

**Kingfield Planning Board**

Date: Tuesday, June 18, 2024  
Location: Webster Hall  
Time: 5:00-6:00 Work session  
Time: 6:00-7:40 Meeting  
Topic: LD 2003, Jordan Ventures, Inn/Winter's Hill, Brian Hatfield, CZ fees  
Board present: J. Clukey, S. Davis, R. Hawkes, S. Hoisington, B. Smith, C. Tranten,  
Board Absent: M. Wahl; CEO Ben Hitchcock  
Public: Jonathan Jordan, Brian Hatfield, Tadasana Ventures representative

**Work Session**

Chair Clay Tranten called the work session on LD 2003 of the Kingfield Planning Board to order at 5:04 pm in Webster Hall. A quorum was declared.

Richard Hawkes prepared comments on LD 2003 that breaks down into three categories:

1. Affordable Housing
2. Accessory Dwelling Units (ADUs)
3. Housing density, density bonus

The State requires towns with the town meeting/select board form of government to adopt LD 2003 into their zoning ordinance by July 1, 2024. Kingfield is late but hopes to have this adopted at an election on national voting day, November 5, to become effective January 1, 2025.

Towns can either have the components of LD 2003 in a stand-alone ordinance or incorporate it into its regular Zoning ordinance. Hawkes chose the latter, following Carrabassett's model. Using the language from AVCOG's/Erica Bufkins' model ordinance, he inserted components in Definitions, Performance Standards and Site Plan Review.

Definitions: With few changes and some additions, Hawkes basically copied the definitions from Bufkins' model, which include:

- **Affordable Housing Development**
  - Rental
  - Owned
  - Majority has been changed to 51% or more.
  - Housing costs defined
- **Area Median Income**
- **Attached**
- **Base Density**, including when shoreland zoning and subdivision rules override
- **Centrally managed water system**: central water system having a minimum of 15 connections
- **Density requirement**: up to 4 units (only on empty lot) can be approved by CEO, no PB action required
- **Designated growth area**: includes the Village; does Kingfield want to allow this in Rural 1 and Rural 2? Clay suggests this as Kingfield's primary option. Very little room is left in Growth.
  - Septic has to be enlarged to accommodate additional bedrooms
  - Water has to be identified
  - Update building permit application to reflect these requirements
- **Dimensional requirements**
- **Dwelling**: primary/existing structure on lot with provisions for sleeping, living, cooking, and eating
  - Single family
  - Two family

- Multi-family: replace “three or more dwelling units” in original definition with “a building designated for or occupied by 3 or more families constructed on the site, attached to a permanent foundation.”
- Apartment
- Dwelling Unit = Accessory Dwelling Unit / “ADU” = “additional” dwelling;
  - has to include bedroom [and separate] bathroom, kitchen, either included, attached or separate from original “dwelling.”
  - Maximum size set at 1,200 square feet; Hawkes suggests not allow additional 75% or original structure.
- Covenants, whether HOA, deed restrictions or other, rule; thus ADU may not be allowed.
- Expansion is different from ADUs
- **Housing**
- **Potable water**
- **Restrictive Covenant:** pose question to a sub-division applicant if they will allow it
- **Sewered or “comparable sewer system”**
- **Structure:** expand from Kingfield’s original definition to the one suggested by Bufkins’ model

### District Use

Under District Use, Hawkes added Accessory Dwelling Units as a land use in Village, Growth, Rural 1 and Rural 2, requiring permits from the CEO, and Affordable Housing Developments (AHDs) requiring PB approval in Village and Growth, not yet in Rural 1 and Rural 2. Clay Tranten added that voters need to approve adding both ADUs and AHDs in Rural 1 and Rural 2.

The work session was paused for the regular PB meeting and resumed at the end of regular PB business:

### ***LD 2003 work session resumed***

Residential Density: Hawkes inserted this as K after Roadway Approach Overlay District. This he copied with minor changes from the Bufkins/AVCOG model. However, Hawkes added two significant changes relative to Kingfield’s zoning after the Shoreland Zoning exemption:

1. Wellhead Protection: not to be exempted
2. Floodplain Management Ordinance: not to be exempted

Accessory Dwelling Units: This followed K as L. Besides slight language change. Hawkes recommended setting the maximum at 1,200 sf. The paragraph on water had been mistakenly omitted because it appears under each separate component of LD 2003. That was corrected. Paragraph 8 was included, that an ADU remain in common ownership. Hawkes recommended two more paragraphs:

1. Short term rentals (STRs) of ADUs less than 30 days are prohibited: there was discussion about increasing the minimum to as much as 90 days.
2. Subdividing an ADU from its principle dwelling lot is prohibited: all agreed to leave this in and see what the public thinks. Tranten added that otherwise this would allow people to by-pass Kingfield’s subdivision ordinance.

There seemed to be agreement that these prohibitions be included as they were easier to take out than to add them at a later date. Tranten noted that the State of Maine is considering regulating STRs, thus starting this exclusion now would put us ahead of such future legislation.

