

Town Hall Meeting Room & Zoom Virtual Meeting Platform
Municipal Building
Minden Street, Greenville, Maine 04441
Minutes
February 7, 2024

NOTE TO PUBLIC: There is a video recording of this Planning Board meeting available on the Town website: <https://greenvilleme.com/boards/planning-board-meeting-video/>. The video recording is the official record of the Planning Board meeting. These Minutes reflect specific actions taken by the Planning Board (the “Board”) at the meeting and identify the discussions at the meeting.

Meeting called to order at: 5:00 p.m.

MEMBERS PRESENT: John Contreni, Chair, Lurline Arco, Secretary, Noel Wohlforth, David Case, Brent Ireland, Vacant (Alt. 1), Vacant (Alt. 2)

John noted that there are vacancies for the Alternate 1 and Alternate 2 positions. If you are interested, you can apply on the Town’s website.

MEMBERS ABSENT: None

MEMBERS VIA ZOOM: None

ALSO PRESENT: Mike Roy (Town Manager)
Ronald Sarol (Code Enforcement Officer)

GUESTS: Brad Goody, Garrett Stoyell, Rodney Folsom, Jr.

GUESTS VIA ZOOM: Hillary Gove and Benjamin Averill, Housing Opportunity Program Coordinators, for the Maine Department of Economic & Community Development, Ed Jewett

Conflict of Interest with any agenda item by Board members: None

Minutes: January 17, 2024

Motion Made By: Noel moved to accept the January 17, 2024 Minutes

Seconded by: David

Motion passed/failed: Passed 5-0

Additions or Deletions: Ron asked to have Brad and Garrett put onto the Agenda. John penciled them in under New Business 7(a)

Report from CEO: Ron reported on the period from 1/17/24 – 2/6/24. Ron continues to check the status of permits about to expire to verify progress and to assign 911 addresses and update

existing properties using the State's Geo-Lynx Server. Ron still has the six new permits on his desk for single family homes and is awaiting payment. Also, one subdivision permit. Ron said he has been doing general office housekeeping, some online training, transferring mortgages and deeds to our system (this was previously done by Roxanne), as well as running the loader for the Public Works Department. John asked Ron if the Land Use Ordinance was updated to include the Multigenerational Housing Overlay District. Not yet but will be done this week.

Action Items: None

New Business: Brad introduced himself stating that approximately three and a half years ago, he purchased property located at 371 Pritham Avenue, consisting of two houses, which he has been renovating, with the intent of making the properties short-term rentals. Brad does not live in Greenville and stated he would not be able to manage the rentals properly. Brad said he began watching the Planning Board meetings and noted the need for long-term rentals. Brad would like to keep one house for himself and sell the other. Each house has its own water and sewer, driveway and yard. The lot does not meet the 10,000 square foot requirement to subdivide. Brad said his property is right across from the newly formed Overlay District. Brad asked if the Board could start discussions to expand the Overlay District to create opportunities for other people who have the same situation. David asked where the property was located. Brad, on the corner of Pritham Avenue and North Green. Ron said he was approached by Bill Mason who would like to renovate his garage, turn it into a home, and sell it. Ron noted that there is interest in expanding the Overlay District. Brent asked Brad if these were pre-existing homes built on one lot. Brad yes. Rodney asked if the Overlay District was only for Spruce Street. John, yes. The original plan was larger but was scaled down. Ron said maybe we should investigate expanding the Overlay District to see how much interest there is. Rodney said he has pre-existing housing on Prospect Street and would like to make it into condominiums to provide affordable housing for the area, but the property does not meet the minimum lot size requirements. David said with the new Mandatory Housing Density Ordinance we need to look more closely at the ramifications of this law. Brent noted that many places barely meet the minimum requirements, but have been grandfathered in. David said it is an opportunity to increase the housing stock in Greenville. John said unless he hears otherwise, the consensus is to explore the possibilities. David moved to explore the potential under the new law to increase housing in Greenville. Brent second. Passed 5-0. John said he will draft an article for the newspaper and present it to the Board for review. This will provide an opportunity for the public to respond. We want to be transparent about what is being proposed here. Also, there are several steps we need to go through, i.e. Public Hearing, Special Town Meeting, etc.

