

**-PUBLIC MEETING -  
Hope Planning Board  
Tuesday, July 2, 2024  
6:30 PM**

**AGENDA**

**Call to Order:**

**Minutes:**

- May 7, 2024:

**New Business:**

- Application for Change of Use & Home Occupancy to operate an Automobile Repair Shop at 118 Ludwig Rd – Keith Ludwig:
- Review suggestions to LUO for LD2003 & LD1706 Compliance:
- Approve July 16<sup>th</sup> Special Planning Board Meeting with MCOG, Max Johnstone:

**Old Business:**

**Other Business:**

**Adjournment:**

**-Public Hearing-**

**-Public Meeting-**

**Hope Planning Board**

**Tuesday, May 7, 2024**

**6:30 PM**

**Town Office**

#### **Public Hearing for Site Plan Review**

- **Ford Enterprise – Dan Ford:** Site walk done April 23, 2024 on previously approved building construction and, septic installation on 18acre lot, wanting to change shop size to a larger building and adding an apartment over the shop.
- **Sweetland LLC – Lindsey Stewart:** Site Walk done April 23, 2024 to improve driveway and add more parking area for better safety. Also change of use of an existing building, expand the septic system, planting of trees and shrubs, but no planting in the State right-of-way, and to construct a new greenhouse for multi-purpose use.

A few members of the public were present at this meeting to ask questions about the Ford Enterprise and Sweetland LLC. Their questions were satisfactorily answered. There was a letter from a neighbor of Sweetland LLC concerning increased traffic and noise from the changes. She was unable to attend the meeting. CEO Matt Deane responded to the letter.

#### **Planning Board Public Meeting**

- **Call to order:** Meeting was called to order at 6:50 PM by Chair Molly Luce. Members present: Molly Luce, David Hall, Juanita Hunt, Joe Curll, and Robert Hall. Having a quorum. Others present: Max Johnstone – MCOG.
- **Old Business:** Site Plan Review for Dan Ford of Ford Enterprises. Motion by D. Hall to approve the changes, seconded by Hunt. Vote to accept 5-0.
- **Old Business:** Site Plan Review for Lindsey Stewart of Sweetland LLC. Motion by D. Hall to approve application. Seconded by Hunt. Vote to accept 5-0.
- **New Business:** Minor Subdivision Amendment for Old Hope Road Ridge Subdivision – Ronald Walker: Ronald Walker and Anne Walker to authorize Mark Ingraham, Land Surveyor, to prepare and submit for review a subdivision amendment of their Lot 7 to

facilitate a transfer of 0.5 acres of land to their neighbor Sara C, Gagan to allow for more sun to her solar panels. Motion by Curll to allow. Seconded by Hunt. Vote to allow 5-0.

- **New Business:** Affordable Housing Ordinance Review Discussion, Max Johnstone – MCOG. Multiple Dwellings on 1 lot. Affordable housing. State will pay for expenses for ordinance preparation. Max Johnstone will help with the preparation.
- **Minutes:** Minutes for April 2, 2024 approval. Motion to approve by Curll, seconded by Hunt. Vote 5-0. Minutes for April 23, 2024 approval. Motion to approve by Hunt, seconded by Curll. Vote 5-0.
- **Adjournment:** Motion to adjourn by Hunt, seconded by Curll at 6:31pm.



# TOWN OF HOPE

441 Camden Road, Hope, ME 04847  
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# BUILDING PERMIT APPLICATION

Applicant Keith Ludwig Owner Keith Ludwig  
 Address 118 Ludwig Rd Address 118 Ludwig Rd  
 Phone 207-230-4725 Phone 207-230-4725  
 Email kludwig542@gmail.com Email kludwig542@gmail.com  
 Location of Site 118 Ludwig Rd Lot Size 1 acre Zone RR Map 21 Lot 020

