

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
Dede Heath, Alternate Member*

**Bremen Planning Board
Meeting Minutes
October 10, 2017 at 7:00pm – Bremen Town Office**

I. ATTENDEES:

Bremen Planning Board Members: Chairman Walter Voskian; Co-Chairman Tom Kronenberger; David Adkins; Jack Boak; Autumn Mahoney; Steve Wallace; Anne Krieg, MCRPC Representative; Wendy Pieh, Representative for Board of Selectmen; Jonathan Hull, Town Attorney; James Murphy, Town Assessor; Stan Waltz, Code Enforcement Officer and Cindi Hasty, Recording Secretary.

Absent: Blair Kauffman; Dede Heath, Alternate Member.

Members of the Public: Majed Awamleh, Agent Chester Fesmire; George Parker, Architect/Agent; Michelle Phelps, Architect/Agent.

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

Chairman Voskian introduced Town Consultant Anne Krieg; Town Assessor Jim Murphy; CEO Stan Waltz; and Town Attorney Jonathan Hull.

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 September 12, 2017 Regular Planning Board Minutes. The minutes were signed by the members present.

V. Applications for Review

1. Andrea Bloch and William McPadden, Map 006-019-006, otherwise known as 142 McCurdy Road; Renovations to non-conforming structure.

The applicant is proposing to replace the existing deck on a non-conforming structure using the same footprint as the existing deck. The applicant's agent submitted a revised plan proposing to use existing footings, new framing, new decking and new posts and railings. The applicant is also proposing to install screening and a roof over the deck. The structure is within the 150-foot setback of the normal high-water line, and almost the entire lot is within the Residential District of the Shoreland Zone. The lot is not within FEMA's Special Flood Hazard Area. Planning Board members Voskian, Kronenberger, Adkins, Wallace and Mahoney accompanied by the applicants and their Agent from Phelps Architects visited the site on 8 October. During the site visit Planning Board members requested that the applicant's agent provide a copy of the revised plan for the scope of work and a copy of the applicant's deed along with any documents pertaining to conditions, reservations or restrictions for the McCurdy Pond Association to be included in the record. All documents have been submitted and are included in the application record.

Chairman Voskian asked the applicant's agent, Michelle Phelps, for any other comments regarding this application. Ms. Phelps stated that the proposed skylights have been removed from the proposed plan.

The Chairman said that the replacement of the existing deck appears to fall under Section 12C (3) of the Shoreland Zoning Ordinance that states that:

- In no case shall a structure be replaced so as to increase its non-conformity.
- If the replacement structure is less than the required setback it shall not be any larger than the original structure.

In order to determine whether the replacement deck as presented in the submitted plan would increase the structures non-conformity Chairman Voskian asked the Planning Board members to review the following two questions.

1. Would the replacement deck as presented in the submitted plan be any larger than the original structure?
2. Would the installation of a roof and screening over the replacement deck constitute an increase in volume?

Chairman Voskian noted that the definition of volume in the Bremen Land Use Ordinance is "all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roofs."

The Maine Municipal Association manual (pg. 83) and the Spring 1995 edition of the Shoreland Zoning News states that "the Department of Environmental Protection's (DEP) opinion on the placement of a roof and screening walls over an existing deck is that this creates neither volume nor floor area; the floor is already present and there are no fixed walls to create volume, as screens don't constitute fixed walls." Attorney Hull was in agreement with the DEP opinion.

Chairman Voskian asked the Planning Board members to discuss whether there should be stipulations imposed if this application is approved. The Planning Board and Town Attorney Jonathan Hull agreed that stipulations should be considered to keep within the DEP's opinion regarding not increasing volume by stating that exterior walls shall only be screening and that no glass, plexiglass, plastic, half walls, or full walls be constructed by current or future owners.

Motion: On a motion duly made and seconded that this application be approved with the following conditions:

- 1. Gutters be installed on the screened porch to help control erosion.**
- 2. The exterior walls of the screened porch shall only be screening, and no glass, plexiglass, plastic, half or full walls be constructed by current or future owners.**
- 3. A copy of the permit with the listed stipulations be registered with the Lincoln County Registry of Deeds and book and page number of registered documents be submitted to the Town prior to start of construction.**

Vote: 6-0

VI. Comments and Questions:

VII. Old Planning Board Business:

Majed Awamleh, Environmental Impact Statement; Map 012, Lot 008 otherwise known as 42 Hidden Lane.

