

NORTH HAVEN PLANNING BOARD
MEETING MINUTES
AUGUST 9, 2017
TOWN OFFICE 5:00 PM

Present: Pat Curtis, Becky Bartovics, Jeff Crawford, Doug Record, Jamien Shields, Tammy Brown (associate CEO), and Paul Quinn (CEO)

Guests: Charlie Pingree, Mert Howard, Ben Lovell

1. Call to Order: at 5:04 p.m.

2. Approve Minutes of July 12, 2017, Public Hearing July 26, 2017, and Special Meeting July 26, 2017:

July 12 Minutes: Moved by Doug and seconded by Becky, approved 4-0.

July 26 Public Hearing: Moved by Becky and seconded by Jeff, approved 3-0 with 1 abstention.

June 26 Special Meeting: Moved by Becky and seconded by Jeff, approved 3-0 with 1 abstention.

3. CEO Report:

New Permits Issued:

17-17 Christopher Stone

Map 12 Lot 06, Rural District

RE: New House

18-17 North Haven Sustainable Housing

Map 19 Lot 03, Shoreland District

RE: Garage Apartment change of use (Following Planning Board Hearing)

19-17 Jens Eckstein

Map 11 Lot 09C, Rural District

RE: Single Family House

20-17 Jens Eckstein

Map 11 Lot 09C, Rural District

RE: Barn

Denied Permits:

None at this time

Pending Permits:

None at this time

4. **NH Subdivision Ordinance Amendment:** Discussion of amendment and the Planning Board will review and carry forward to the next agenda. See annotated draft amendment attached.
5. **Food Sovereignty Proposal, Bartovics:** Food Sovereignty Bill draft shared by Becky and she will pass along to the Selectboard.
6. **Other -** Turnip island guest house has a new septic system. Some houses on the sewer line still need to be connected. Digging is taking place in the Fresh Pond Watershed Protection District. Farmland in the Fresh Pond Watershed Protection District requires a plan from the Knox County Soil and Water Conservation Commission as per Fresh Pond Watershed Protection Ordinance.
7. **Reminder - Next regular meeting, September 13, 2017:**
8. **Adjourn:** Moved by Becky and seconded by Doug to adjourn at 6:53, approved 5-0

Respectfully submitted: Jeff Crawford

Draft for Review
North Haven Subdivision Ordinance Amendment
8.4.17

**ARTICLE 1 - PURPOSES AND STATUTORY REVIEW
CRITERIA**

1.1 **Purposes.** The purposes of these regulations are:

- A. To provide for an expeditious and efficient process for the review of proposed subdivisions,
- B. To assure new development in the Town of North Haven meets the goals and conforms to the policies of the North Haven Comprehensive Plan,
- C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of North Haven,
- D. To protect the environment and ensure environmental sustainability, and conserve the natural and cultural resources identified in the North Haven Comprehensive Plan as important to the community,
- E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures,
- F. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality, and
- G. To promote the development of an economically sound and stable community.
- H. To promote the creation of year-round housing

ARTICLE 3 - DEFINITIONS

In general, words and terms used in these regulations will have their customary dictionary meanings. More specifically, any word or term defined in the North Haven Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Please note underlined text is new text for an amendment and ~~strike-through text~~ is proposed for removal.

Affordable Housing: ~~Housing units that will meet the sales price and/or rental targets established by the Comprehensive Plan for housing affordability.~~

Check Comprehensive Plan for Affordable Housing statements and keep definition for Affordable Housing if stated in comp plan.

Reserved Affordable Housing: ~~Affordable housing that is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 120% or less of the area median household income.~~

Year-round housing unit: Lots/units which may be purchased or rented for occupancy by people with up to 200% of area median income for Knox County as established by the United States Census, the Maine Department of Agriculture Conservation and Forestry (formerly Maine State Planning Office) or the Mid-Coast Regional Planning Commission.

Do we need all of these data sources, are the numbers different?

