

AGENDA
TOWN OF DIXFIELD

Planning Board

Thursday, September 19, 2024

Ludden Memorial Library

1. Call to order; Pledge of allegiance
2. Roll call
3. Minutes from August read and acted on.
4. Agenda Adjustments:
 - a. Property Maintenance Ordinance
 - b. Solar Energy Ordinance
5. Correspondence: E-mails to and from lawyer & Irvings
6. Old Business:
 - a. Building Permit Ordinance & Application – Sent to Selectmen on 8/10
 - b. Subdivisions – Greg – updates
 - c. Comprehensive Plan
 - i. Surveys due September 30.
 - ii. Moving ahead: Where we are
7. New Business: Street Naming/House Numbering Ordinance
8. Board Questions or Comments
9. Public Questions or Comments
10. Adjournment

Next regular Planning Board meeting is scheduled for **Thursday, October 17, 2024 at 5:30 PM**. Agenda items must be submitted to the Chairperson not less than ten days prior to the meeting.

Town of Dixfield

Planning board committee minutes

Location: Ludden Library

Date: 09/19/2024

Time: 5:30pm

1. **Call to order:** chairman Ken Hinkley with pledge allegiance.
2. **Roll Call:** chairman Ken Hinkley, Grayson Child, Greg Gagne, Elizabeth Kelly.
Public attendance: Wil Shurtleff, Leanne Gagne, Carol Gill, Linda DuBois, Rachel Blaisdell, Mark Chiasson, Katie Chiasson, Pauline Cayer, Judy Wentzell, Tom Wentzell, Vera Theriault, Tim Martin.
3. **Minutes:** meeting minutes of 08/15/2024 moved to accept by Grayson and seconded by Ken. Accepted by show of hands.
4. **Agenda adjustments**
 - a. *Property Maintenance Ordinance:* accepted by all the committee members to move it forward.
 - b. *Solar Energy Ordinance:* accepted by all committee members with the lawyer changes and moved forward.
5. **Correspondence:** Ken provided the committee with copies of the email messages between he, Irving and the town lawyer concerning Irving's subdivision application.
6. **Old Business:**
 - a. *Building Permit Ordinance & Application:* sent to the Selectman on 08/10/2024.
 - b. *Subdivision:* Greg has no update
 - c. *Comprehensive Plan:*
 - i. *Surveys* are due 09/30/2024
 - ii. *Moving ahead:* ten sections in the Table of Contents, Section II, in the Plan, were divided up between the 4 committee members to review.
7. **New Business:**
 - a. *Street Naming/House Numbering Ordinance:* first reading.
8. **Board questions and comments:**

Liz Kelly commented that it's important to understand the process when doing planning committee business. To be patient. It's good for citizens to be knowledgeable by attending meetings as the ordinances have not been updated for a very long time. There has not been a full committee for some

time. Community involvement is important. She made the statement that she's just learning also as she's new to the committee.

Ken stated that Irving has 6 months to reply once they receive the document requesting the necessary adjustments needed to comply with the application for the subdivision. This notification should go out next week. Ken also mentioned that we need another member on the planning committee if anyone was interested.

9. Public Questions and comments:

Greg Gagne stated, he could not participate as a planning board member in this process at the special meeting, as he's a land owner that abuts the property in question, and it's now in Irving's hands as their initial application was denied by the planning board.

Katie Chiasson commented on a number of issues she felt important surrounding the Irving proposed housing project on Pine Street. She stated that the town of Dixfield would not accept this parcel of land to be donated by Timberlands years back as this was an industrial site which was contaminated. She felt this would change the complexion of the community as a whole with this type of housing as it would disrupt wildlife that are found on this property along with historical artifacts found along the Webb River that borders this property.

10. Adjournment:

Grayson moved to adjourn and seconded by Greg at 6:34pm.

Next regular Planning Board meeting is scheduled for **Thursday, October 17, 2024 at 5:30pm**. Agenda items must be submitted to the Chairperson no less than ten days prior to the meeting.

Something to consider

From: Ken Hinkley (k.hinkley@yahoo.com)

To: nicols.ryan@jdirving.com

Date: Friday, September 13, 2024 at 09:20 AM EDT

It has been brought to my attention that if you place three or more Mobile home units on a single lot you are required to be licensed by the State. It would be considered a mobile Home Park (MRSA 30-A Paragraph 4358 subsection B.) Title 10 Commerce and Trade Chapter 951: Manufactured Housing Act Paragraph 9082 states that a license is required. You may want to ask your legal team to check this out. It is not clear to me if this supersedes subdivision regulations. Our lawyer seems to think it is in addition to, not in place of said regulation.

If that is true, It would be good to include a copy of your license in the list of documents we will ask for in processing your application.

Ken Hinkley

Re: Clarification

From: Ken Hinkley (k.hinkley@yahoo.com)

To: kcollins@preti.com

Date: Friday, September 13, 2024 at 09:06 AM EDT

Thank you.

The law cited to me is Title 10: Commerce and Trade, Part 11: Housing, Chapter 951 Manufactured Housing Act, Paragraph 9081.2 : definition, and 9082: license required. Sorry I did not refer to that in my note.

We are going ahead with the processing the subdivision application as given to us.

On Thursday, September 12, 2024 at 08:48:04 PM EDT, Collins, Kristin M. <kcollins@preti.com> wrote:

Hi, Ken --

My apologies for the long delay on this; I've been out of the office for a bit.

The placement of three or more units -- including mobile home units -- on a single tract of land (or the dividing of that single tract of land into three or more mobile home lots, rented or sold) does constitute a subdivision and requires approval from the planning board. Additionally, anyone constructing or placing mobile homes must be licensed by the state as a dealer. I am not aware of any state licensing for mobile home parks, nor any statutory authority for licensing mobile home parks. Some towns do have ordinances requiring mobile home parks to be licensed, but that is a function of the ordinance and I do not see any such provisions in Dixfield's ordinances. Please let me know if you think there's something I haven't considered here, but the bottom line is that subdivision approval is always required for three or more units or lots.

Thanks,
Kristin

Kristin M. Collins
Attorney
PretiFlaherty

From: Ken Hinkley <k.hinkley@yahoo.com>
Sent: Tuesday, August 27, 2024 9:21 AM
To: Collins, Kristin M. <KCollins@preti.com>
Subject: Clarification

Note: * This email originated from outside of Preti. Please do not click on any links or open attachments unless you can verify the sender and content.*****

As a Planning Board we were told that anyone wishing to place three or more units on a plot of land needed a subdivision plan filed, even though the land itself is not being divided. Now I understand that if the owner of a property wants to place three or more mobile homes on a lot that person need a license to do so.

Question: does one supersede the other or must both be done and who issues the license, the local municipality or the state?

Ken Hinkley
Dixfield Planning Board