The extensive background to this application is in previous Planning Board minutes beginning with our February 2017 meeting. Anyone wishing to look into the background may consult those minutes.

At its August meeting, the Planning Board rejected as inadequate the agent's draft of a Shoreland Zoning Ordinance (Section 12C (4))-required statement that the change of use would have no greater adverse impact than the existing use, and the Planning Board asked for a professionally prepared statement addressing the impact issue. As a result, the Planning Board has received a professionally prepared impact statement along with the associated new plan from the architect. The Board noted that other documents submitted by the applicant include a Growth Cap Permit, a Minimum Lot Size Waiver from the State, the warranty deed, and the design and State approval of an alternate septic system to be installed in the event the existing system fails.

Chairman Voskian asked the applicants' agent, Chester Fesmire, if he would like to add anything to the record at this point, Mr. Fesmire did not provide any additional information or comments.

Prior to the meeting Planning Consultant, Anne Krieg had requested that Mr. Awamleh confirm the recovery rate of the existing dug well to confirm that it would be sufficient to cover the proposed additional usage. The State of Maine requirement is 2 gallons per minute so for both dwellings 4 gallons per minute would be the minimum requirement. Mr. Awamleh provided confirmation that the well currently has a 7 gallon per minute recovery rate that is sufficient to meet the requirement of both units. (The confirming email is attached)

Chairman Voskian asked if the Planning Board had any comments on the Environment Impact Statement provided by Stockwell Environmental Consulting, Inc. and its finding that, in short, says that the change from a garage to a seasonal cottage would have no greater adverse impact on the water body, tributary stream or wetlands, or on the subject or adjacent properties than the existing use.

Chairman Voskian asked if the Planning Board felt that the Environmental Impact Statement addressed the elements spelled out in Section 12C (4) of the Shoreland Zoning Ordinance that states: Written documentation should address probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetation cover, visual and actual points of public access to water, natural beauty, flood plain management, archaeological and historical resources, and commercial fishing and maritime activities, and other functionally water dependent uses.

Chairman Voskian stated that it was his view that the new Environmental Impact Statement addressed some of the Planning Board's concerns expressed in the last meeting, but it does not fully address issues such as the impact of the obvious increase in water consumption that would accompany the change of use from a garage to a seasonal cottage.

In response, Planning Board members noted that the Environmental Impact Statement included some incorrect statements. The first is that Mr. Awamleh has received approval from the Town of Bremen for the garage in question to be a residential dwelling; this statement is incorrect. The Board observed that Mr. Awamleh is currently in the application process and no approval has been granted at this point. Secondly, the Statement said that the structure is almost 75 feet from the coastal wetland. According to the drawings provided by the applicant/agent the structure is only 42 feet from the normal high-water line. At this time, Mr. Fesmire stated that the correct distance from the garage to high-water line is incorrect on the drawings provided and that correct distance is almost 75 feet. The Planning Board noted that this was new information and that it had never received a corrected site plan reflecting the corrected information. Accordingly, the Planning Board requested an updated site plan to reflect the correct distance from the garage to the normal high-water mark.

Chairman Voskian asked if the Planning Board members accepted the new Environmental Impact Statement provided by Mr. Awamleh as meeting submission requirements for such a statement. In response, the Planning Board accepted the Environmental Impact Statement as part of the application. The Board, however, did not address the Statement's adequacy or sufficiency in meeting the requirements of the Shoreland Zoning Ordinance as it felt that the application was still not complete in the absence of the updated site plan reflecting the correct setback from the normal high-water mark.

Planning Board members reviewed the updated architect's plan that showed the proposed conversion including a kitchen area, toilet area and living space. It was decided by the Planning Board at the August meeting that this change of use would qualify as a dwelling unit, so the applicant applied for and was issued a Growth Cap Permit to be included as part of the application.

Discussion followed regarding the incorrect site plan depicting the incorrect distance from the garage to the normal high-water line. The Planning Board determined that without a corrected site plan showing the accurate measurements signed by the surveyor, the application is

not complete. Attorney Hull advised the Planning Board that it should not make a determination on this application until all information, including a corrected site plan, has been received.

Motion: On a motion duly made and seconded that this application be delayed until the November Planning Board meeting at such time the Planning Board should have received a corrected site plan from the applicant/agent depicting the correct distance from the garage to the normal high-water line making this application complete.

