
- Medium: \$1,000
- Large: \$2,000

These fees would be non-refundable but would not guarantee success of the application.

Tranten and Hawkes will present this plan to the Select Board at their next meeting Monday, July 15, when they will also present the results of tonight's LD2003 Informational meeting. Tranten recommended that the Select Board set the Public Hearing date for LD2003.

***Other:***

Scott Hoisington and Hawkes have done another drive through of signs and will update the matrix they created originally. The goal will be to complete work on it so that it can be put on next June's Annual Town Meeting.

In addition to continuing work on the signage ordinance, Tranten noted that the Board needs to update the subdivision ordinance. He plans to use AVCOG and MMA to help and requested that all Board members send him comments on the ordinance before he sends it to AVCOG to begin the process.

The next Planning Board Meeting will be August 13, 2024.

*Scott Hoisington moved adjournment, seconded by Babe Smith. The motion passed unanimously.*

Respectfully submitted,

Sue Davis, Secretary.