Shoreland Zone ( ) Yes (  ) No  
 Floodplain Area (FIRM maps) ( ) Yes (  ) No  
 Subdivision ( ) Yes (  ) No  
 Septic System needed ( ) Yes (  ) No  
 New Road Entrance ( ) Yes (  ) No  
 New Street Address ( ) Yes (  ) No

SSWW Permit # N/A Internal Permit # N/A

Proposed Use: ( ) Residential ( ) Commercial

( ) New Dwelling, # of bedrooms \_\_\_\_\_ ( ) Mobile Home, # of bedrooms \_\_\_\_\_ ( ) Deck  
 ( ) Accessory Structure \_\_\_\_\_ ( ) Relocation of Existing Structure \_\_\_\_\_ ( ) Demolition  
 ( ) Excavation/Fill \_\_\_\_\_ Cu. Yds. (  ) Change of Use auto repair shop ( ) Sign  
 ( ) Addition \_\_\_\_\_ (  ) Other home occupancy

current # of bedrooms \_\_\_\_\_  
 proposed # of bedrooms \_\_\_\_\_

NOTE: If the proposed construction adds additional bedrooms you will need proof of adequate septic facilities before a permit can be issued.

First Floor _____	feet wide by _____	feet long = _____	sq. ft * \$ . _____	per sq. ft. = _____
2nd Floor _____	feet wide by _____	feet long = _____	sq. ft * \$ . _____	per sq. ft. = _____
Other <u>Change of Use</u>	feet wide by _____	feet long = _____	sq. ft * \$ . _____	per sq. ft. = <u>50.00</u>
Decks <u>Home Occupancy</u>	feet wide by _____	feet long = _____	sq. ft * \$ . _____	per sq. ft. = <u>50.00</u>
Basement ( ) Yes ( ) No	Total Square Feet of Buildings, Decks, etc. _____		Total Permit Fee = <u>100.00</u>	

Maximum Structure Height \_\_\_\_\_ feet Estimated Cost of Buildings & Improvements \_\_\_\_\_

### Mobile Home

Make N/A Year N/A Size N/A feet wide by N/A feet long Vin # N/A  
 If new, you must show proof of sales tax paid. If used and moved from other than a dealer, proof of property taxes paid is required.

If this permit is approved, it is done so using information provided by the applicant in the record regarding his ownership of the property and boundary locations. The applicant has the burden of proving that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden, nor does it constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership or similar title issues. The permit holder would be well advised to resolve any problems before expending money in reliance on this permit.

**I have read and understand the above paragraph and to the best of my knowledge, all information submitted on this application is true and correct. I further understand that it is my responsibility to know and comply with all local ordinances and state statutes.**

Signature Keith Ludwig Date 6/25/2024  
**Other State or Federal Permits may be required, depending on your project.**

### Official Use

Date received 6/25/24 Fee Paid \_\_\_\_\_ Permit # \_\_\_\_\_

( ) Approved Conditions \_\_\_\_\_  
 ( ) Denied Reason \_\_\_\_\_

Code Officer \_\_\_\_\_

Date \_\_\_\_\_

(rev 8/10)

## Ordinance suggestions regarding LD 2003 and LD 1706

### Miscellaneous notes:

- Everything in LD 2003 does not need to be adopted word-for-word, as long as the intent is still met. Example: The definition for “Accessory Dwelling Unit” could be “Accessory Apartment”.
- Towns may be more permissible. This goes over the bare minimum for language. Examples: Allow more ADUs, lower density requirements, etc.
- This includes all changes and how Hope can incorporate them.
- Short-Term Rentals may be regulated; however, this is optional and there are no definitions, standards, nor guidance documents related to Short-Term Rentals from the State. MCOG can provide some suggestions/ examples for municipalities that are interested.
- While MCOG will make recommendations/ suggestions about how to include these changes, the decision is ultimately up to the local Planning Boards and Town Meetings.
- This is based on Hope Land Use Ordinance and Shoreland Zone Ordinance approved on 1/23/2024.
- The first two pages are just a summary of changes.