Vote: 2-1-3 Motion did not carry.

Chairman Voskian offered the abstaining members the opportunity to discuss their reasons for abstaining the vote.

Member 1, after consideration, gave the vote to be in favor of delaying the application.

Member 2 feels that the application is complete and there is no need to delay the application.

Member 3 declined to comment.

Attorney Hull advised the Board to clarify the motion and return to the vote.

Motion: On a motion duly made and seconded that consideration of this application be delayed until the November Planning Board meeting at such time the Planning Board should have received a corrected site plan from the applicant depicting the correct setback distances including from the garage to the normal high-water line signed by the surveyor making this application complete.

Vote: 4-2

Patrick McDonnell & Deborah Carroll, Map 006-001; otherwise known as 243 Fogler Road: Renovation to existing structure.

For background on this application see the minutes of the 12 September Planning Board meeting.

At the 10 October Planning Board meeting George Parker, agent/architect for the applicants, announced that because of cost considerations the applicants are withdrawing their plan for the installation of dormers on two sides of structure in favor of a plan to install skylights instead. But Mr. Parker did not submit the new skylight plans as they apparently were not ready for the Planning Board to review at this point. On the strength of that information, the Planning Board agreed to table the application.

Motion: On a motion duly made and seconded that the Planning Board table this application until Mr. Parker submits a new plan to include the installation of skylights.

Vote: 6-0

Mr. Parker will submit a new plan for the Planning Board to review and determine if the plan requires a permit from the Planning Board as it may not result in any increase in square footage or volume. That will need to be determined by Planning Board upon review of the revised plan.

On another issue, the Planning Board at its 12 September meeting questioned whether the structure under a 1993 Planning Board permit, may have been expanded to the maximum 30 percent allowed for the life of the structure. Since the 12 September meeting, the Town Assessor Jim Murphy, provided a response to the Planning Board Chairman regarding previous expansion. Mr. Murphy referred to a property card record for the property that stated that in 1994 the 21x31 foot structure was expanded to size of 31x42 feet, which is a 100 percent expansion in the overall size of the original structure.

See Assessor's response dated 27 September 2017, which is attached to the minutes.

Because the structure in question has been expanded beyond the allowed 30 percent allowed maximum according to Mr. Murphy's report and the structure may be in violation, there was discussion regarding how the Planning Board should proceed in terms of the Shoreland Zoning Ordinance. Attorney Hull advised the Planning Board that the question of a violation is not for the Planning Board to determine and that this issue would fall under the purview of the Code Enforcement Officer and the Board of Selectmen. Attorney Hull also advised that there is no statute of limitations on Shoreland Zoning violations, so it would be the decision of the Board of Selectmen as to whether to take action if indeed a violation exists. It would then be the responsibility of the Code Enforcement Officer to issue a notice of violation.

Discussion continued on whether modifications could be made to structure if it has been determined there was an expansion violation. Chairman Voskian noted that Section 16D of the Shoreland Zoning Ordinance says, "No approval shall be granted for an application involving a structure...would violate any other local ordinance or regulation or statute or statute administered by the municipality." Attorney Hull recommended that Mr. Parker resubmit an updated plan for the installation of skylights that he (Attorney Hull) in conjunction

with the Code Enforcement Officer will determine if this would be allowed and if a permit is required.

Chairman Voskian requested that in the future all applications received could include a copy of the property card to confirm that any expansions have not exceed the 30 percent maximum allowed.

VIII. New Business:

IX. Other Planning Board Business:

Chairman Voskian updated the Planning Board of his attendance at the 21 September and 5 October Board of Selectmen meetings where he brought the Board of Selectmen up to date on the Planning Board's deliberations and findings.

Chairman Voskian reminded the Planning Board that consultant Anne Krieg is on board to ease some of the administrative burden on whomever occupies the Chair position and provide staff support to the Planning Board. He also reminded the Board that there is still a need for another alternate member. As noted last month, our needs for another alternate will be even greater as we move into the fall and winter months.

Chairman Voskian asked the Planning Board members to review the letter from the Town Office dated 17 September concerning the change in the fiscal year, the date of the Town Meeting, and the impact of this change on the terms of elected and appointed officials. In short, if a member's term expires in 2018, it will be extended for three months, until after the Annual Town Meeting and elections are held in June.