John opened the floor to Benjamin and Hillary regarding the Mandatory Housing Density Ordinance changes. LD 2003 Statute was signed into law in April 2022 and is designed to increase housing opportunities in Maine by requiring municipalities to amend or create new zoning ordinances to increase different types of housing across the State. The recently published 2023 Maine Housing Production Needs Study determined that the State under produced 38,000 housing units across the State, and by the year 2030, will need between 76,000 – 84,000 units.

- LD 2003 removes regulatory barriers to creating additional housing, while allowing municipalities to:
 - Create land use plans to protect sensitive environmental resources;
 - Regulate housing development based on documented water/wastewater capacity;
 - Enforce shoreland zoning;
 -

LD 2003 consists of three different Statutes, which are the “meat and potatoes” of the Statute. Benjamin said they consider them as “buckets” that any community may need to integrate into their zoning codes. They are:

Affordable Housing Density Bonus 30-A M.R.S. 4364 (Bucket One)

Density bonus for affordable housing developments of 2.5x base density; requirement of 2 parking spaces for every 3 units.

To qualify for bonus:

- 51% or more of the units must be affordable
- Development must be located in an area with zoning and multi-family housing
- Development must be located in a designated growth area or served by water/sewer or a comparable system

Up to Four Dwelling Units 30-A M.R.S. 4364-A (Bucket Two)

Allows between 2-4 dwelling units on residential lots.

- Lots without an existing unit:
 - To 2 units allowed
 - Exception: up to 4 units if lot is in designated growth area or has water/sewer in a municipality without a comprehensive plan
- Lots with 1 existing dwelling unit:
 - Up to 2 additional units allowed (within, detached, or attached)

Accessory Dwelling Unit 30-A M.R.S.4364-B (Bucket Three)

Allows 1 ADU on a lot with an existing single-family home within home, attached to it, or detached

- Exempt from zoning density requirements and rate of growth ordinances
- No additional parking
- 190 square feet min; max can be set by municipality

Bucket One applies to municipalities with zoning with (1) adopted density requirements and multi-family housing; and (2) designated growth areas or public water/sewer.

Bucket Two applies to all municipalities with or without zoning. Number of allowed units on a lot will depend on whether (1) a lot is within a designated growth area or (2) a lot has public water/sewer in a municipality without a comprehensive plan.

Bucket Three applies to all municipalities.

All three apply to Greenville.

Under Bucket One, affordable means

- For rentals: a household with an income at no more than 80% of the area median income for the community, as defined by HUD, must be able to afford at least 51% of the units in the development
- For homeowners: a household with an income at more than 120% of the area median income for the community, as defined by HUD, must be able to afford at least 51% of the units in the development
- Affordable units must be restricted through a restrictive covenant for at least 30 years

Bucket Two – Residential Areas; up to 4 Dwelling Units

- Requires municipalities to allow between 2-4 dwelling units on lots where residential uses are allowed, with evidence of sufficient water and wastewater capacity
- Municipalities may not apply different dimensional requirements to lots with more than one housing unit on them than they would to a lot with one housing unit, with the exception that minimum lot area per dwelling unit can be required, as long as the lot area required is not less for the first unit than for subsequent units

The general rule for up to 2 units

- Generally, a municipality must allow up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit
- A lot with an existing dwelling unit may have up to two additional dwelling units either attached, detached, or one of each

Exception: up to 4 units

- A municipality must allow up to 4 units on a lot that permits residential uses if the lot does not contain an existing unit; and
 - Is located within a designated growth area; or
 - Is served by public water and sewer (or a comparable designation) in a municipality without a comprehensive plan

Bucket Three – ADUs

- This section allows a lot with a single-family dwelling in an area where residential uses are allowed, including as a conditional use, to have on accessory dwelling unit (“ADU”). (This is also referred to as an in-law apartment.)
- The ADU can be
 - Within the existing home
 - Attached to it; or
 - A new structure
- An ADU is exempt from zoning density requirements but the dimensional requirements, including setback requirements, for a single-family home continue to apply unless the municipality makes them more permissive
- A municipality cannot require additional parking for the addition of an ADU (except those allowed for the single-family unit)