### Allowed Uses

- ADUs/Accessory Apartments must be permitted wherever a single-family dwelling unit is allowed. This also includes adding ADUs/Accessory Apartments as a use that is allowed in all Shoreland Zoning Districts that permit a Single-Family Dwelling Unit.
  - **Hope has Accessory Apartment on Page 4-5 in Land Use Ordinance.**
  - **Hope would also need to add it in Page 11 of the Shoreland Zone.**
- Affordable Housing must be permitted in all Districts that permit Multi-Family Dwelling and in a Growth Area. This does not have to include the Shoreland Zone.
  - MCOG suggests requiring Planning Board approval for this use.
  - **For Hope, this depends on where the most recent Comprehensive Plan defines as Hope’s Growth Area. If one was not mapped out, then it would be anywhere that has sewer and water.**

- **Based on language in the 1992 plan, Hope Corner Village and South Hope Village could arguably be considered Designated Growth Areas and permit Affordable Housing developments.**
- Short-Term Rental is optional for Towns if there is a desire to prohibit it in any area or place any form of approval process. This does not have to include the Shoreland Zone.
  - MCOG suggest considering whether there is sufficient time for the Planning Board to review standards for this use, if a separate Ordinance should be created to be separate from the Land Use Ordinance, or if it should not be considered at this time.
  - **Hope does not have to address Short-Term Rentals. MCOG can provide some examples of Short-Term Rental standards upon request.**
- Towns that do not have Dimensional Standards should establish a minimum base for setbacks, road frontages, shore frontages, and maximum lot coverage (at least for rural areas that towns desire to preserve for farmland).
  - MCOG suggests Towns ensure that they have minimum lot size “per dwelling unit”.
  - **Hope has “Per dwelling unit” and is all set.**
- For the purpose of this document, standards that are meant to be numbered for easier insertion into an Ordinance are using the codified base system (1., 1.1., 1.1.1., etc.). Towns may reach out to MCOG for clarification.

**Land Use Standards for Dwelling Units:**

- **Water/ Wastewater:**  
Whether this is under an existing subsection, or a new one is created, the water and wastewater items below are required for the Accessory Apartments/Dwelling Units, Affordable Housing Developments, and the additional single-family dwelling units.
- **For Hope, this could be replacing Section 5.3.33 in the Land Use Ordinance with:**
  - The owner of all structures must provide written verification that the proposed building(s) can be connected to adequate wastewater services prior to certification for occupancy. Written verification must include the following:
    - If connected to a 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;

- If connected to a private septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, *Subsurface Wastewater Disposal Rules*;
- **For Hope, the water can be added as Section 5.3.42 (or any number chosen by town):**
  - The owner of all structures must provide written verification that the proposed building(s) can be connected to a potable water source prior to certification for occupancy. Written verification must include the following:
    - If connected to a central 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
    - If connected to a private well, proof of access to potable water, including the standards outlined in 01-672 CMR. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must include that the water supply is potable and acceptable for domestic use.
- Multiple Single-Family Dwelling Units.

**This segment can be ignored by Hope since the current practice allows multiple single-family dwelling units on a parcel as long as the minimum lot size is met per dwelling unit. Some towns have taken the opportunity to allow duplex/triplexes to have the same minimum lot size requirements as a single-family dwelling unit; however, that is an option left to the Hope Planning Board.**

These standards apply to residential units that sought a permit after July 1, 2024.

#### 1.1 Undeveloped Parcels as of July 1, 2024

- 1.1.1 If the parcel is located inside a Designated Growth Area recently approved by the Town in their Comprehensive Plan, the owner of the lot is permitted to have up to four (4) dwelling units. The third and fourth units may be located within a structure or multiple structures.

