



**TOWN OF NOBLEBORO – PLANNING BOARD  
REGULAR MEETING**  
Thursday, October 19, 2023 at 5:30 PM  
Nobleboro Town Office Community Meeting Room

**Public Zoom Link:**

<https://us02web.zoom.us/j/86401220769?pwd=dVg4VHBFdXNPeG84TUhvdUhTaHMvQT09>

**Agenda–Regular Meeting 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. Agenda:
  - 👉 Acceptance of the NPB regular meeting agenda for October 19, 2023
5. Minutes:
  - 📄 Review and accept the minutes from the NPB's regular meeting on September 21, 2023
6. Correspondence:
7. Announcements:
  - 📺 **Link to LCRPC and MCOG Sub Division Workshop:** [Subdivision Law Workshop | Lincoln County Regional Planning Commission \(lcrpc.org\)](#)
  - 📺 **LD 2003 Final Rule Update from County Planner Emily Rabbe:** The updated final rule for LD 2003 went into effect on October 1, 2023. The updated rule can be read in-full on DECD's website under "LD 2003 Resources", linked [here](#). Essentially, the updated final rule makes the following clarifications/changes:
    - 📄 It formally changes the implementation date for towns with town meeting-form of government to July 1, 2024.
    - 📄 Non-conforming lots will be allowed to add an ADU if it meets other dimensional requirements (setbacks, coverage, etc.)
    - 📄 "Illegal" ADUs built prior to LD 2003 implementation will need to be legalized by towns.
    - 📄 Shoreland zoning cannot outright prohibit an ADU. It must be given 'due consideration'
8. Homework:
  - 📖 Review Nobleboro's LUO as they apply to the questions posed by Ryan Coffin (new business)
  - 📖 Review examples of short-term rental ordinances for other communities. Links and notes from County Planner Emily Rabbe inserted below and attached.

“Here are some **links to a few short-term rental (STR) ordinances** adopted by other coastal towns: [Freeport](#), [Kittery](#), [Bar Harbor](#), and [Rockland](#) (attached). These ordinances all include a definition of 'short-term rental' which the Nobleboro PB may find helpful. As part of the definition, each town includes a timeframe of stay ranging from <28 days (Freeport) to <30 days (Bar Harbor and Kittery) to a more generalized 'less than one month' (Rockland). If an STR ordinance is not something Nobleboro would like to pursue, you could consider requiring operators of STRs to apply for a business license. This allows the Town to have an understanding of how many STRs are operating in Nobleboro”.

<https://www.hostfully.com/regulations/maine/>  
<https://www.hostaway.com/airbnb-rules-maine/>  
<https://www.capeelizabeth.com/ShortTermRentals>

9. Old Business:

- 📎 **Housing Matters Conference** hosted by Maine Lifelong Communities on October 16, 2023, Marianne recap and handouts.
  - 🏛️ LD 709 – Resolve to develop a home share program for older adults - [http://www.mainelegislature.org/legis/bills/display\\_ps.asp?id=709&PID=1456&snum=131](http://www.mainelegislature.org/legis/bills/display_ps.asp?id=709&PID=1456&snum=131)
- 📎 **LD2003 Municipal Funding Program:** County Planner Emily Rabbe update.
- 📎 **Continued review of NLUO's** with a focus on additional requirements related to LD2003.
  - 📄 Review proposed AUD ordinance for Nobleboro finalized during the NPB's regular meeting on September 21, 2023 LD2003 work session of the NPB.
  - 📄 Continued work on updates to Nobleboro's Land Use Ordinances with a focus on changes mandated by various Maine State Legislative initiatives and laws.

10. New Business:

- 📎 **American Legion and CLCYMC Building Exchange:** Ryan F. Coffin, American Legion Commander Wells-Hussey Post #42 Commander discussion and questions for NPB response:
  - ? Entertainment license if required by the town. If not, a letter of entertainment approval which some of the AL licensing bodies require.
  - ? Approval for liqueur sales. The Legion Post has a lounge for members and guests only. This is not a public bar.
  - ? Notification of any land use restrictions. We have plans to add a baseball field to the property for our own functions and local usage.
- 📎 Based upon Nobleboro's CEO recommendations develop a short-term rental ordinance for the Town of Nobleboro.
- 📎 Based upon Nobleboro's CEO recommendations develop a solar farm ordinance for the Town of Nobleboro.
- 📎 \_\_\_\_\_

11. Other:

- 🕒 Does the NPB need to schedule a Work Session prior to the NPB's regular November meeting?  
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- 🕒 \_\_\_\_\_

12. Public Comment – Time Permitting:

13. Next Regular Meeting of the Nobleboro Planning Board, **Thursday, October 19, 2023 at 5:30 PM** in the Nobleboro Town Office community meeting room. Zoom option for the public;

## 14. 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
  - a. Short-Term Rental - A residential property that is rented for vacation, leisure or recreation purposes for a week or a month, and typically under 30 days but not for more than an entire summer or winter season, to a person who has a place of permanent residence to which the person intends to return.
  - b. Maine defines a short-term rental as: Short Term Rental – 3 (STR-3) One dwelling unit in a multifamily or mixed-use structure that is rented or offered for rent to one person or one family for periods of less than one month. Operating a short term rental requires obtaining a Short Term Rental Permit which must be renewed annually.
- 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/vyhlf4436/f/agendas/ob\\_1\\_speaker\\_fectaus\\_presentation\\_ld2003.pdf](https://www.freeportmaine.com/sites/g/files/vyhlf4436/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.