



TOWN OF BREMEN
P.O. Box 171~ Bremen, ME 04551

Walter Voskian, Chair
Thomas Kronenberger, Co-chair
Blair Kauffman, Board Member
Autumn Mahoney, Board Member
Jack Boak, Board Member
Steven Wallace, Board Member
David Adkins, Board Member
Vacant, Alternate Member
Vacant, Alternate Member

**Bremen Planning Board
Meeting Minutes
April 10, 2018 at 7:00pm – Bremen Town Office**

I. ATTENDEES:

Bremen Planning Board Members: Chairman Walter Voskian; Co-Chairman Tom Kronenberger; David Adkins; Blair Kauffman; Autumn Mahoney; Steve Wallace; Wendy Pieh, Selectmen Representative; Jamie Francomano, MCRPC Consultant; Cindi Hasty, Recording Secretary.

Absent: Jack Boak

Members of the Public: Kerry Stailey; Applicant Agent, Dusty Starr-Representative from Gartley and Dorsky.

II. Meeting called to Order at 7:00 p.m.

Chairman Voskian introduced our new planning consultant Jamie Francomano from the Mid-Coast Regional Planning Commission. Jamie said that his role with the Planning Board will be to assist the Planning Board and the chairman. By mutual agreement his duties will include ordinance work, meeting preparation and regular office hours on the deadline date for applications. The latter will provide an opportunity to review an incoming application for completeness and to answer any questions the applicant may have.

III. Adjustments to Agenda

None

IV. Approval of Minutes

After determining that there were no corrections or amendments to the minutes, on a motion duly made and seconded, it was voted unanimously to approve the February 13, 2018 Regular Planning Board Minutes. The minutes were signed by the members present.

V. Applications for Review

1. Miles, Amanda, Map/Lot 015-012;32 Oak Lane-Expansion of an existing structure.

This application was for the expansion of a legally existing, non-conforming, lakeside residence. With the exception of a small northeast corner, the property is almost exclusively within the Residential District of the Shoreland Zone. According to FEMA National Flood Hazard Map this area is of minimal flood hazard. Members of the Planning Board members Adkins, Mahoney, Wallace and Voskian accompanied by Tom Kronenberger, agent for the applicant Amanda Miles, visited the site on 8 April 2018. At this point in the meeting Co-Chairman Tom Kronenberger recused himself from the deliberation.

Most of the existing structure is between 75 and 100-foot setbacks from the normal high-water line. A small portion is within the 75-foot setback and an even smaller portion is within the 150-foot setback. According to the plan included with the application, the existing building is 1093 square feet: 913 square feet for the major portion of the structure and 180 square feet for an enclosed porch.

Chairman Voskian stated that in his view for this application the principal applicable section of the Shoreland Zoning Ordinance was Section 12 C (1).

- Paragraph iii of Section 12 C (1) limits the combined floor area for portions of a structure within 75 feet of the normal high-water line to 1000 square feet. The portion of the structure within the 75-foot setback appears to be about 120 square feet- a major portion of the enclosed porch- based on the drawing in the application.
- Paragraph iv Section 12 C (1) limits the combined floor area for all portions of structures within 100 feet of the normal high-water line to 1500 square feet. The portion of the structure within the 100-foot setback is about 973 square feet (913 plus the portion of the enclosed porch in the 75-foot setback or about 120 square feet).

Clarification was made that all portions of the structure were to be combined to calculate square footage when determining whether the proposed structure would qualify under Section 12 C (1).

Additionally, the major portion of the proposed expansion of 320 square feet would be between the 100 and 150-foot setback and away from the lakeside. This addition and two other relatively small additions would increase the structure to 1455 total square feet. Paragraph v. of Section 12 C (a) of the

Shoreland Zoning Ordinance limits total portions of structures within the 150 feet of the normal high-water line to 2000 square feet.

Chairman Voskian said that the structure would appear to meet the floor area and setback requirements of the above provisions of the Shoreland Zoning Ordinance.

Also, the proposed 320 and 14 square foot expansions (the latter relates to the new chimney) would not appear to increase the structures non-conformity under the definition of "Increase in non-conformity of a structure" found in Section 17, page 36, as it would not reduce setback distances from the normal high-water line. The proposed 28 square foot stairs for egress from the bedroom on the lakeside also would appear not to increase non-conformity under the same definition that allows for expansion to "infill irregularly shaped structures." Also, according to the application, the proposed 28 square foot expansion would extend no further into the required setback area than the existing structure.

