

TOWN OF HANCOCK

P.O. BOX 68 · 18 POINT ROAD · HANCOCK MAINE 04640
PHONE: (207) 422-3393 FAX: (207) 422-6705



MINUTES OF THE PLANNING BOARD PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HANCOCK ENVIRONMENTAL CONTROL ORDINANCE

WEDNESDAY AUGUST 28, 2024

Participants: Doug Kimmel, Ken Emerson, Scott Dyer, Meredith Akerstein, Ant Blasi, Greg Piduch, Ruth Franzius, Rod Franzius, Sam DiBella, Catherine Ednie, Jennifer Blodgett, Chris Blodgett, Ron Schwitzer

Doug Kimmel called the meeting to order at 6:03 pm.

I. Review of proposed amendment to the ECO's definition of manufactured housing (Section 12:B)

Doug explained that the amendment is in response to and aligned with new state law and standards regarding manufactured housing. The amendment inserts into the ECO definition the sentences: “**Manufactured housing is permitted where single-family dwellings are allowed, subject to the same requirements as single-family dwellings. Such homes shall have pitched roofs, a permanent foundation and siding that is residential in appearance.**”

Sam DiBella asked whether a manufactured home's roof could be flat, or a pitched roof could be added atop a flat roof. Doug replied that the roof must be pitched, as manufactured homes' roofs generally are, but that a pitched roof could presumably be added to comply with state standards.

No other questions were raised.

II. Review of proposed amendments to the ECO recommended by the Hancock County Planning Commission and required to comply with the state's LD 2003

1. Section 2: Non-Conformity, F. Non-Conforming Lots 1.c. Amended to read: “Such building shall be limited to single-family dwellings, **accessory dwelling units** and accessory structures.”

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No questions were raised.

2. Section 2: Non-conformity, F. Non-Conforming Lots. 1. Added: e. **A single accessory dwelling unit shall be allowed on a non-conforming lot of record if the accessory dwelling unit does not further increase the nonconformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area, as permitted through Title 30-A M.R.S. §4364-B. An accessory dwelling unit located in the (RP) Resource Protection, (SP) Stream Protection, (SD) Shoreland Development, or the (SR) Shoreland Residential Zone must meet the frontage and setback requirements set forth in Section 5 B. Dimensional Standards of this Ordinance.**

Doug suggested adding the word “**single**” to make it clear that the Town probably does not want to allow multiple ADUs to be built on a non-conforming lot. After brief discussion, no objection and no other questions were raised.

3. Section 4: Schedule of Uses H. Schedule of Uses. 4. Residential Activities.

Added to d) Multi-family Dwelling: **affordable housing developments**. Added to l): “**Accessory Dwelling Unit.**” Structures and uses in this category require Planning Board approval in a Resource Protection Zone, are prohibited in a Stream Protection Zone, and require a building permit issued by the CEO in other zones.

Ruth Franzius, Greg Piduch (representing the Hancock County Planning Commission) and Doug discussed somewhat inconclusively whether some of regulations in this section applied to mobile homes. No other questions were raised.

4. B. 2. AFFORDABLE HOUSING DEVELOPMENTS

For an affordable housing development approved on or after July 1, 2024, a municipality with density requirements shall apply density requirements in accordance with this section.

a. Eligibility for Density Bonus. An automatic density bonus applies to certain affordable housing developments approved after July 1, 2024 as set forth herein.

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1). The proposed development must be located within a Designated Growth Area as may be established in the Town's Comprehensive Plan, or located on a lot that is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, and be in a location that permits multi-family dwellings as of July 1, 2024.

2). The proposed development must comply with the minimum lot size standards in accordance with the State Minimum Lot Size law, 12 M.R.S. Chapter 423-A, as may be amended.

