



**TOWN OF NOBLEBORO – PLANNING BOARD  
WORK SESSION - Via ZOOM only  
Wednesday, September 6, 2023 at 5:30 PM**

**NPB Members and Public Zoom Link:**

<https://us02web.zoom.us/j/89173523102?pwd=WE5IRjNMR3IEL0pkZUxTQ1FGaHJuQT09>

**Agenda–Regular Meeting and Work Session for the Nobleboro Planning Board:**

1. Call to Order – Chair Matt Lewis
  - 🔊 All comments addressed to the Planning Board shall be made through the Chair
2. Welcome and Introductions:
3. Roll Call and Determination of a Quorum:
4. Announcements:
  - 🔊 **The Housing Opportunity Program** within the Maine Department of Economic and Community Development (DECD) grant funding. LCRP application to advance strategies detailed in the LC Housing Assessment. Letter of support written by the Nobleboro Select Board.
  - 🔊 **Subdivision Law Workshops for Planning Boards:** The Midcoast Council of Governments (MCOG) and Lincoln County Regional Planning Commission (LCRPC) are hosting a workshop for planning boards and town planners on Maine's Subdivision Law. The workshop will be on **Tuesday, September 19th at 1:00PM** at the LCRPC office (297 Bath Road, Wiscasset) and on Zoom. To register to attend please contact Emily Rabbe ([erabbe@lcrpc.org](mailto:erabbe@lcrpc.org)).
  - 🔊 **Rulemaking for LD2003 Re-Opened:** The Department of Economic and Community Development (DECD) Housing Opportunity Program has re-opened final rulemaking for LD2003 to extend the implementation deadline to July 1, 2024, as well as to make a few other clarifying changes. You can review the proposed final rule [here](#) and submit written comments by 09/11/2023. [Housing Opportunity Program | Department of Economic and Community Development \(maine.gov\)](#)
  - 🔊 **Housing Matters Conference:** October 16, 2023 from 9am – 3:30 pm Wells Conference Center, University of Maine, Orono. <https://mainecenteronaging.us12.list-manage.com/track/click?u=db2963d6fef21b9800687ec71&id=23d8c74320&e=509c195897>
  - 🔊 **2023 Maine Affordable Housing Conference:** Wednesday, October 4, 2023 at the Holiday Inn By The Bay in Portland Maine. <https://web.cvent.com/event/5b9ba0e5-39f8-43d0-bc19-51d1ddaced0a/summary>
5. Homework: Review pertinent resource materials inserted at the end of the meeting agenda
6. :New Business:
  - 📄 LD2003 Municipal Funding Program (overview and supporting documents attached)
  - 📄 LD2003 training with Lincoln County Planner Emily Rabbe. Should the NPB schedule?
  - 📄 \_\_\_\_\_
7. Old Business:
  - 📄 Continued review of NLUO's with a focus on additional requirements related to LD2003.
    - 📄 Review proposed revisions made to Nobleboro's Land Use Ordinances (NLUO) during the July 20, 2023.regular meeting and work sessions of the NPB
    - 📄 Continued work on updates to Nobleboro's Land Use Ordinances with a focus on changes mandated by LD2003, short-term rentals and solar farms.

8. Other;



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9. Public Comment – Time Permitting:

10. Next Regular Meeting of the Nobleboro Planning Board, **Thursday, September 21, 2023 at 5:30 PM** in the Nobleboro Town Office community meeting room. Zoom option for the public;

**11. Adjournment at:**

### **For Non-Planning Board Member Meeting Attendees.**

Maine CDC guidelines in place at the time of each Planning Board meeting will be followed.

Members of the public are welcome to attend the regular and working meetings of the Nobleboro Planning Board as observers. Regular and working meetings are not public hearings and as such, a public comment period is not included on the agenda. The general public shall be barred from addressing the Planning Board unless a majority of the Board permits the public to speak. Comments from the public are welcome and can be submitted to the Town Office for subsequent distribution to Committee members.

