



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

*Walter Voskian, Chair*  
*Blair Kauffman, Board Member*  
*Autumn Mahoney, Board Member*  
*Jack Boak, Board Member*  
*Steven Wallace, Board Member*  
*Vacant, Board Member*  
*Thomas Kronenberger, Alt. Member*  
*Vacant, Alternate Member*

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**Bremen Planning Board  
Meeting Minutes  
October 9, 2018 at 7:00 p.m. – Bremen Town Office**

**I. Attendance**

Members Present: Walter Voskian, Chairman; Jack Boak (arrived late); Blair Kauffman; Autumn Mahoney; and Thomas Kronenberger, Alternate. Chairman recognized Alternate Member Kronenberger as a regular voting member for this meeting.

Member Absent: Steven Wallace.

Members of the Public: Diana and Tracy Jones; David Rumpf; Peter Floeckher, representing Woodhull of Maine; Michael Albin; Marianne Courville; Selectman Hank Nevins.

Not in attendance but written memorandums have been considered and referenced: Planning Board Consultant Robert Faunce.

**II. Meeting called to order at 7:00 p.m.**

**III. Adjustments to Agenda**

Postponement of consideration of draft Planning Board Ordinance and Bylaws because of a full agenda. An alternate date will be established.

Postponement of consideration of Item #4 on the Agenda, Melysa Cassidy and David Coventry, Map 006, Lot 030, because of a deficient application, most notably the absence of a required site plan. Members of the Planning Board visited the site on October 7 and explained to the owners what is needed to complete the application, that they are not on the October agenda, and the deadline by which needed material must be submitted to be considered at the November meeting.

Consideration of adjustments to submission fees.

Diana and Tracy Jones requested, due to a long drive home to New Hampshire, to be first on the Agenda. No objections from other applicants.

#### **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 August 14, 2018 regular Planning Board Minutes, as presented. The Minutes were signed by the members present.*

#### **V. Applications for Review**

##### **A. Diana and Tracy Jones, Map 003, Lot 033-004, Maple Lane, New Home**

Tracy and Diana Jones have submitted a new application to construct an 18 x 64-foot residence on a "building envelope" on Lot 4 of the Lynnway Subdivision off Maple Lane. The lot exceeds the minimum lot size and shore frontage required in the Residential District of the Shoreland Zone. But, as the Planning Board noted in previous applications, because of the lot's limited depth and the 150-foot setback requirement, the developable area is limited. The applicants have twice this year requested Planning Board approval for a 28 x 54-foot residence in the same building envelope. But, because the proposed structure would have intruded into the required 150-foot setback from the Normal High-Water Line (NH-WL), the Planning Board denied both applications. The Board of Appeals also denied the applicants' request for a hardship variance.

The new proposed residence fits within the Lot 4 building envelope that is defined by the water and road setbacks and depicted on the site plan dated May 2018 that is part of the application. The applicants have previously submitted an HHE-200 form and a revised site plan showing the limits of the on-site wetlands. Mr. Faunce and the members of the Planning Board have separately visited the site.

The site is adjacent to a fresh water pond (Webber Pond), and erosion created during and after site construction could adversely affect this fragile resource. Mr. Faunce recommends that a condition of any approval be that the applicants be required to retain a site contractor with a State-approved erosion control certification.

The application as submitted appears to meet the conditions of Section V of the Land Use Ordinance, and Sections 15 and 16 of the Shoreland Zoning Ordinance (SZO).

Mr. Jones stated the issue was the house plan, and they now have a house plan that fits the building envelope and that they are comfortable with.

Discussion ensued regarding square footage fees and how they are calculated.

**On a motion duly noted and seconded, it was voted unanimously to approve the application noting that the application meets the conditions of Section V of the Land Use Ordinance, and Sections 15 and 16 of the Shoreland Zoning Ordinance and is conditioned on the applicants retaining a contractor with a State-approved erosion control certification.**

Applicants inquired about their next steps. They have their permit. Certification for the State-approved erosion control procedure can be submitted to the Town Office.

**B. David Rumpf, Map 004, Lot 074-00A, 30 Shore Road, Accessory Building**

Mr. Rumpf has submitted an application for the construction of an 8 x 12-foot accessory storage building on his property in the Residential District of the Shoreland Zone off Webber Pond. The lot currently has a small cabin that is roughly 240 feet from the Normal High-Water Line off Webber Pond. Mr. Rumpf originally proposed to site the accessory structure near the shore, prompting Mr. Faunce to prepare the graphic included in the package. That graphic shows the steep grades on the property and the setback of the existing cabin from the NH-WL. When he was informed that his proposal to site the accessory structure near the shore would require a Board of Appeals variance, Mr. Rumpf decided to site the accessory structure next to the existing cabin.

Mr. Faunce has confirmed that there are no wetlands in the new location, that grades preclude the structure from being moved any closer to the downslope in front of the cabin, and that the portion of the lot between the cabin and the shore is heavily wooded and stable. Planning Board members agreed that Mr. Faunce's visit was sufficient, and they did not visit the site.

Although under the provisions of Section 4.6.1 of the Land Use Ordinance the applicant does not need a permit because the proposed structure would be less than 100 square feet, it is the Planning Board's view that Mr. Rumpf still needs Planning Board approval under provisions of the SZO because the proposed structure is in the Shoreland Zone. Accordingly, Mr. Rumpf has submitted an application, photo, and a revised site sketch. Given the minor nature of the application, Mr. Faunce recommended that the Planning Board waive all further submission requirements beyond those already submitted. Mr. Faunce also recommended that a condition of approval be that Mr. Rumpf be required to retain a contractor with a State-approved erosion control certification to excavate the foundation of the accessory structure.