The proposed addition at 18 feet high and the proposed chimney at 20 feet high would appear to meet the height limits set out in 12 C (20 and 25 feet) and 15 B (2) (35 feet). The proposed addition would also appear to meet footprint limits in 15 B (4), that states that the footprint of all structures shall not exceed 20 percent of the lot. According to the application, the lot is 78,408 square feet, 20 percent of which would be 15,681 square feet. The square footage of the structure with the additions is 1455 square feet. This plus the garage at 18x18 or 324 square feet would put the total square footage of all structures at 1779, or well under the 20 percent limit. Members pointed out that inclusion of the small pump house would also put the total square footage well under the 20 percent limit.

In short, the application would appear to meet the conditions of the applicable sections of the Shoreland Zoning Ordinance: Section 12 C, 15 B and 17 definitions.

Chairman Voskian said that the site plan provided is adequate and the Planning Board will not require a new site plan even though the site plan provided does not show the proposed improvements as called for in Section 11.5.2 a iv. of the Land Use Ordinance.

Chairman Voskian asked the applicant's agent Tom Kronenberger if there were any additional comments for the Planning Board members at this time. Mr. Kronenberger explained that there is currently a foundation under half of the existing structure. If possible, they will attempt to excavate to expand that foundation, but this may not be possible due to ledge. Still, it has been included in the application. The addition of a foundation would allow the property owner to gain access to the basement where the electrical panel is

located, currently the property owner can only access the basement by an access located outside the structure. The chimney currently located in the center of structure is unlined, potentially unsafe and will be removed. With the reconfiguring of the structure, placing the chimney on an outside wall is favorable to the property owner. The proposed addition of stairs on the front of the structure will serve as means of egress from the bedroom in the event of an emergency.

Discussion followed regarding the accuracy of the drawing provided with the application. The measurements for the proposed structure were not correctly depicted and the Planning Board requested that Mr. Kronenberger provide an update drawing providing the correct height of the structure and chimney. Mr. Kronenberger agreed to provide an updated sketch for the record.

Discussion followed to clarify whether this expansion, which also increases volume of the structure, complies with the Shoreland Zoning Ordinance. Chairman Voskian noted that according to the Shoreland Zoning Ordinance, expansion is defined as "an increase in the floor area or volume of a structure" and that Section 12C of the Shoreland Zoning Ordinance states that a structure may be added to or expanded as long as such expansion or addition does not increase non-conformity and does not exceed the square footage allowed within the noted normal high-water setbacks. Board members agreed that the proposed increase in volume is allowed as the square footage and height limitations are met.

On a motion duly noted and seconded that the Planning Board voted to approve the expansion of the existing structure and excavation for basement expansion in accordance with Bremen Shoreland Zoning Ordinance section 12 C, section 15 B and section 17.

Vote: 6-0 Motion passes unanimously.

VI. Comments and Questions:

None

VII. New Business:

1. Informal Discussion- Justin & Kerry Stailey, Map/Lot 016-019-00A; 90 Copperfield Rd. Construction of an accessory structure.

At the request of prospective applicants Justin and Kerry Stailey, the Planning Board held an informal discussion of a proposal to construct an accessory structure, more specifically a garage at 90 Copperfield Rd. (Map006 Lot 019-00A).

This discussion was held with applicant Kerry Stailey and the agent for this project Dusty Starr representative for Gartley and Dorsky under Section 11.5.7 of the Land Use Ordinance. The provision permits, prior to the submission of a formal application for a permit, a non-binding discussion between the Planning Board and a prospective applicant of what is proposed, what ordinances apply, and what the applicable ordinances allow. According to the ordinance, no vested interest shall attach or accrue to the prospective applicant as a result of such a pre-application conference with the Planning Board.

Chairman Voskian asked the applicants if they were in agreement with such conditions. Mrs. Stailey was in agreement with the conditions as stated.

Chairman Voskian asked the applicant a series of questions to determine the anticipated uses of the proposed structure:

1. Are there additional uses other than as a residential garage being proposed or considered? Mrs. Stailey responded no.
2. Are living, sleeping, cooking and eating facilities contemplated? Mrs. Stailey responded no. Chairman Voskian noted that if such facilities were included the structure would fall into the category of a dwelling unit and appropriate ordinances would apply.
3. Is the structure to be one story? Mrs. Stailey confirmed that the structure would be one story.