### **Nobleboro Code Enforcement Officer Stanly Waltz – Ordinance Revisions for LD 2003 and Other Considerations.**

#### **LD-2003**

#### **ADU-ACCESSORY DWELLING UNIT**

1. CHANGE LOT SIZE, NOT IN SHORELAND ZONE
2. NOT ALLOW ADU'S ON LOTS LESS THAN 30,000 SQ. FT.
3. LOWER ROAD FRONTAGE FOR NEW LOTS
4. LIMIT THE NUMBER OF ADU'S ON ANY GIVEN LOT
5. DO NOT ALLOW ANY ADU'S WITHIN 150 FEET OF ANY LAKE OR POND
6. MANDATORY SEPTIC INSPECTION TO ACCOMADATE ANY ADU'S
7. LIMIT THE SQUARE FOTAGE OF ALL ADU'S
8. ADU / ATTACHED OR DETACHED

#### **Other considerations for the Land Use Ordinance**

- a. Steeper fines for violations in the Shoreland Zone
- b. Regulate Short term rentals, short term=rented less than 364 days a year
- c. Before and after pictures of any change or work performed in the Shoreland Zone

#### **DEFINE:**

- 1) Short Term Rental
- 2) A septic inspection, to include a report by a site evaluator or licensed inspector

#### **LD2003**

The law loosens zoning restrictions statewide to allow up to two units on plots zoned for single-family use and accessory dwelling units, such as mother-in-law apartments, in residential areas. Property owners would also have a right to build additional units.

#### **LD2003 RESOURCES**

🔊 Links to the recording, PowerPoint slides and additional LD2003 resources from the LCRP and MCOG meeting on June 5, 2023:

- 🔊 To **view the June 5th workshop**, please [click here](#)
- 🔊 A copy of DECD's **presentation slides** are available online [here](#)
- 🔊 DECD has put together an LD2003 **guidance document**, available [here](#)
- 🔊 The **adopted final rule** is available to download on DECD's [website](#)
- 🔊 In April and May **DECD hosted a series of Q&A webinars**. The recordings of these webinars are available on their [website](#)
- 🔊 During the workshop DECD staff shared a great **resource from Maine DEP about how LD2003 is applied in the shoreland zone**. You can read the analysis in the December 2022 edition of DEP's *Shoreland Zoning News* by [clicking here](#)

- 🔊 LD 2003 Guidance Document: [DECD\\_LD\\_2003\\_StateInterimGuidance.pdf \(smpdc.org\)](#)
- 🔊 LD 2003 Final Legislative Document: [LD 2003, HP 1489, Text and Status, 130th Legislature, Second Regular Session \(maine.gov\)](#)
- 🔊 LD 2003 DECD Proposed Rules: [19-100 \(smpdc.org\)](#)
- 🔊 LCRPC LD2003 Updates and Links: [Housing Legislation - LD2003 | Lincoln County Regional Planning Commission \(lcrpc.org\)](#)
- 🔊 LCRPC Affordable Housing Requirements Chart: [Microsoft Word - LD2003 QuickCharts 02032023 \(lcrpc.org\)](#)
- 🔊 Southern Maine Planning and Development Commission LD 2003 Overviews and Documents: [Housing Legislation LD 2003 - Southern Maine Planning and Development Commission \(smpdc.org\)](#)
- 🔊 LCRPC and MCOG LD2003 Presentation: <https://www.lcrpc.org/stories/housing-legislation-ld2003>
- 🔊 SMPDC Annual Meeting LD2003 Presentation PowerPoint: [https://smpdc.org/vertical/Sites/%7B14E8B741-214C-42E2-BE74-5AA9EE0A3EFD%7D/uploads/LD\\_2003\\_PowerPoint.pdf](https://smpdc.org/vertical/Sites/%7B14E8B741-214C-42E2-BE74-5AA9EE0A3EFD%7D/uploads/LD_2003_PowerPoint.pdf)
- 🔊 Watch the Full Meeting Recording beginning at 19.30 minutes into the program.
- 🔊 Cape Elizabeth LD2003 Zoning Ordinance Amendments: [xLD 2003 Ord Amdts 1-30-2023 \(capeelizabeth.com\)](#)
- 🔊 AUD Reform Webinar: [9019.pdf \(evocloud-prod3-public.s3.us-east-2.amazonaws.com\)](#)
- 🔊 Bath, Maine – Accessory Dwelling Units: <https://www.cityofbathmaine.gov/media/Departments/CodeEnforcement/Accessory%20Dwellin%20Unit%20codes%20handout%20%203-7-23.pdf>
- 🔊 <https://lcrpc.org/stories/housing-legislation-ld2003> (final rule, updated guidance document)
- 🔊 [Housing Legislation - L.D. 2003 | Lincoln County Regional Planning Commission \(lcrpc.org\)](#)
- 🔊 [getPDF.asp \(mainelegislature.org\)](#) – A bill to move the LD2003 deadline from July 1, 2023 to July 1, 2025.
- 🔊 [Committees | Maine Legislature](#) – Additional bills related to housing
- 🔊 Freeport [https://www.freeportmaine.com/sites/g/files/vyhli4436/f/agendas/ob\\_1\\_speaker\\_fectaus\\_presentation\\_ld2003.pdf](https://www.freeportmaine.com/sites/g/files/vyhli4436/f/agendas/ob_1_speaker_fectaus_presentation_ld2003.pdf)
- 🔊 State of Maine Proposed Subsurface Wastewater Disposal Rules Amendments <https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/rule-2023-04/Proposed%20Rule%2010-144%20CMR%20Ch%20241%20-%202nd%2030-Day%20Comment%20Period.pdf>
- 🔊 [PowerPoint Presentation \(lcrpc.org\)](#) – June LCRPC and MCOG LD2003 Training video
- 🔊 <https://evocloud-prod3-public.s3.us-east-2.amazonaws.com/meetings/47/attachments/11464.pdf>
- 🔊 <https://www.southportland.org/departments/code-enforcement/accessorydwellingunits/>

