



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
February 13, 2018 at 7:00pm – Bremen Town Office**

I. ATTENDEES:

Bremen Planning Board Members: Chairman Walter Voskian; Co-Chairman Tom Kronenberger; David Adkins; Blair Kauffman; Cindi Hasty, Recording Secretary.

Absent: Jack Boak; Autumn Mahoney; Steve Wallace

Members of the Public: Tracy and Diana Jones

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

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 January 09, 2017 Regular Planning Board Minutes. The minutes were signed by the members present.

V. Applications for Review

1. Diana and Tracy Jones, Map 003-033-4, this lot is vacant and has not been identified with a street number.

This application is for a residential structure in the Residential District of the Shoreland Zone. The applicants own two contiguous lots: Map 003-033-4 and 003-033-5. According to the Town zoning map, the two lots are almost entirely in the Residential District of the Shoreland Zone. According to the applicants, they propose to build on lot 4, the closer lot to Waldoboro Road, in an area in the northeast corner of the lot identified on the site plan as "building envelope" and defined on its right-of-way side and its opposing wetland side by required setbacks.

The applicants have secured a Bremen Growth Cap Permit from the Code Enforcement Officer and have submitted the required subsurface water disposal system application (HHE-200). The application is for the erection of a single story 28ft X 54 ft or 1512 square foot structure to be 17 feet high. According to the applicants, the structure will be a full-time residence built off-site and moved to the site using Maple Lane. The structure will be placed on a regular poured full foundation unless precluded by excessive ledge. In that case a slab foundation would be used. According to the site plan, part of both properties are in a Special Flood Hazard Area, but the building envelopes depicted on the site plan are not in this area.

The Planning Board members were not able to perform the site visit scheduled for February 11, 2018 due to adverse weather and road conditions.

Chairman Voskian informed the Planning Board members that he is an abutting property owner and asked if any member has an objection him participating in and voting on this application. There were no objections from the Planning Board members. The applicants also confirmed that they have no objection to him taking part in the discussion and voting on the application.

Chairman Voskian noted that the application appears to fall under Section 15B, Section 16D and Table 1 of the Shoreland Zoning Ordinance. Table 1 states that one and two family residential structure may be erected in the Residential District of the Shoreland Zone with the approval of the Planning Board. Section 16 D of the Shoreland Zoning Ordinance states conditions for approval, approval with conditions, or denial of an application.

Section 15 B of the Shoreland Zoning Ordinance, the principle applicable ordinance states that "All new principal structure shall be set back at least 75 feet from the normal high-water line, horizontal distance, of a tributary stream and at least 150 feet, horizontal distance, from the high-water line of all other bodies or the upland edge of a wetland."

Chairman Voskian point out that according to the site plan provided by the applicants, the proposed building envelope on lot 4 at its closest point to the upland edge of the wetland associated with Webber Pond is only 100 feet from the upland edge of the wetland. The width of the building envelope varies, but it averages about 40 feet. It is about 55 feet in width at its widest point, according to the site plan, putting the building envelope on lot 4 at its furthest point from the wetland at about 155 feet from the upland edge of the wetland. But it still must accommodate the 28 x 54 ft structure and meet the 150-foot setback requirement.

Chairman Voskian stated that it would appear to him that no point within the proposed building envelope on lot 4 would be able to accommodate the proposed 28X54 foot structure and still meet the requirement that a structure

be setback at least 150 feet back from the upland edge of the wetland. Even if the longer part of the 28 x 52-foot structure were placed against the outer limit (western side) of the building envelope, the structure would still encroach on the 150-foot setback required by approximately 25 feet. In an effort to gain additional footage to meet the setback requirement from the upland edge of the wetland, the building envelope itself could not be pushed back closer to Maple Lane. As presented, the building envelope on lot 4 just meets the 20-foot setback requirement from the road.

Chairman Voskian illustrated his statements with the aid of a scaled cutout of the footprint of the proposed structure and the use of the site plan provided in the application package. After some discussion the Planning Board members agreed with the Chairman's position that the proposed building envelope could not accommodate the proposed structure and still meet the 150-foot setback requirement.

Mr. Jones inquired if the required setback from the road was 20 feet from the physical road or 20 feet from the identified right of way markers? There is an additional 20 feet between the actual road and the markers. Mr. Jones also asked that because this is a private road not a town owned road does the 20-foot setback still apply? The Planning Board confirmed that in its view the 20-foot setback is from the right-of-way markers and this requirement does apply to private roads under the ordinances. Moreover, the Town Subdivision Ordinance states that the minimum width of a right of way is 50 feet, and this width and the location of the right of way is stated in the warranty deed.