Chairman Voskian asked Mrs. Stailey to describe what is being proposed at this point. Mrs. Stailey stated that the proposed structure is a steel framed 24 x 50 ft. garage/barn to be used as a conventional garage for storage. Applicant agent Mr. Starr informed the Planning Board that the information concerning topography submitted for the informal discussion was approximate and will be field verified and corrected before submission of the actual application submission. Member Wallace asked about the Inland Habitat setback depicted on the current image. Mr. Starr is not familiar with this area and what is involved. He said, however, that another person from his firm who has worked closely with this project but was unable to attend this meeting, has a better understanding of the situation and Mr. Starr will follow up with him before meeting with the Planning Board. Discussion followed that this setback likely reflects the Maine Department of Inland Fisheries and Wildlife (IFW) buffer recommendations for designated Significant Wildlife Habitat and how the designated value of that habitat

determines recommended setback. According to member Wallace the IFW recommends a setback for high and moderate value habitat. Mr. Starr asked for clarification for setbacks pertaining to wetlands and whether there was a Department of Environmental Protection (DEP) permit if the structure could not meet the required setback. Member Wallace confirmed there was for non-forested wetlands but that any IFW buffer requirements should be confirmed directly by the DEP.

Chairman Voskian asked if Planning Board Members had any further questions/comments, Planning Board member Wallace requested that the wetlands be delineated by a qualified wetlands scientist as part of the survey process for the final application.

Member Mahoney recommended that the applicant/agent be mindful of any state agency permits that may be required and that such permits be procured prior to meeting with the Planning Board to avoid delays in approval.

Chairman Voskian stated that such a proposal would fall under the following ordinances and the following documents would be required:

1. Section 15 B (1) of the Shoreland Zoning Ordinance dealing with setback requirements for structure from the normal high-water line of streams, ponds and wetlands.
2. Section 15 B (2) of the Shoreland Zoning Ordinance dealing with height of structures.
3. Section 15 B (3) of the Shoreland Zoning Ordinance dealing with the lowest floor elevation of structures.
4. Section 15 B (4) of the Shoreland Zoning Ordinance dealing with the total square footage and footprint of all structures including driveway within the shoreland zone.
5. Section 5.1 of the Land Use Ordinance dealing with dimensional standards and setbacks.
6. Section 12.2 of the Land Use Ordinance dealing with the definitions of "garage" and accessory structures".
7. Section 11.5 of the Land Use Ordinance dealing with the Planning Board permit process.
8. Shoreland Zoning Ordinance definitions with special attention to the emergent wetland definition.

9. Property deed if there are any covenants associated with the property.

10. State agency permits if applicable.

Chairman Voskian stated that if the intended use of the garage were to change the Stailey's should refer to the Land Use Ordinance.

VIII. Old Planning Board Business:

Tracy and Diana Jones have submitted applications with the Board of Appeals for both an administrative appeal of the Planning Board's recent denial of a building permit and for a variance concerning their property. The hearing will be held on 11 April 2017 at 6:30pm. The Planning Board member were in agreement with Chairman Voskian representing the Planning Board at this proceeding. Chairman Voskian reminded members that all Board are welcome to attend.

Chairman Voskian notified the Planning Board members that he attended the February and March 2018 meetings of the Board of Selectmen, where he brought the Selectmen up to date on the Planning Board's deliberations and findings. Chairman Voskian also represented the Planning Board at the Ordinance Review Committee as it considered the Board of Appeals Ordinance. The Ordinance Review Committee consists of Chairman Voskian, Selectman Wendy Pieh, and Board of Appeals Members Harold Schramm, David West and Diantha Robinson and last met on 30 March. All meetings are open to the public and are announced on the Town website.

Chairman Voskian reminded members that there is still a need for two alternate members. As noted, the last meeting (February 2018) there was barely a quorum.

Consideration of changes to the Planning Board Ordinance.

The Chairman introduced this portion of the meeting by noting that Bremen's Planning Board Ordinance is in need of updating. It is decades old and deficient in several areas, including the absence of references to alternates, attendance requirements, dealing with vacancies and the method of selecting a secretary as well as duties, procedures and voting.

In addition, the Selectmen are considering reducing the number of Planning Board members from seven to five, a proposal that makes some sense in part due to the difficulty at times in assembling a quorum. The

number of Planning Board member was reduced previously in 1991 from nine to seven. After lengthy discussion regarding pros and cons of fewer board members it was the preference of the Planning Board was to remain at seven members with 2 alternates.