**Note: If the municipality does not have an up-to-date Comprehensive Plan or a Designated Growth Area, this rule would be applicable if the area is serviced by a public, special district, or other centrally**

**managed water system and a public, special district, or other comparable sewer system.**

- 1.1.2 If the parcel is located outside a Designated Growth Area recently approved by the Town in their Comprehensive Plan, the owner may have up to two (2) dwelling units per lot. The two dwelling units may be within a single structure or two separate structures.

1.2 Developed Parcels as of July 1, 2024

- 1.2.1 If the parcel contains one (1) existing dwelling unit, up to two additional dwelling units may be constructed. 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.
- 1.2.2 If the parcel contains two (2) or more existing dwelling units, no more additional units are allowed.
- 1.2.3 Optional: Warren may create an exemption for dwelling units that were built prior to July 1, 2024 and are then torn down so they may have 4 units built.**

- 1.3 Housing units must comply with the Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, and municipal shoreland zoning ordinances.

- 1.4 All residential units permitted after July 1, 2024 may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

- 1.5 This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land. This means that a lot that has at least three dwelling units built within a five-year period is applicable to subdivision review.

- Accessory Apartments/ ADU:
  - In addition to the Standards below, an Accessory Apartment/ ADU must incorporate the water/ wastewater standards above.
  - Accessory Apartments/ ADUs are also exempt from Growth Cap Ordinance considerations.



- **For Hope, this will likely have to be a new item under Section 5.3.42 or alternative recommended by the Planning Board.**
- 1.1. Only one (1) Accessory Apartment shall be exempt from any density requirements or calculations related to the area in which the Accessory Apartment is constructed.
    - 1.1.1. Accessory Apartments located within a designated Shoreland Zone, as determined by the Town of Hope, are not exempt from the density requirements outlined under Section 5.2 of this Ordinance. Accessory Apartments located in the Shoreland Zone shall also meet standards set forth in the Town of Hope Shoreland Zone Ordinance.
  - 1.2. An ADU may be constructed only:
    - 1.2.1. Within an existing dwelling unit on the lot;
    - 1.2.2. Attached to a single-family dwelling unit; or
    - 1.2.3. As a new structure on the lot for the primary purpose of creating an ADU.
  - 1.3. Any structure containing an Accessory Apartment must adhere to all setback and dimensional requirements outlined in this Ordinance.
  - 1.4. An Accessory Apartment must be at least 190 square feet.
    - 1.4.1. **MCOG suggests creating a maximum size limit. Some towns have used a flat number (ex: 1,000 square feet) while others have done a percentage based on the primary structure (ex: 50% of the primary structure).**
  - 1.5. Only one (1) Accessory Dwelling Unit/ Accessory Apartment may be exempt from parking requirements.
    - 1.5.1. **Additional language can be included to note the owner is required to guarantee parking access for the Accessory Apartment.**

**Affordable Housing**

- **For Hope, this would be creating a new set of standards as 5.3.43 or an alternative proposed by the Planning Board.**
- 1.1 Location
    - 1.1.1 The proposal must be in a Designated Growth Area that is cited in the most recent Comprehensive Plan that has been approved by the Town. **As noted earlier, there are arguably two districts that could be considered Designated Growth Areas.**

- 1.1.2 The proposal must be located in an area in which Multi-Family dwellings are a permitted use.
- 1.2 The applicant must execute a restrictive covenant, recorded in the **Knox County** Registry of Deeds, for the benefit of and enforceable by a party acceptable to the Planning Board, to ensure that for at least thirty (30) years after completion of construction:
  - 1.2.1 For rental housing, occupancy of all of 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
  - 1.2.2 For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.
- 1.3 Density
  - 1.3.1 The proposal must comply with the minimum lot size requirements in accordance with Title 12 Chapter 423-A.
  - 1.3.2 The dwelling unit density shall be 2 ½ 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.
- 1.4 An Affordable Housing Multifamily Dwelling proposal shall provide 2 off-street parking spaces for every 3 proposed units.