ARTICLE 7 - FINAL PLAN APPLICATION

1. **Required Submissions for which a Waiver May be Granted.**

The Final Plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to Article 12, Waivers (applications for year-round housing shall receive waivers from all of these submissions:)

ARTICLE 10 - PERFORMANCE & DESIGN STANDARDS

10.14 Year-Round Housing

A. Preamble

The purpose of this allowance in the ordinance is to implement the Comprehensive Plan's housing strategies. The ordinance seeks to maintain and promote housing opportunities for year-round working populations and first-time home buyers. The outcome is to provide for a site development practice that is efficient to keep construction costs lower

than market-rate housing development projects. The goal is to provide for 10% of the total housing stock in North Haven to these noted populations.

B. Permit Requirements

1. This allowance is allowed in all districts except Shoreland and Resource Protection districts with the following exceptions:
 - a. At least 50% of the subject property is outside the Shoreland and Resource Protection district.
 - b. At least 50% of the subject property does not contain sustained slopes of 10% or greater.
 - c. At least 50% of the subject property does not contain wetlands as defined.
2. Application Requirements: All application, procedure, enforcement and inspection requirements apply except the submission of a Preliminary is not required. Requests for waivers found in Article 12 are also applicable.
3. Density Requirements
 - a. Density bonuses are calculated as a percentage of the allowable density found in Table 3.7. in the North Haven Land Use Ordinance. The calculation is the area of the subject property divided by the minimum lot size for the district. This mathematical equation is the gross residential density for the proposed development.
 - b. In no event shall the Planning Board allow a density of development that exceeds the capabilities of the site to provide water or manage wastewater.
 - c. If the parcel being subdivided is located in more than one zoning district, the overall density of the subdivision shall not exceed the combined density requirements of the districts.
 - d. Allowable Increase in Density

An increase of up to 50% in the gross residential density of the site may be permitted if at least 50% of the residential units are conveyed with covenants designed to benefit the creation and preservation of year-round housing units.

C. Design Requirements

1. Development Layout: Each lot or building must be an element of an overall plan for the entire parcel. When the development consists of the creation of lots, the plan shall establish a building envelope for each lot within which the buildings will be located. When the development involves the construction of multiple buildings on one (1) or more lots, the plan shall show the general location of each building. The plan shall show the location and size of all building envelopes, roads, utility easements, common areas, common structures, parking areas, footpaths, and private yard space related to individual residential units. The placement of buildings and treatment of spaces shall reflect the purpose of this section and meet all other relevant requirements of this Ordinance.
2. Road frontage requirement: Only the lot over which the main access road lies shall meet the required road frontage for the zone in which it is located. Other lots may have less or no road frontage, as determined by the Planning Board to provide safe and convenient access to dwellings.
3. Setbacks: The Planning Board may reduce the side and rear setback requirements for the internal lot lines of the project, but not the setbacks from the boundaries with adjacent parcels.
4. Lot coverage: Lot coverage relief may be granted by the Planning Board in cases where lots are created. In no case shall the Planning Board allow the lot coverage for any lot to be in excess of 75% of the lot.
5. Height: The Planning Board may not provide relief from the height requirements.
6. Public land and facilities: The Planning Board must approve any provisions for the maintenance and upkeep of public land and facilities within subdivision. All shared passive or active recreation areas, wastewater facilities, wells and solid waste removal provisions must be provided for in a homeowner's association document, which shall be recorded with the subdivision, and provide for adequate financing to ensure proper maintenance and repair.

7. Roadway requirements: Reduction of street widths as determined by the Planning Board to provide safe and convenient access to dwellings.
8. Unless noted otherwise herein, all other requirements in the Subdivision apply as to Article 10 as may be applicable.

