



Town of Carrabassett Valley
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Carrabassett Valley Planning Board **Thursday, April 11, 2024 at 4:30 P.M.**

****Meeting to be held at the Town Office****

Guests may join remotely with **Zoom ID** [531 268 2243](https://us02web.zoom.us/j/5312682243) & **Passcode** of **04947** or:

<https://us02web.zoom.us/j/5312682243?pwd=TGxrUExKcXdqQTdlZUZhYUVteG5GZz09>

To use a traditional phone to call 1-929-205-6099 and follow prompts for Meeting ID and Access Code listed above. Please announce yourself and then remain quiet/muted while you listen.

Agenda

1. Call to Order, Board Member Attendance & Voting Quorum
 - a. Annual selection of Chair and Vice Chair
 - b. Review of Planning Board Bylaws
2. Review the Minutes of the March 7, 2024 Meeting
3. Site Plan Review for Tax Map 10, Lot 117 – CVA High Performance Center Expansion to Anti Gravity Center
4. Continued Workshop Discussions on LD2003 – Housing & Accessory Dwelling Units (ADU's)
5. Other Business?
6. Next Meeting?
7. Adjourn

Town of Carrabassett Valley

Planning Board Notes

March 7, 2024

Location: Town Office

Time: 4:30-6:25

Topic:

Board Present: Tom Bird, Brian Demshar, Tim Flight, John Slagle, Scott Stoutamyer, Tim Gerencer

Board Absent: Roddy Ehrlenbach, Jim Benoit, PB Alternate

Others Present: Chris Parks, CEO; Sue Davis,

Chair Brian Demshar called the March 7, 2024, meeting of the Carrabassett Valley Planning Board to order at 4:30 at the Town Office. He noted that there was a quorum.

Demshar called for a review of the February 22 minutes. Tim Gerencer noted a style correction on page 2, about the lower middle of the page: referring to owner-occupied accessory or additional dwelling units (ADUs), “This is an important component for *a lot of* towns,” he recommended changing “a lot of” to “many,” avoiding the confusion with ‘lots’ referring to building lots.

John Slagle moved to accept the minutes with the suggested correction, seconded by Tim Flight. The motion passed unanimously.

Shoreland zoning application regarding house relocation and addition

Linwood Worster presented an application for a conditional use shoreland zoning permit for house relocation and addition at 3075 Carrabassett Drive (OMG Corner) on Tax Map 9 Lot 62. Project scope includes a new drilled well, already in place, and a proposed septic system for which the plan has been filed, upgraded from a holding tank.

The structure will be lifted and moved back approximately 24-28 feet from its current location and placed on a new ICF foundation with crawl space. The existing 512 sf. Structure will be expanded by another 432 sf.

Worster plans a possible garage, 20’x24’, on the north side of the structure approximately in the location of the current structure and maintaining the 30’ set back from Rt. 27. He also plans to reclaim the Rt. 27 side of the property with vegetation, mostly conifer trees.

Approximately 30-40 yards of fill will be needed for backfill around the new foundation. The total height of the structure will not exceed 25’ from existing grade. CEO Parks considered this an improvement on what has been there.

The Board then addressed the 9 shoreland review criteria and found that the 7th, archeological and historic resources, did not apply as none are known to exist, but that all others were adequately addressed.

CEO Parks Asked Worster for clarification on his request for approval of his proposed garage addition because he was unsure about getting it done within the two years if its approval. Board members agreed to include the potential garage at this time.

John Slagle moved approval of the application, to include the proposed garage, seconded by Tim Gerencer. The motion passed unanimously.

Gondola Village Residential Condo Floor Plan

Parks explained that the PB had dealt with this request back in August 2023 when Sugarloaf requested PB approval before going to the condo members, for which approval was granted unanimously. The Applicant's lawyer has PB members to sign the floor plans as part of the record for the existence of the new dwelling units. No motion is needed, as approval was given in August. The subdivision plan has to be recorded within 90 days of approval, finished today with signatures.

Other business

Chris Parks noted that the Comprehensive Planning committee is hosting a visioning session at the Outdoor Center from 3-5 pm before the Annual Town Meeting at 6 pm, Wednesday, 3/13. It will be the first public gathering for residents of Carrabasset to participate in the process. He thinks it would be good for as many PB members as possible to attend in person, ideally for the full two hours, though anytime at all would be better than not attending. There will be snacks, cheese and crackers and veggie platters and the OC may or may not be open to serve food.

Parks discussed tree removal going on along Rt. 27. Homeowners are planning to remove some to keep them from falling either on their houses or into the road. There are issues on both the power line sides of the roads and on the opposite side. Parks has notified the MDOT office in Wilton in some cases. He is concerned about the pines at the airport, which he considers have not been maintained in a fashion to keep them thriving, making them susceptible to damage from a big windstorm. He is pleased with CMPs current contractors witnessed recently performing routine roadside maintenance.

Parks noted that CVA may come to the PB as soon as the April meeting about their planned expansion of the AGC.

He also expects that there will be a site plan application from Sugarloaf soon for the walking golf course. One of the considerations is that a snow making pond may also be able to serve as a drinking water source. There is no date on that yet.

Mountainside Grocery is interested in coming in about an addition on the Library side for a loading dock and additional storage space.

Chair Brian Demshar noted that Planning Board member Roddy Ehrlenbach has won a seat on the Select Board, leaving a vacancy that alternative Jim Benoit will now take. If PB members know of possible candidates for one or both alternative seats, they can get an application form from the Town Office. Parks noted that current members whose term are up would be reappointed at the change of government. SB member terms are listed in the current Town Report.

Scott Stoutamyer asked about the empties accumulating at the redemption center. Another redemption center is now only taking bottles bought in their stores. Another problem is finding staff. Parks expects this to be resolved thru ongoing monitoring.