- 📄 <https://www.southportland.org/our-city/code-ordinance/> (ADU standards are available through the City's [Code of Ordinances](#) in Chapter 27, Zoning, Sections 27-1576 through 27-1579.)
- 📄 [https://www.southportland.org/files/6916/1782/7556/AccessoryDwellingUnit\\_03-24-2021.pdf](https://www.southportland.org/files/6916/1782/7556/AccessoryDwellingUnit_03-24-2021.pdf)
- 📄 <https://www.southportland.org/departments/planning-and-development/planning-board-applications/>
- 📄 [https://www.cityofbathmaine.gov/media/Departments/Planning/ADU%20Guidebook.9.27\\_KS.pdf](https://www.cityofbathmaine.gov/media/Departments/Planning/ADU%20Guidebook.9.27_KS.pdf)
- 📄 <https://growsmartmaine.org/wp-content/uploads/2011/04/ADU-Ordinance-Table.pdf>
- 📄 <https://www.kennebunkmaine.us/DocumentCenter/View/15248/complete-memo---LD-2003---2-27-23>

## Housing Legislation LD 2003

LD 2003 was passed by the State Legislature and signed by the Governor in April 2022. The law went into effect July 27, 2022, however, the bill's requirements do not take effect until July 1, 2023.

**The goal of the new law is to alleviate the housing affordability issues in Maine by increase housing opportunities.**

It requires towns and cities to increase housing density allowed in their zoning ordinances in several different ways.

1. It requires municipalities to allow additional units on lots zoned for single-family homes.
2. It requires municipalities allow at least one accessory dwelling unit on lots with existing single-family homes.
3. In some areas, (see below) it requires municipalities to allow 2 1/2 times the currently allowed housing units, for developments where most of the units meet standard affordability definitions.

**The extent of the law's requirements are determined by "growth areas". The law defines a growth area as:**

- Locally designated growth areas identified in a comprehensive plan which meets consistency guidelines of the Growth Management Program or (in the absence of a consistent comprehensive plan)
- an area served by a public sewer system with capacity for a growth-related project,
- an area identified in the most recent Decennial Census as a census-designated place, or
- a compact area of an urban compact municipality

**An understanding of where these areas exist in your community will help determine to what extent your municipality will be impacted by the legislation.**

- [Click here to see SMPDC's online map](#) where you can see if you have a census-designated place or compact area in your municipality.

**The Maine Department of Community and Economic Development (DECD) has provided an [Interim Guidance Document](#) to clarify the different aspects of the law.**

### Rule-making

The Department of Community & Economic Development (DECD), and the Department of Agriculture, Conservation and Forestry (DACF) are in the process of drafting Rules.

## **What Municipalities can do:**

**In the interim, there are some actions your municipality may consider to manage these requirements in a way that best suits your community. These include:**

- Enacting lot size per unit requirements, as long as the required area for subsequent units is not larger than the first
- Defining maximum number of allowed accessory dwelling units per lot and maximum size requirements
- Regulating short term rentals
- Be aware of applicability in your municipalities (i.e. where is your “growth area”?)

For further assistance please contact SMPDC, (207) 571-7065.