Affordable Housing Developments: This followed L as M. Hawkes made no changes here, and the struck item on water was added back in.

Informational meeting on the second Tuesday in July. Scott: present this to the public in a more readable way?

### ***Board Meeting***

Tranten opened the regular PB meeting at 6:00, noting that there was a quorum. He then called for approval of the minutes.

*Scott Hoisington moved approval of the May 14 Planning Board minutes, seconded by Babe Smith. The motion passed unanimously.*

### **Inn on Winter's Hill**

Tadasana Ventures at 33 Winter Street, the Inn on Winter's Hill, is requesting a building permit to install a 12 x 20 pre-assembled shed, a "healing arts cabin" for occasional massage treatments by licensed practitioners, open except for a small bathroom containing a sink and toilet. Originally, that lot and the Inn were separate properties, one commercial, one residential. The current owners purchased it as a single property on the same deed. Tranten recommended the owner check at the registry of deeds to see that it has been changed, noting that it would change to frontage and that there would be only one taxable unit rather than two.

This permit would be handled by the code enforcement officer except for the setback and change of use from residential to commercial, both of which requires PB approval. The cabin is going to be placed partially on the footprint of the original trailer but set lengthwise at the top end. Because the lot falls away at the back, they want to move it toward the road 13 feet closer than the 35 ft. required setback.

*Jared Clukey moved to waive the thirteen-foot setback reduction, seconded by Scott Hoisington. In discussion, Hawkes asked about the hours the cabin would be in use—9am to early afternoon, no loud music—and abutters, which include the cemetery and Arthur Hammond. Tadasana has verbal approval from Hammond; Tranten asked if the applicant could get that approval in writing, requesting that it be given to the CEO when he presents the approved request. *The motion passed unanimously.**

*Jared Clukey moved to accept change of use from residential to commercial, seconded by Scott Hoisington. The vote was unanimous.*

### **Brian Hatfield addition**

Brian Hatfield is requesting a setback change for the addition of a garage attached to the trailer at 513 West Kingfield Road. The setback is supposed to be 25 on the side, and Hatfield is asking for 15 ft. setback. He noted that when he purchased the lot, the setback was 25 feet, then zoning changed. He also noted that the area in question was wetland. The abutter is Poland Spring/Nestlé, from whom acquiring a letter of approval, normally requested, would be next to impossible.

*Jared Clukey moved to waive the 10 ft. change, seconded by Babe Smith. The motion passed unanimously.*

### ***Site plan review for Jordan Ventures***

Kim Jordan sent the application to chair Clay Tranten, copied to the rest of the Planning Board. Tranten was unable to download it and neither Sue Davis nor Richard Hawkes received it. Hawkes spoke for everyone in saying that he could not review or approve a plan he has not seen. All agreed trying to have a special board meeting on Tuesday, June 25. Tranten agreed to see if that was possible by connecting with the Town Manager and with the CEO, Ben Hitchcock.

Jonathan Jordan went over the drawings and explained that the septic design engineer has enabled JV to move the buildings further forward from the abutters. The building will also be sprinklered.

Tranten is unavailable for next Tuesday's meeting, Hawkes will only be able to attend remotely; Clukey, Davis, Hoisington and Smith agreed they could attend the special meeting; Clukey added that he would contact Mark Wahl about possible attendance, to be sure of a quorum of those physically present (remote attendance does not officially count). Tranten then explained the process for acceptance and approval:

- Accept the application as complete
- Move to waive the need for a public hearing as JV's application for Contract Zoning had received both an informational meeting and a public hearing and has been approved by the voters
- Review and approve all findings of fact
- Approve the application

After Jonathan Jordan had left, he sent a request through Clukey to ask, because of the delay, if JV could start earthworks preparation before the site plan had been approved. All agreed that basic earthworks could proceed, although no vote was taken.

***Subdivision ordinance review***

Tranten would like to send Kingfield's subdivision ordinance to MMA and AVCOG and have them look it over for input about where it could be improved before researching others. All agreed this made perfectly good sense. Tranten would like to see such things as proof road associations were in place, control lot line changes, limit the number of phases, which messes up tax maps, etc. Tranten has looked at similar towns, like Rangeley, as well, but considers MMA and AVCOG input would simplify the work needed to update the ordinance.

**CZ Fees**

Hawkes presented his work on fees for Contract Zoning. Lawyers at MMA say it is illegal to have an open-ended fee. Hawkes recommends charging according to complexity: for example the WMMH application might be \$3,000 but Jordan Ventures, considerably less complicated, might be \$500. Whatever isn't used could be returned, perhaps held as a bond. MMA recommends running it by SB and have them run it by legal. Tranten recommended putting it on the Select Board's agenda for July 1.

*Sue Davis moved to present Hawkes's draft to the Select Board at their July 1 meeting for fees for Contract Zoning, seconded by Scott Hoisington. The motion passed unanimously.*

*Babe Smith moved to adjourn, seconded by Jared Clukey, which passed unanimously.*

Respectfully submitted,

Sue Davis, Secretary