The Board of Selectmen proposed an increase in Building Permit fees. Board of Selectmen Chair Wendy Pieh addressed the Planning Board to explain the reasoning behind the proposed fee increase. In order to cover the additional cost of consultant, Anne Krieg, the Selectmen proposed raising application fees as follows:

Type	Current Fee	Proposed Fee
Residential	30.00	100.00
Commercial	30.00	150.00
Residential Accessory	20.00	50.00
Commercial Accessory		75.00

All square footage fees which range from \$0.25 to \$0.10 were proposed to remain the same, at least for the present.

One Selectman proposed implementing a fee for site visits, though his suggestion was not acted upon at this time.

Planning Board members were concerned that such a drastic increase at one time may not be in the best interest of town's people.

Discussion followed as to when the last increase was implemented; what are the fees for surrounding towns; and are these proposed fees in line with other towns? Board of Selectmen Chair Pieh confirmed that research done by Administrative Assistant Kelly Clancy confirmed that the proposed amounts are not out of line with surrounding towns fees.

The Planning Board proposed raising the application fees as follows:

Type	Current Fee	Proposed Fee
Residential Non- Shoreland	30.00	50.00
Residential Shoreland	30.00	75.00
Residential Accessory Non-Shoreland	20.00	30.00
Residential Accessory Shoreland	20.00	50.00
Commercial Non-Shoreland	30.00	75.00
Commercial Shoreland	30.00	250.00
Commercial Accessory-Non Shoreland		50.00
Commercial Shoreland Accessory		100.00

Discussion continued regarding the Subsurface Waste Water and Plumbing permits fees. It was proposed to not change the current fee structure on the Subsurface Waste Water and Plumbing permits fees at this time.

Motion: On a motion duly made and seconded to recommend to the Selectmen the Planning Board proposed application fees.

Vote:6-0

The Planning Board reviewed the proposed budget figures for the upcoming 6-month budget. Chairman Voskian offered to represent the Planning Board as he is a member of the Budget Committee and will be present for the meeting.

Motion: On a motion duly made and seconded to accept and present this budget to Budget Committee.

Vote: 6-0

There being no further business, the meeting was adjourned at 8:35 p.m.

IX. Meetings/Events Calendar

November 03, 2017 – 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.

November 12, 2017 – Site Plan Visits (if any) 3:00 p.m.

November 14, 2017 – Planning Board Meeting 7:00 p.m. Bremen Town Office.

BREMEN PLANNING BOARD:



Walter Voskian, Chairman

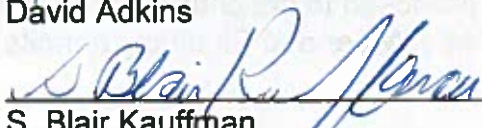


Tom Kronenberger, Co-Chairman

Jack Boak



David Adkins



S. Blair Kauffman



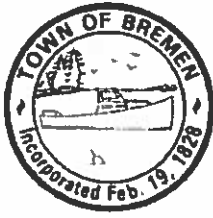
Autumn Mahoney

Steve Wallace,

Dede Heath

Dede Heath, ALT

Respectfully submitted,
Cynthia Hasty
Recording Secretary



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OFFICE OF THE TAX ASSESSORS

September 27, 2017

Members of the Bremen Planning Board

It has come to my attention that the Board is reviewing an application concerning the property at 243 Fogler Road Bremen Maine and an installation of dormers on the water side and the road side of the building.

Based on the assessment records the property received an approval for a 30% expansion of the property as per a permit dated January 18, 1993.

The assessing records indicate that the original building size was 21 feet by 31 feet for a total size of 651 square feet. Subsequent assessing records indicate that the current building is 31 feet by 42 feet for a total size of 1302 square feet. This would indicate a 100% expansion of the foot print of the original size.

If you have additional questions I am available best through written correspondence or if you leave a message I will return your call on my next scheduled day at the Bremen Town Office. I am scheduled for 2 days of service per month.

Sincerely,

James H. Murphy, Jr.
Assessors Representative

Cc: File Copy

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STATE OF TEXAS

County of _____

Know all men by these presents, _____

of the County of _____ State of Texas, do hereby certify that _____

is the true and correct copy of the _____

_____ as the same appears by the _____

_____ and the _____

Witness my hand and seal of office this _____ day of _____ 19____.

County Clerk