Parks reports that the issue with the property on Bigelow Hill is grinding through. Lawyers are now involved, and court dates are being considered following due process of law. Difficulties stem from locating all parties of the three-person ownership. An owner living in Kingfield is waiting to buy out or be bought out by partners. Apparently, the property residents are friends of one of the owners and may not even be paying rent. The owners might have to post an eviction notice to avoid a possible lawsuit.

It is the Town's intention to see the building removed, either by the owners or by the Town if necessary which would be the owner(s) expense. As a non-conforming lot, the additional structure is bigger than what's allowed. Structures in the scenic corridor also have to meet the 50' setback, whether permanent or not.

ADU discussion

Parks provided the PB with three documents about accessory dwelling units (ADUs):

1. Model ordinance language (8 pp)
2. MMA legal services guidance for municipalities (20 pp)
3. AVCOG's Town Requirements guidance (14 pp)

After studying them, members expressed confusion about several things, especially the difference between 'accessory' and 'additional' dwelling units. That was partially clarified on p. 11 and 13 of MMA's guidance document. On p. 11, 'accessory' is defined as a self-contained [including a bathroom with sink and a kitchen with sink] unit within, attached to or detached from a single-family dwelling unit on the same parcel of land. Page 13, ¶ 21, suggests that municipalities set a maximum allowed size to differentiate an 'accessory' dwelling unit from an 'additional' dwelling unit. Parks suggested that 'additional' takes the required 'affordable' out of the equation.

The legislation sets 190 sf. as a minimum ADU footprint but leaves the maximum size to be set by the municipality. Municipalities can even allow an ADU to be larger than the primary dwelling unit. Tom Bird pointed out that adding an ADU cannot however increase the lot's non-conforming status.

Gerencer noted that homeowner associations overrule the State requirement to allow ADUs. It was suggested that the Town could establish a board to manage this, mentioned at the last meeting by AVCOG's Erica Bufkins. HOAs might be interested in allowing ADUs. Tim Gerencer pointed out that deed restrictions might also prevent ADUs. Parks noted the difficulty that he as CEO would have if he was required to comb through deeds to determine whether he could issue a permit for an ADU.

Gerencer suggested coming up with an outline of the process as the PB prepares to present this to the public at Town Meeting. As chair, Demshar suggested everyone study this to find answers for the next meeting. Gerencer noted that he read the model ordinance first, which gave context to the other documents.

Parks suggested the board could communicate by email on the subject, as a substitute for a work session. As it is subject-related and not decision-making activity, it should be allowed.

The Board understands its requirement to set CV parameters to accomplish the Federal and State push for increasing housing, to determine if there can be as many as four units on lots previously allowing only one, for example. John Slagle asked if this were the job of the Comprehensive Plan committee. Parks explained that the Comp Plan serves as a guide, an umbrella providing overarching policy outline, that it was the PB's or SB's job to define housing specifically thru Town Ordinances and Policies.

Gerencer noted that permitting ADUs is strictly the job of the Code Enforcement Officer, that the PB is not involved in the permitting process, clearly outlined on p. 13 of MMA's legal services guidance.

(A municipality may not establish a local application or permitting process for an ADU allowed under this section that requires review or approval by a planning board. Therefore, municipalities should ensure that local ordinances give the CEO or another municipal official or board jurisdiction to review and approve an ADU allowed under this section if a local permit or approval for the ADU is required by the municipality.)

The PB's job is to create the parameter/framework/guidance/ordinance that governs the CEO.

Parks noted the importance of doing this right the first time, even if it meant not getting it done by the June Town Meeting. But Tim Flight stressed the urgency of getting it done in time so that the Town and Parks/CEO were not exposed legally if someone came in requesting to build an ADU with no ordinance in place to guide the process.

Slagle wondered about looking at other ordinances such as the Lewiston ordinance. Flight thought the AVCOG model would be the best place to start. Parks asked about finding similar ordinances in comparable towns, such as Bar Harbor, Bethel of Greenville. Bird noted that town size and type of government make a difference.

The requirement that one building on a lot with an ADU be owner-occupied brought up the discussion of short-term rentals (STRs). As an effort to increase density to solve the long-term affordable housing issue that stays with the structure for 30 years, ADUs need protection from STRs. Carrabassett Valley does not currently have an ordinance governing STRs. Parks looks to MMA to rule on this; however, recommendations include either adding that into the ADU ordinance or creating a stand-alone STR ordinance. Somehow this needs to be spelled out.

Board members were also concerned about construction setbacks, aggregate sq. ft. area limited to 25% of primary dwelling and non-conformance to footprint, all aspects of current zoning.

There was discussion about Eustis enlarging the minimum sq. ft. of residential lots. Lots in Eustis are pretty big.

Parks noted that if the PB doesn't adopt anything, it at least has to change the ordinance to include it (ADUs?).

In other discussions, Flight commented on the Contract Zoning ordinance on the Annual Town Meeting warrant next week and asked if there was anything to add after seeing what happened in Kingfield. CZ served its purpose and allowed residents to have the final say. ADUs by contrast are more cut and dried, not concerned with the variances that CZ provides.

Flight expressed his concern about identical projects passing or failing just on popularity, noting some comments were poor in the Kingfield CZ case, that he would hate to see something like that here. Parks added that he and Town Manager Dave Cota wondered if for a future application something like a straw poll might help avert a failure and avoid spending money on something that ultimately fails. Flight added that there was more than money involved in this case when considering the time that PB, SB, lawyers and applicant dedicated to the project.

John Slagle moved to adjourn, seconded by Tim Gerencer. The motion passed unanimously.

Respectfully submitted,

Sue Davis, Secretary.