D. Market Requirements

1. Year-round housing lots/units shall be sold to qualified income buyers. Buyers shall indicate interest in purchase by contacting the seller
2. As part of the review process, the applicant shall submit to the Planning Board a system for sale of units where the number of qualified and interested buyers exceeds the number of available units.
3. When the number of units available exceeds the number of qualified and interested buyers, the owner shall advertise in a newspaper of general circulation that workforce housing is available for sale.
Remove the word "workforce"
4. All year-round housing units shall be owner-occupied. Sub-leases of any unit in the subdivision, whether a market-rate unit or workforce housing unit, shall not be for less than 30 days by any owner.
5. All year-round housing lots/units shall be geographically dispersed throughout the development where feasible, if market-rate housing is also part of the development.
6. The dwellings on year-round housing lots/units shall be compatible with the design of the dwellings on the remainder of the development in terms of appearance, materials, finished quality and level of finish, including finished second floors, and providing a reasonably comparable number of finished bedrooms and baths to the market rate dwellings in the development.
7. The applicant shall submit for Town Attorney review and acceptance to form an agreement which preserves the long-term affordability of the lots/units to low and moderate income households. The agreement shall be either a second mortgage, deed restriction or a combination of the two. Agreements must include but not be limited to:
 - a. a proven method to preserve long-term (99 years) affordability to qualified buyers;

- b. a formula for accruing limited equity to the buyer which includes any physical improvements to the property;
 - c. the option to return housing to market rates only if there are no qualified buyers within one hundred eighty (180) days of the property being on the market;
 - d. an option to the Town to purchase the affordable lots/units if no qualified buyers apply at the "affordable" price;
 - e. an option to a local non-profit dedicated, in whole, or in part, to providing housing to low to moderate income person(s) and/or the elderly;
 - f. an allowance for sublease to qualified renters, and a method for allowance of market-rate sub-rental in the event no qualified renters are available, with a requirement that no sub-lease shall occur that is less than 30 days;
 - g. the enforceability of the mechanism;
 - h. the amount of administrative costs to the Town or the enforcement authority; and
 - i. the supervision of the agreement by a local non-profit authority and provisions for succession.
8. The mandatory affordable housing provisions shall run with the land.
9. Year-round housing lots/units shall be constructed and completed at least concurrently with the remainder of the project. In developments where the applicant or its agents, or its successors or assigns shall construct at least fifty percent (50%) of the units, the approved workforce housing units shall be constructed in proportion to the market rate units. Proportionality shall be determined by dividing the total number of units in the development by the total number of affordable units. No building permit shall be issued for a market rate unit in excess of the proportion of workforce housing units for which a certificate of occupancy has been issued.

When calculating proportionality, any fractional sum shall be rounded down to the nearest whole building unit. For example, in a development of 50 units with 3 affordable units, the proportional number of units to affordable units would be 16 units to 1 affordable unit.

ARTICLE 11 - PERFORMANCE GUARANTEES

- 11.10 Applications under the provisions for year-round housing are exempt from this requirement except financial capacity to construct the project must be provided and accepted by the Planning Board.
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ARTICLE 12 - WAIVERS

1. **Waivers of Certain Submission Requirements Authorized.**

add size of lot or number of units

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, for example for sustainable or affordable year-round housing, ~~or that the application is simple and minor in nature~~, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations.

2. **Waivers of Certain Improvements Authorized.**

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, including but not limited to the provision of year-round housing, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

3. Waiver of Procedural Steps

A. The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;
2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a "Permit by Rule;"
3. The Board agrees to approve a waiver from the requirement to submit a stormwater management plan and sedimentation and erosion control plan, as ordinarily required by sections 6 or 7; and
4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.

B. The Board will allow applications under the provisions for year-round housing to combine the final plan and preliminary plan application steps into one procedure.

4. Conditions for Waivers.

Waivers may only be granted in accordance with Article 12. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

5. Waivers To Be Shown On Final Plan.

When the Board grants a waiver to any of the improvements required by these regulations, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

6. Waivers from Performance Standards.

The Board may consider waivers from performance standards for applications under the provisions for year-round housing, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan.