

**Kingfield Planning Board**

Date: Tuesday, August 13, 2024

Location: Webster Hall

Time: 6:03-7:18

Topic:

Board present: J. Clukey, S. Davis, R. Hawkes, S. Hoisington, M. Wahl, C. Tranten

Board Absent: B. Smith

Other: CEO Ben Hitchcock, Jeff Maget, Jennifer McCoy, Whitney Rhodes, Dan Rhodes,  
Polly MacMichael, Rob MacMichael

***Call to Order, board member attendance & voting quorum***

Chair Clay Tranten called the meeting to order at 6:03 and declared that there was a quorum with 6 of 7 members attending.

***Agenda Approval:***

Tranten announced that item #7 would be changed from Charlie Watt on setback on Iron Bridge Road to Methodist Church change of use. *With that correction, Scott Hoisington moved to accept the agenda, seconded by Richard Hawkes. The motion passed unanimously.*

***Approval of July 9, 2024, minutes***

Secretary Sue Davis noted that she had included a correction offered on the informational meeting on LD 2003, number 3: Accessory Dwelling Units, by Richard Hawkes: *If not connected to public sewer, septic needs to be large enough to handle additional bedrooms or a new septic field needs to be built. With that correction, Hawkes moved approval of the minutes, seconded by Jared Clukey. The motion passed unanimously.*

Before proceeding with the agenda, Richard Hawkes asked two questions about Jordan Ventures. 1: Has the Code Enforcement Officer received proof that the Jordan Ventures application and agreement has been filed in the County Registry of Deeds before a building permit was issued. Tranten responded that the original agreement had been misplaced, that Kim Jordan is submitting another after she has her lawyer Michael Vaillancourt review it. 2: Has Jordan Ventures' explanation about handling the drainage been submitted. Davis noted that Jon/Kim Jordan had sent a copy of it to her and to Hawkes for inclusion in the application.

***CEO Report: Ben Hitchcock***

Tax assessor Audra (?) has requested that any shed or other structure 200 s.f. or less (which meet setbacks and are not within shoreland zoning) have a permit even if there is no fee attached to it. She is cleaning up tax maps; such structures affect the valuation of a property and could increase the taxes on a property. Because creating a permit for any shed or other structure of 200 s.f. or less even when there is no fee attached has taxation implications, Tranten proposed including it in the minutes and taking it to the select board for their determination.

Davis asked the CEO how many building permits had been issued lately. Hitchcock responded that there have been 19 permits issued so far this year, ranging from new construction to additions, sheds, etc. Scott Hoisington asked about two lots on the Carrabassett River across the street from the veterinary clinic and opposite Ira Mountain. Hitchcock reported that they met all setbacks for shoreland zoning high water. He was not sure about road setbacks as the structures were in place when he came on the job. Tranten offered that insurance will determine if the setbacks are sufficient.

Davis also asked how many sign permits had been issued. Hitchcock was not sure, perhaps 6. She was also interested to know if Hitchcock had enough time in the one day as CEO in Kingfield to complete the work he had. He said yes.

***LD 2003 not to appear in Kingfield's ballot on November 5***

Tranten reported that the Town's lawyer will not be able to review the Planning Board's proposed ordinance in time for it to be included on the November ballot. Tranten has reached out to Maine Municipal Association (MMA) for input, but they have not responded to all queries. MMA also pointed out that it cannot render opinions because it cannot represent the Town in court, therefore requiring the Town's lawyer to determine the ordinance's legality.

On a related topic, Hawkes noted that the PB should update its building permit application so that it addresses the issue of septic, etc., typically included in the plumbing permit. Hawkes offered to create such a permit, which would include a checklist of steps involved in the process.

***Whitney Rhodes: Change of Use for a coffee shop***

Whitney Rhodes presented her design for a coffee shop in the former Keenan building, now owned by the MacMichaels. She is requesting a waiver to setback requirements in order to change the entrance from the current position with Main St. frontage (50' setback) to a position with Depot St. frontage (26.5' setback). Discussion of handicap access was deferred to the CEO. *Jared Clukey moved to approve a waiver to the setback requirement, seconded by Mark Wahl. The motion passed unanimously.*

Rhodes also noted that she had approval from the Water district but that Waste Water had declined to approve her plan. Discussion ranged from the minimal amount of waste water the Coffee shop would produce, primarily from hand- and dish-washing but with no bathroom on site, to giving up waste water rights in the property she owned across the street (approved for three bedrooms), substituting the approval already granted for the former Smoothie shop (MacMichaels did not want to give up the opportunity for having another shop there) and the capacity going unused because of such a large percentage of seasonal property not making full use of its access.

There appeared to be consensus that Waste Water's refusal to approve the application amounted to one person's determination to close down business growth in Kingfield. All agreed that this could not be solved by the Planning Board but rather was an issue to be settled by the Select Board. Tranten agreed to put the question of Waste Water's refusal to approve the application of the coffee shop on the agenda for the next SB meeting, Monday, August 19.

***Change of Use: Methodist Church to residential***

Jennifer McCoy requested a change of use from a non-profit church to residential for the Methodist Church on High Street. Such a change will put the property on the tax roll. Release of its non-profit status is an issue for the previous owner; the tax assessor will follow that up. *Jared Clukey moved to approve the change of use, seconded by Scott Hoisington. The motion passed unanimously.*

***Comprehensive Planning Committee per 30-A MRSA Section 4324***

Davis put this item on the agenda because of recent interaction with the Town Manager. Davis had put in a written request to be on the Comprehensive Planning Committee and was declined by the TM. The TM used two reasons for the decline: Davis was on the PB and the SB had

recently moved that citizens were allowed to be on only one committee, which means could not serve on two committees. (Davis mentioned this Select Board action to Billy Gilmore, previously Town Manager of Carrabassett Valley, who believed that the SB was not statutorily able to do that, that it had to be a vote of the Town.) The second reason used by the TM was that members of the PB could not be on the Comp. Plan Com. because the PB was charged to execute the results of the Plan.

Davis then went back to the PB manual provided by the Town, which stated on the PB Ordinance under Powers, page 2: "The Board shall serve as the Comprehensive Planning Committee for the Town of Kingfield as defined by 30-A MRSA Section 4324." She copied 30-A MRSA Section 4324 onto the Agenda for this meeting's consideration.

After discussion of the time and responsibilities of a Comp. Plan Com., Jared Clukey and Davis agreed to represent the Planning Board on the Comp. Plan Com. Tranten agreed to add the discussion of membership and Clukey's and Davis's agreement to serve on the Comp. Plan Committee to his discussion with the TM.

#### *Other*

Hawkes reported that he had presented the Select Board, at their request, a fee schedule for Contract Zoning applications. Because consideration of LD 2003 has been delayed for a vote on November 5, Hawkes wanted to know the status of his proposed fee schedule should a CZ application be received before the Town votes on the PB's LD 2003 proposal. Tranten agreed to add Hawkes's question about the CZ fee schedule to his discussion with the TM.

The next meeting is scheduled for the second Tuesday in September, the 10<sup>th</sup>.

*Mark Wahl moved to adjourn, seconded by Davis. The motion was approved unanimously.*

Respectfully submitted,

Sue Davis, Secretary

#### Tranten actions:

- Because creating a permit for any shed or other structure of 200 s.f. or less even when there is no fee attached has taxation implications, Tranten proposed including it in the minutes and taking it to the select board for their determination.
- Tranten agreed to put the question of Waste Water's refusal to approve the application of the coffee shop on the agenda for the next SB meeting, Monday, August 19.
- Tranten agreed to add the discussion of membership and Clukey's and Davis's agreement to serve on the Comp. Plan Committee to his discussion with the TM.
- Tranten agreed to add Hawkes's question about the CZ fee schedule to his discussion with the TM.