- ADUs must be at least 190 square feet in size. Municipalities can set a maximum size
- Municipalities may establish an application and permitting process for ADUs that does not require planning board approval
- An ADU is permitted on a lot that does not conform to the municipal zoning ordinance if the accessory structure does not further increase the nonconformity
- Municipalities may regulate short-term rentals in local ordinance

Hillary noted that the implementation date for municipal compliance is July 1, 2024. She said our next steps are

- Review Land Use Ordinances
 - Review minimum lot size and other dimensional requirements
 - Review definitions
 - Review permitting processes
- Review comprehensive plan to determine where growth areas are located
- Draft any ordinance amendments
- Consult with legal counsel (and regional counsels)*highly recommended
- Apply for funding

Municipalities that have designated growth areas or public water/sewer are eligible for up to \$10,000 in funding. Greenville falls into this category. Qualifying expenses include legal fees, staff and volunteer time spent on ordinance development, and costs associated with conducting meetings.

Hillary also mentioned that since we have made changes to our Ordinance for the Multigenerational Housing Overlay District, we potentially might have funding from the Municipal Grant Program. Applications can be submitted until March 7, 2024, if we are interested.

David asked if ADUs don't need to be in growth overlay, but 4 units do? Hillary said an ADU is allowed that already has an existing single-family home. Regarding a 4-dwelling unit, if a lot has no existing single-family dwelling, and they are interested in putting up to 4 units, it must be in a designated growth area and have water and sewer. Greenville's lot size is 10,000 square feet which means only one unit could be built. If 20,000 square feet, then 2 units, etc. It should be noted that minimum lot size would be a way to maintain future development.

John - regarding the three buckets, do we need to address all three buckets in our land use ordinance including affordable housing? Benjamin – yes. Regarding the 4 dwelling units, you show three lot sizes 10,000, 20,000 and 30,000. If one person owns say the 30,000 square foot parcel, do they own all three units? Hillary – yes, but if they meet the required lot size for each unit, they can subdivide. John asked if the 4-unit development could only be in a growth area that has public water and sewer. Benjamin – no according to Greenville's 2013 Comprehensive Plan, it is allowed where there is septic and well. Hillary said as long as the septic and well can accommodate the additional units. John, as to an ADU being at least 190 square feet, is that the footprint or overall size, i.e. two floors one 100 square feet and the second floor 90 square feet. Benjamin – it depends on how defined in your code but was intended to be gross floor area. John asked if they could

recommend anyone who could help us with the drafting of documents or serve as consultants. Hillary said there are numerous regional planning organizations across the State that are split into regions. She will find out who does our region and forward that information to Ron.

Rodney - it is my understanding that this does not cover the unorganized territories. Hillary – the unorganized territories are covered by the Land Use Planning Commission and the Department of Agriculture, Conservation and Forestry.

Benjamin – there are other communities that have already created ADU Ordinance and would be happy to share that information with us.

Mike – we are in the midst of updating our Comprehensive Plan. Benjamin – review where your growth areas are and determine if they are correct and look towards the next 10-15 years.

Items for Next Meeting: Discuss proposal Brad has put before us. Housing density legislation. Brent sees an issue regarding fencing with the new legislation. Even if we adopt what the State has for fencing, we would have some guidelines.

What's on your mind: Brent an ordinance regarding fencing. Noel – is there anything that shows the growth areas. Ron – yes in the Comprehensive Plan. Brent asked Ron if he could provide us with copies. John and Lurline passed. David forgot why we reduced the Overlay District. Ron – we thought we would get too much push back and it would not pass. David – do you expect push back? Ron said several people have asked him about adopting the Overlay District in other areas, while others are concerned about overpopulating Greenville. Ron said he was approached by the owner of the mobile home park about removing a trailer and replacing it with a tiny home. He said he could not find anything regarding this. The State's definition is anything under 400 square feet. John said we discussed this a couple of years ago and he will need to look into this further but believes it has to do with wheels.

Adjournment: Noel motioned to adjourn at 6:07. David seconds. Passed 5-0