Chairman Voskian suggested that in the view of the apparent inability of the building envelope on Lot 4 to accommodate the proposed structure, the applicants may want to investigate whether the other identified building envelopes on Lot 5 would better accommodate the proposed structure. One of the building envelopes on Lot 5 would appear to offer that opportunity. In response, the applicants rejected the suggestion of pursuing the Lot 5 option and stated that they wished to pursue the site on Lot 4.

With an alternate site foreclosed by the applicants the Chairman called for a motion.

On a motion duly noted and seconded the Planning Board voted to deny this application based on Section 15. B of Bremen's Shoreland Zoning Ordinance. It was the Planning Board's factual finding, based on dimensions of the Lot 4 building envelope and the dimensions of the proposed structure, that no point within the proposed Lot 4 envelope as presented in the site plan would be able to accommodate the proposed 28 X 54-foot structure and still meet the Shoreland Zoning requirement from the upland edge of the wetland.

Vote: 4-0

Chairman Voskian noted that the applicants have the right to appeal the Planning Board's decision with 30 days. If they choose to appeal, the Chairman urged the applicants to review the Appeals Board Ordinance for the process to appeal this decision.

VI. Comments and Questions:
None

VII. New Business:

1. Chairman Voskian notified the Planning Board members that there was a request for an Informal Discussion of a project under Section 11.5.7 of the Land Use Ordinance. Due to the limited time to review the material submitted it would be scheduled for the March meeting.

2. With the increasing popularity of "tiny houses" the Board of Selectmen have asked the Planning Board to develop an appropriate definition of this building form for inclusion in the Land Use Ordinance. After lengthy discussion the Planning Board developed the following draft definition.

Structure, Tiny Residential: A residential structure, either on wheels or on a foundation, with between 400 and 100 square feet of total living space. Living space shall exclude porches, garages, and other spaces not heated or cooled by any means. Such a structure shall have a minimum gross floor area of no less than 100 square feet for each occupant, for a maximum of 4 occupants. Such a structure shall have basic functional area to support normal daily routines to include cooking, sleeping, and toilet activities and shall be hooked up to a power source.

On a motion duly noted and seconded that the Planning Board offer this draft definition of "tiny houses" as constructed and amended for consideration to the Board of Selectmen. Vote: 4-0

VIII. Old Planning Board Business:

Chairman Voskian reported that he attended the 11 January 2018, and the 1 February 2018 meetings of the Board of Selectmen where he brought the Selectmen up to date on Planning Board deliberations and findings. He also represented the Planning Board at the 11 January 2018 Town Meeting where warrants were voted on. Chairman Voskian is also representing the Planning Board on the Ordinance Review Committee as it considers the Appeals Board Ordinance. The Ordinance Review Committee, which consists of Wendy Pieh, Harold Schramm, Town Attorney Hull and Chairman Voskian last met on 10 February and it will meet again on the 19th of February. Meetings are open to the public and are announced on the Town website.

Chairman Voskian reminded Planning Board members that there is still an urgent need for alternate Planning Board members and any recommendations would be greatly appreciated.

Motion to adjourn at 7:40pm

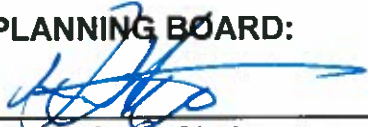
IX. Meetings/Events Calendar

March 02, 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.*

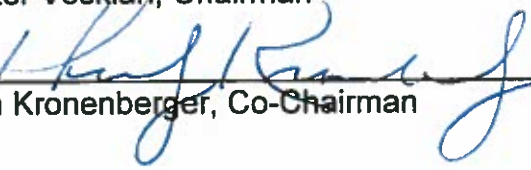
March 11, 2018 – *Site Plan Visits (if any) 3:00 p.m.*

March 13, 2018 – *Planning Board Meeting 7:00 p.m. Bremen Town Office.*


BREMEN PLANNING BOARD:



Walter Voskian, Chairman

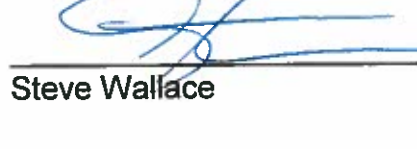


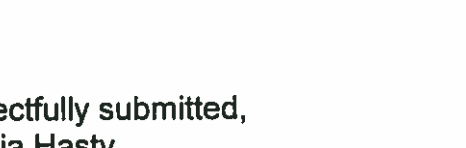
Tom Kronenberger, Co-Chairman

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David Adkins


S. Blair Kauffman


Autumn Mahoney


Steve Wallace


Respectfully submitted,
Cynthia Hasty
Recording Secretary