Member Mahoney made the recommendation to reconsider what is necessary for the Board to approve a motion. Currently the Board ordinance requires at least four votes to pass a motion for a permit. Member Mahoney asked if we could update our ordinance to allow for the passing of a motion to be that of a majority based on number of members present, assuming a quorum has been reached. Member Mahoney noted that this was a topic in the MMA training for Planning Boards. Chairman Voskian recalled the minimum number of needed based on the number of regular members was a state requirement but he will follow up the Town Attorney Hull to confirm. It was also recommended that all town ordinances be consistent with such requirements.

Each Planning Board member was provided a copy of the current Planning Board Ordinance and a copy of the Rockport Planning Board Ordinance and By-laws to be used a model, courtesy of consultant Jamie Francomano.

The Planning Board does not currently have by-laws but may want to consider implementing them. The current Planning Board Ordinance says that the Board shall adopt rules for the transaction of its business. The sentiment among some planning boards is to keep the enabling ordinance as short as possible but have much of the operating detail carried by the by-laws. The justification for this arrangement is that as conditions change, by-laws are more easily amended than ordinances.

MCRPC consultant Jamie Francomano initiated discussion regarding the benefit of having the ordinance reflect the most basic rules of establishment; election of members; organization and rules; powers and duties and repeal of prior ordinance and having the by-laws include all governing details. Mr. Francomano also inquired if the town had ever considered having the Selectmen appoint all Planning Board members. After lengthy discussion all Planning Board members were in favor of keeping all positions as elected positions.

Mr. Francomano noted that he felt that the by-laws sample provided would be an acceptable starting point for development of the Planning Board by-laws. Chairman Voskian felt strongly that an attendance requirement should be included in the by-laws and that there should be no limit on the number of terms a member can serve.

Further discussion brought up the issue of whether an elected official can be dismissed from a board for an issue such as attendance. Selectman Pieh pointed out that an existing recall statute is the only means by which an elected official may be removed from office.

Chairman Voskian noted that in his view the new Planning Board Ordinance should retain the basic duties and powers of the existing Planning Board Ordinance including adopting and revising of the Comprehensive Plan, administering the Shoreland Zoning Ordinance, serving as the reviewing authority for all subdivisions as well as, other duties and exercise such powers provided by ordinances or the laws of the State of Maine. All members were in agreement with Chairman Voskian.

Member Mahoney inquired if the Town of Bremen could have all definitions be a separate document that all ordinances would reference. The purpose of this would be to have more flexibility in making changes and updates without going to town meeting. Mr. Francomano will follow up on this request and report back to the Planning Board.

Mr. Francomano will take the Planning Board's recommendations and create an updated Planning Board Ordinance circulate to the Board members prior to the next Planning Board meeting. Discussion regarding by-laws will resume at the next Planning Board meeting.

Chairman Voskian noted that the Board normally has elections for officers in April. Given that the four positions are up for election at the Town Meeting in July, however, the potential exists for significant turnover on the Board. With that in mind, the Chairman asked if the Board wished to hold elections now or wait until after the Town elections on 21 July? Selectman Pieh noted in view of the change in the date of Town Meeting the issue had been rendered moot by the Selectmen's decision to extend the terms of all office holders until the Town election in July.

On a motion duly noted and seconded that the Planning Board voted to postpone the election of officers until after the July 21, 2018 Town Meeting.

Vote: 6-0 Motion passes unanimously.


IX. Meetings/Events Calendar

April 27, 2018 – Applications for building permits to be considered at the next Planning Board meeting must be filed with the Town Office by 2:00 p.m.

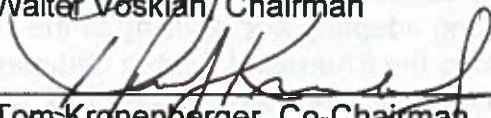
May 06, 2018 – Site Plan Visits (if any) 4:00 p.m.

May 08, 2018 – Planning Board Meeting 7:00 p.m. Bremen Town Office.

BREMEN PLANNING BOARD:




Walter Voskian, Chairman



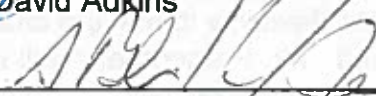
Tom Kronenberger, Co-Chairman



Jack Boak



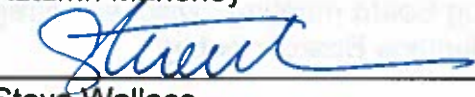
David Adkins



S. Blair Kauffman



Autumn Mahoney



Steve Wallace

Respectfully submitted,
Cynthia Hasty
Recording Secretary