

**TOWN OF HANCOCK
SPECIAL TOWN MEETING
NOVEMBER 6, 2024
At 6:00 PM**

Hancock, ss.

State of Maine

To: Ruth Franzius, Resident of the Town of Hancock

You are hereby required in the name of the State of Maine to notify the voters of the Town of Hancock of the Special Town Meeting described in this warrant.

TO THE VOTERS OF THE TOWN OF HANCOCK:

You are hereby notified that a Special Town Meeting in this municipality will be held at the Hancock Town Office, 18 Point Road in Hancock at 6:00 P.M. on Wednesday, November 6, 2024 for the purpose of determining the following articles:

Article 1: To elect a moderator to preside at said meeting.

Nominations opened at 6:00pm. *Motion to nominate Jack Bridges, as the moderator by Adam Foster, second by David Wildes, no other nominations. Nominations closed. Approval of nomination passed. Oath signed.*

Article 2: To see if the Town will vote to approve the following amendments to the Hancock Environmental Control Ordinance to bring this Ordinance into compliance with LD2003.

PROPOSED AMENDMENTS TO THE
HANCOCK ENVIRONMENTAL CONTROL ORDINANCE

**Additions are indicated by underscore.
Deletions are indicated by ~~strikethrough~~.**

1) Cover will need to be amended as necessary

2) Table of Contents will need to be amended as necessary

Questions 3–12 are to bring the Environmental Control Ordinance into compliance with LD-2003.

3) SECTION 2: NON-CONFORMITY [p. 12–13 of 130]

F. NON-CONFORMING LOTS

1. c. Such building shall be limited to single-family dwellings, accessory dwelling units and accessory structures.

d. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

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 non-conformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the non-conformity, 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.7. Dimensional Standards of this Ordinance.

4) SECTION 4: SCHEDULE OF USES [p. 21 of 130]

H. SCHEDULE OF USES

Add to d) Multi-family Dwelling: affordable housing developments,

Add to k) Accessory Dwelling Unit. An accessory structures and uses that are subordinate to the principal use listed above.

Note: 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.

5) SECTION 5: LAND USE STANDARDS (General) [p. 28 of 130]

B. 2-A. 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.

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

6) SECTION 5: LAND USE STANDARDS (General)

B. 7. DIMENSIONAL REQUIREMENTS

c. ADDITIONAL DIMENSIONAL REQUIREMENTS [p. 35 of 130]

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 in 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.

7) SECTION 5: LAND USE STANDARDS (General) [p. 41 of 130]

18-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.7 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.

b. Developed Parcels as of July 1, 2024

1) If the lot contains one (1) existing dwelling unit, up to two additional 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.

48. 18-B. MULTIPLE USES ON A SINGLE LOT

8) SECTION 5: LAND USE STANDARDS (General)

B. 21, 22. OFF-STREET PARKING [p. 43 of 130]

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.

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

Existing 21) becomes 23) For uses not specifically listed in this section, the Code Enforcement Officer shall prescribe the number which in no case will be less than an adequate number to provide for employees and customers and visitors anticipated on the site.

9) SECTION 5: LAND USE STANDARDS (General)

B. 33. UTILITIES/SUBSURFACE WASTEWATER DISPOSAL/WASTE DISPOSAL/WATER SUPPLY [p. 51 out of 130]

Note: Letters a. to d. are already in this section

WATER AND WASTEWATER FOR DWELLINGS

e. 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*;

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.

10) SECTION 5: LAND USE STANDARDS (Shoreland)

C. 9. MINIMUM LOT STANDARDS [p. 60 of 130]

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.7. (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.

11) SECTION 5: LAND USE STANDARDS (Shoreland)

C. 12. PRINCIPAL AND ACCESSORY STRUCTURES [p. 63 of 130]

h. An accessory dwelling unit must comply with municipal shoreland zoning requirements (Section 5:B.7).

i. An affordable housing development must comply with municipal shoreland zoning requirements (Section 5:B.7).

12) SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS [p. 92 of 130]

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;

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.

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.

Question 13 refers to changes to bring the Environmental Control Ordinance into conformance with current Maine law [MRS Title 10, Chapter 951. MANUFACTURED HOUSING ACT]

13) SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS [p. 103 of 130]

MANUFACTURED HOUSING: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to

a building site. 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. For purposes of this Ordinance, two (2) types of manufactured housing will be referred to:

a. MOBILE HOMES: Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et.seq., which in the traveling mode, are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation; and

b. MODULAR HOMES: Those units which the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

A discussion was held regarding the proposed changes. Antonio Blasi expressed concerns regarding the necessity for designated growth areas needing to be established. Carol Lowrie asked if there was any difference between these amendments and the State, Greg Piduch, from the Hancock County Planning Commission was present and advised the residents there was no difference, they were the State minimum requirements and that these had been reviewed and approved by their attorney. Jack Bridges brought it to the attention of the residents present that the Town was not in compliance right now and there was a possible risk of law suits. There were some concerns about the Comprehensive Plan that is in place and whether or not it is was still valid. Nick Branca advised he had spoken to Maine Municipal and the plan was still valid just outdated. Ken Emerson expressed he felt the benefits of approving this outweigh the risks.

Motion to approve as written and submitted by Doug Kimmel, second by Ruth Franzius, passed. 2 voters opposed.

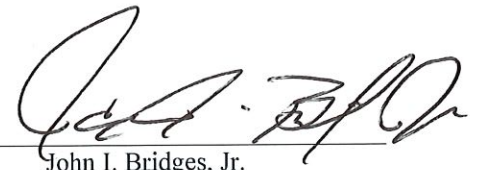
Motion to adjourn at 6:17pm , passed.

Respectfully submitted by,

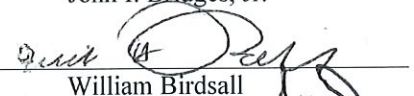


Cheryl A. Robinson
Town Clerk/Admin. Asst.

Signed and approved at the Town of Hancock, on November 20, 2024.



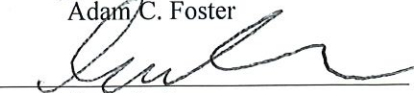
John I. Bridges, Jr.



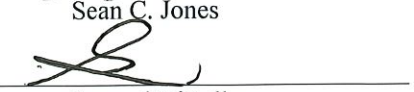
William Birdsall



Adam C. Foster



Sean C. Jones



Samuel DiBella

Majority of the Municipal Officers of the Town of Hancock