3). The proposed development must be an affordable housing development, as defined in this Ordinance, where 51% or more of the units are affordable and meet the following requirements:

(a) The owner of the affordable housing development executes a restrictive covenant that is enforceable by a party or its successors that is acceptable to the Town. This restrictive covenant must be recorded in the Hancock County Registry of Deeds to ensure that for at least thirty (30) years after the completion of construction:

(b) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

(c) For owned housing, occupancy of all the units designated affordable in the development will remain limited to the households at or below 120% of the local area median income at the time of initial occupancy.

4) Prior to occupancy, the owner of the affordable housing development must provide written verification to the Code Enforcement Officer that each unit of the affordable

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housing development is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

- a) If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
- b) If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules;
- c) If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- d) If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), Land Use Districts and Standards, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- 5) No more than two (2) off-street parking spaces for motor vehicles must be provided for every three (3) dwelling units of an affordable housing development.

b. Density Bonus

If the requirements of a. Eligibility for Density Bonus items above are met, the proposed development may have a dwelling unit density of not more than 2.5 times the base density that is otherwise allowed in that location. If fractional results occur when

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calculating the density bonus, the number of units is rounded down to the nearest whole number.

Doug suggested adding “off-street.” “Or its successors” was added after Ant Blasi asked how the Town could ensure and a party enforce that a development under changed ownership would abide by a restricted covenant for 30 years.

Doug, Greg and Ken Emerson explained that only affordable housing developments in a designated growth area would qualify for a density bonus. Ant and Ken questioned whether Hancock currently *has* a designated growth area, while Ruth insisted the last Comprehensive Plan created one.

No other questions were raised.

5. Section 5: Land Use Standards (General) B.7. Dimensional Requirements, c. additional dimensional requirements

5. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2024, in which case the requisite setback requirements for such a structure apply.

6. For the purpose of compliance with 30-A M.R.S. §4364-B, an accessory dwelling unit shall be allowed to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted, and an accessory dwelling unit is exempt from any density requirements or calculations to the area in which the accessory dwelling unit is located. See section 5:C.9.f. for requirements and standards within the Shoreland Zone.

7. An accessory dwelling unit must be smaller than the structure of the single-family dwelling unit in total square-footage and at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies.

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Doug, Ant and Sam suggested inserting “smaller than the structure of the single-family dwelling unit in total square-footage and.” Ant underscored and Greg confirmed the importance of creating a separate set of ordinances governing short-term rentals that would apply to all dwelling units, including ADUs.

No other questions were raised.

5. Section 5: Land Use Standards (General)

19-A MULTIPLE DWELLINGS ON A SINGLE LOT

The following provisions apply to allow multiple dwelling units on lots where residential uses, including conditional uses, are allowed as of July 1, 2024, and thereafter. Additional dwelling units are subject to the lot size requirements set forth in Section 5:B.8 of this ordinance.

a. Undeveloped Parcels as of July 1, 2024

1) If the lot is located within a Designated Growth Area approved by the Town in its Comprehensive Plan, or is served by public water and sewer, or a centrally managed water system and a comparable sewer system in the absence of a Comprehensive Plan, the owner of the lot is permitted to have up to four (4) dwelling units, notwithstanding the requirements of the Hancock Subdivision Ordinance. The third and fourth dwelling units may be located within a structure or multiple structures. If the third and/or fourth dwelling units are created within a 5-year period, the project shall be subject to subdivision review and approval.

2) If the lot is located outside a Designated Growth Area approved by the Town in its Comprehensive Plan, the owner of the lot is permitted to have up to two (2) dwelling units per lot, provided that the requirements in 12 M.R.S. Chapter 423A, as may be amended, are met. The two (2) dwelling units may be within a single structure or two separate structures.

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b. Developed Parcels as of July 1, 2024

1) If the lot contains one (1) existing dwelling unit, up to two additional smaller dwelling units may be constructed, notwithstanding the requirements of the Hancock Subdivision Ordinance. The additional units may be located within, attached to, or detached from the existing structure. The owner may also choose to have one unit detached and one unit attached to the existing structure. If the third dwelling unit is created within a 5-year period, the project shall be subject to additional subdivision review and approval.

