



**TOWN OF NOBLEBORO – PLANNING BOARD
REGULAR MEETING
Thursday, November 16, 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 at _____ – 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 November 16, 2023
5. Minutes:
 - 📄 Review and accept the minutes from the NPB’s regular meeting on October 19, 2023
 - 📄 Review and accept the minutes from the NPB’s work session on November 2, 2023
 - 📄 Second review and acceptance of the minutes from the NPB’s regular meeting on September 21, 2023 which were conditionally approved on October 19, 2023 pending review by the entire NPB.
6. Correspondence:
7. Announcements:
 - 📄 **LCRPC/MCOG Planning Workshop Series: Shoreland Zoning**
When: Thursday, December 7, 2023 at 1:30PM
Where: LCRPC Office (297 Bath Road, Wiscasset) & Zoom
What: Join the LCRPC and the Midcoast Council of Governments (MCOG) for our continuing workshop series geared towards planners, planning boards, code enforcement officers, and municipal leaders. December’s workshop will focus on shoreland zoning. Colin Clark, MDEP Shoreland Zoning Coordinator, will join us to answer your questions.
 - 📄 **LD 2003 Zoom Q&A Sessions**
The [Housing Opportunity Program](#) within the Maine Department of Economic and Community Development (DECD) is hosting three Zoom Q&A sessions in November to provide an opportunity for individuals to ask questions about [P.L. 2021, ch. 672](#) (LD 2003) and [LD 1706](#).
Session 1: Tuesday, November 7, 10:30-11:30am
Session 2: Tuesday, November 14, 2023, 10:30-11:30am
Session 3: Tuesday, November 28, 2023, 10:30-11:30am
Zoom link for all sessions: <https://mainestate.zoom.us/j/84682717312>

These sessions will be recorded and available for viewing on DECD's [website](#). If you have any questions, please email housing.decd@maine.gov

8. Homework:

- 📖 Review amendments and updates to LD2003 set forth in [LD 1706, HP 1095, Text and Status, 131st Legislature, First Special Session \(mainelegislature.org\)](#)
- 📖 Review solar ordinance proposed by CEO Stanley Waltz and research ordinances approved by other Towns.
- 📖 Study LD2003 guidelines related to Residential Areas, Up to 4 dwelling units -

9. Old Business:

- 📖 **Continued review of NLUO's** with a focus on additional requirements related to LD2003.
 - 📖 Review proposed AUD ordinance for Nobleboro noting the additional references to Nobleboro's proposed Life Safety Ordinance.
 - 📖 Review Affordable Housing Density information provided by Emily Rabbe, if available.
 - 📖 Residential Areas, Up to 4 dwelling units. Has this topic been addressed in the proposed AUD ordinance?
 - 📖 Review edits to the AUD application and information sheet.
 - 📖 Review edits to the proposed Life Safety Ordinance and application initially drafted by CEO Stanley Waltz.
 - 📖 Continued work on updates to Nobleboro's Land Use Ordinances with a focus on changes mandated by various Maine State Legislative initiatives and laws.
 - 📖 Timeline for submitting updates and changes to Nobleboro's Land Use Ordinances for review by the Select Board.

10. New Business:

- 📖 Based upon Nobleboro's CEO recommendations develop a solar farm ordinance for the Town of Nobleboro.
- 📖 **Rural Affordable Housing Rental Program** – LCRPC Request for possible locations in Nobleboro.

MaineHousing is providing funding to developers for the development of smaller affordable rental housing projects in areas and at a size where traditional Low Income Housing Tax Credit projects are not generally feasible. All projects must be between five and eighteen units in size. All units must be leased to households making no more than 80% of Area Median Income and are leased at not more than 80% Area Median Income rents. All residents must inhabit the units as their primary, permanent residence. [Learn more about the program here! Rural Affordable Housing Rental Program \(mainehousing.org\)](#).

📖 _____

11. Other:

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

- 🕒 _____

12. Public Comment – Time Permitting:

13. Next Regular Meeting of the Nobleboro Planning Board, **Thursday, December 21, 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 1706, HP 1095, Text and Status, 131st Legislature, First Special Session \(mainelegislature.org\)](#)
- 🔊 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
- 🔊 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_fecteous_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/accessorydwellinunits/>

- 🔗 <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/departments/planning-and-development/planning-board-applications/>
 - 🔗 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>
 - 🔗 ***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>

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.