**Definitions:**

**The language below is from the State statute. Each definition will either include a reference to Hope having the language, or needing changes. For cases when Hope does not have the language, it can be copy-pasted below.**

- Accessory Apartment **Hope does not have this definition.**
  - State definition: “A self-contained dwelling unit located within, attached or detached from a single-family dwelling unit located on the same parcel. An accessory dwelling unit (or the new term decided by the Town) must be a minimum of 190 square feet.” Union would have to amend their definition to include “or detached from” and the 190 square feet minimum.
  - MCOG suggests including a maximum size limit.

- Affordable Housing Development. **Hope does not have this language.**
  - State Definition:
    1. 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 that the development designates as affordable without spending more than 30% of the household’s monthly income on housing costs; and
    2. 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 that the developer designates as affordable without spending more than 30% of the household’s monthly income on housing costs.
    3. For purposes of this definition, “majority” means more than half of proposed and existing units of the same lot.
    4. For purposes of this definition, “housing costs” include, but are not limited to:
      - a. 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
      - b. 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.
- Area Median Income. **Hope does not have this language.**
  - State Definition: The midpoint of Knox County’s income distribution calculated on an annual basis by the US Department of Housing & Urban Development
- Attached. **Hope does not have this language.**
  - State Definition: Connected by a shared wall to the principal structure or having physically connected finished spaces.

- **Base Density. Hope does not have this language.**
  - State Definition: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.
  
- **Centrally managed water system. Hope does not have this language.**
  - State Definition: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144 C.M.R. Ch.231, *Rules Relating to Drinking Water*. This water system may be privately owned.
  
- **Certificate of Occupancy. Hope does have this term but not the definition below. MCOG suggests either merging or replacing the current term with the one below.**
  - State Definition: The municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code (MUBEC)* adopted pursuant to Title 10 Chapter 1103. Certificate of Occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.
  
- **Comparable sewer system. Hope does not have this language.**
  - State Definition: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch.241, *Subsurface Wastewater Disposal Rules*.
  
- **Comprehensive Plan. Hope does not have this language.**
  - State Definition: A document consistent with 30-A M.R.S §4326(1)-(4), including the strategies for an implementation program that are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.
  
- **Density Requirements. Hope does not have this language.**
  - State Definition: Maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

- Designated Growth Area. **Hope does not have this language.**
  - State Definition: An area that is designated in Union’s Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated Growth Areas may also be referred to as priority development zones or other terms with a similar intent.
  
- Dimensional Requirements. **Hope has this term and does not have to make any changes. Definition below is optional.**
  - State Definition: Requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage, and lot depth.
  
- Existing Dwelling Unit. **Hope does not have this language.**
  - State Definition: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.
  
- Housing. **Hope does not have this language.**
  - State Definition: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding housing, or other similar types of housing units. This also does not include transient housing or short-term rentals.
  
- Land Use Ordinance. **Hope does not have this language.**
  - State Definition: The local ordinance of general application adopted by the Union legislative body which controls, directs, or delineates allowed uses of land and standards for those uses.
  
- Lot. **Hope has this and does need to change it.**
  - State Definition: A single parcel of developed or undeveloped land.
  
- Multifamily dwelling. **Hope has this and does not need to change it.**
  - State Definition: A structure containing three (3) or more dwelling units.

- Potable. **Hope does not have this language.**
  - State Definition: Safe for drinking as defined by the US Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS). *Resolve 2021 Chater 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.*
- Principal Structure. **Hope has this and does not need to change it.**
  - State Definition: A structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.
- Restrictive Covenant. **Hope does not have this language.**
  - State Definition: A provision in a deed, or other covenant conveying real property, restricting the use of the land.
- Setback Requirements. **Hope has this and does not need to change it.**
  - State Definition: The minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.
- Single-family dwelling unit. **Hope has this and does not need to change it.**
  - State Definition: A structure containing one (1) dwelling unit
- Structure. **Hope has this and does not need to change it.**
  - State Definition: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).
- Zoning Ordinance. **Hope does not have this language.**
  - State Definition: A type of ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.