2) If the lot contains two (2) or more existing dwelling units, no more additional units are allowed.

Doug and Ant suggested changing “may” to “shall.”

Ant, citing the insistence of “99%” of responses to a recent comprehensive planning committee questionnaire on “keeping the Town as it is,” also suggested changing, in b. 1), “additional dwelling units” to “one additional dwelling unit.” Greg said that would be against the letter of the law in LD 2003, and Meredith Akerstein warned that not complying with the law would invite lawsuits the Town could ill afford.

No other questions were raised.

6. Section 5: Land Use Standards (General) B.21. Off-Street Parking

21) Accessory Dwelling Unit: Per 30-A M.R.S. §4364-B, an accessory dwelling unit shall not be subject to any additional parking requirements beyond the parking requirements of a single-family dwelling unit on the lot where the accessory dwelling unit is located.

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22) No more than two (2) off-street parking spaces for motor vehicles must be provided for every three (3) dwelling units of an affordable housing development.

Doug suggested adding “off-street” to the parking requirement in 21) and 22). Ken argued that the addition was unnecessary to 21) and Doug deferred.

No other questions were raised.

7. Section 5: Land Use Standards (General) B.35. Utilities/Subsurface Wastewater Disposal/Waste Disposal/Water Supply

e. WATER AND WASTEWATER FOR DWELLINGS

The owner of a dwelling must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy. Written verification under this subsection must include:

- 1) If a dwelling is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling/affordable housing development unit and proof of payment for the connection to the sewer system;

- 2) If a dwelling is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

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3) If a dwelling is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

4) If a dwelling is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards*, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

No questions were raised.

8. Section 5: Land Use Standards (Shoreland) C.9. Minimum Lot Standards

f. For any accessory dwelling unit within the Shoreland Zone, it may only be established on a lot where the accessory dwelling unit itself can meet the minimum lot area and minimum shore frontage requirements of [Section 5 B 8 b](#) (e.g., for a single-family residence and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage). An accessory dwelling unit may be constructed only: within an existing dwelling unit on the lot; attached to or sharing a wall with a single-family dwelling unit; or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

Ruth corrected the reference to [Section 5 B 8 b](#). No questions were raised.

9. Section 5: Land Use Standards (Shoreland) C.12. Principal and Accessory Structures

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- h. An accessory dwelling unit must comply with municipal shoreland zoning ordinances (Section 5B 8b).
- i. An affordable housing development must comply with municipal shoreland zoning ordinances (Section 5B 8b).

No questions were raised.

10. Section 12: Definitions B. Definitions of Words

ACCESSORY DWELLING UNIT: A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

AFFORDABLE HOUSING DEVELOPMENT:

a. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units without spending more than 30% of the household's monthly income on housing costs; and

b. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units without spending more than 30% of the household's monthly income on housing costs.

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- c. For purposes of this definition, “majority” means more than 51%.
- d. For purposes of this definition, “housing costs” means:
 - (i) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
 - (ii) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowners’ association fees.

No questions were raised.

III. General Discussion

Ant asked why we were putting the cart before the horse by adopting and amending ordinances before we have a new Comprehensive Plan. Greg, Meredith and Catherine Ednie said these ordinances could inform the new plan. David asked whether the old plan had expired and when a new one would be completed. Greg said the old one had expired long ago, and Doug said the state might approve a new one in two years.

Chris Blodgett said it was important for Town residents to understand where the designated growth areas are, and how it affects them. Several members of the Planning Board and the audience stressed the importance of circulating maps that outline the Designated Growth Areas, although what these areas were, are or will be is uncertain.

Doug announced that the next meeting of the comprehensive planning committee would be on Sept. 13 at the Hancock Historical Society. David said that must be publicized, and Greg recommended mailing postcards.

IV. Next Steps

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The Planning Board agreed to approve at its September meeting revisions and amendments to the ECO it had agreed upon at this meeting and to send them to the Select Board.

V. Adjourn

Doug adjourned the meeting at 7:40.