Mr. Rumpf stated that the building will be built on pier blocks, and no foundation will be necessary.

So, in short, Chairman Voskian offered that the application appears to meet the relevant ordinances, namely Section 15 B of the Shoreland Zoning Ordinance, Principal and Accessory Structures, Sections IV and V of the Land Use Ordinance, and Section 16 D of the SZO, Procedures for Administering Permits.

**On a motion duly made and seconded, it was voted unanimously that the application meets the provisions of Sections 15 B and 16 D of the Shoreland Zoning Ordinance and Sections IV and V of the Land Use Ordinance and that the Board waive any additional submission requirements. Given the limited nature of the disturbance that will be done to the land, the Board will not require an erosion control contractor.**

**C. Michael Albin/Marianne Courville, Map 010, Lot 39-004, 4 Broad Cove Road, New Home**

Woodhull of Maine has submitted an application on behalf of Marianne Courville and Michael Albin to construct a new home in the Meadow Tide Subdivision off Route 32. Planning Board members visited the site on October 7, 2018, accompanied by a representative from Woodhull.

The 2.15-acre lot with about 190 feet of shore frontage, is less than the 300 feet required under Section 15 A of the SZO, but the lot is legally non-conforming under Section 12 E of the SZO, Non-conforming Lots. That provision states in part that a non-conforming lot of record as of the effective date of the SZO may

be built upon provided that all provisions of the Ordinance, except lot width, lot area, and shore frontage, can be met.

The setback of the structure from the NH-WL at about 180 feet exceeds the 150 feet required by Section 15 B of the SZO. The total footprint of the house, deck, storage building and patio will be about 3,541 square feet (per CEO Stan Waltz). While this total does not include the driveway and parking area, Mr. Faunce said it is clear that the total impervious area will be well below the maximum square footage allowed on the lot.

The applicants have submitted a completed application form, HHE-200 form, a topo survey and boundary plan, erosion control measures, and a plan set for proposed improvement. Mr. Faunce reported that the only issue of concern is erosion and sedimentation control during and after construction. The site is near productive clam flats, and any loss of soil into the cove could adversely affect this resource. The applicants have submitted a supplemental grading and erosion control plan that in Mr. Faunce's view should adequately protect the site from erosion as long as it is properly implemented. Mr. Faunce recommended as a condition of approval that the applicants be required to retain a site contractor with State-approved erosion control certification.

The Board asked whether the applicants will certify that the application meets the subdivision covenants submitted such as height limitations, architectural review, side setbacks, and view corridor limitations.

The applicants stated that when the land was purchased, their attorney reviewed the subdivision covenants. The applicants noted that the subdivision has not existed since 1990 and that as a result covenants would be virtually impossible to enforce.

The Planning Board noted that the area of most concern is the view corridor, and that seems to be satisfied. It was noted that the driveway does not meet the 20-foot setback required. Applicants stated that the neighbor behind them requested the driveway not impede their view. The Town code enforcement officer approved the driveway placement. The driveway is just over 200 feet long.

In summary, this application appears to meet the conditions of relevant ordinances, namely Section 12 E, Non-conforming Lots; Section 15, Land Use Standards; Section 15 B, Principal and Accessory Structures; and Section 16 D, Procedures for Administering Permits of the Shoreland Zoning Ordinance as well as Section V, Land Use Standards of the Land Use Ordinance.

**On a motion duly made and seconded, it was voted unanimously to approve the application noting that the application meets the conditions of Sections 12 E, 15, 15 B, and 16 D of the Shoreland Zoning Ordinance and Section V of the Land Use Ordinance with the condition that the applicants must retain a contractor who is State-certified in erosion control, provided that the application meets the subdivision covenants as they currently exist.**

D. As noted earlier, an application for the installation of decking and walkways at 9 Bayley Lane has been deferred because of deficiencies in the application, most notably the absence of a site plan.

#### **VI. Public Comments and Questions**

None.

#### **VII. Other Planning Board Business**

Member Kauffman and Chairman Voskian attended the August, September, and October meetings of the Board of Selectmen where they brought them up to date on Planning Board deliberations and findings. In the last meeting in September and the first meeting in October, the Selectmen voiced their understandable concern about the higher-than-anticipated totals of Mr. Faunce's consulting fees. This concern resulted in lengthy discussion on both occasions, with Chairman Voskian answering questions and attempting to respond to their valid concerns by pointing out what Mr. Faunce has done and how it brings value to the Board's process and products.

Chairman Voskian explained that Mr. Faunce interacts with applicants and potential applicants, researches the situations, and exchanges emails with applicants, Planning Board members and the staff. At the end of the process he produces a one-to-two page memo on each application in a format Chairman

Voskian recommended describing the project, the completeness of the application, the applicable ordinances, relevant history, and recommendations. To provide background, Chairman Voskian explained to the Selectmen that to some degree Planning Board members have been performing these tasks without charge. More importantly, Chairman Voskian also explained that the last month or so has been unusually busy, with six formal and informal inquiries/applications coming forward to the Planning Board. This condition has resulted in four formal applications, three of which were considered tonight. This level of activity is probably three times the volume normally experienced.

After lengthy discussion, it became clear that the Selectmen wanted the Planning Board to recommend increases in application fees and the introduction of some new fees to cover Mr. Faunce's consulting. This sentiment was reinforced by CEO Stan Waltz's observation that our fees are low compared to other surrounding jurisdictions. Below are application fee suggestions:

## **FEES**

### Non-Refundable Administrative Fees:

Residential Building-Non Shoreland Zone: Current \$50.00; Recommended \$100.00  
Residential Building-Shoreland Zone: Current \$75.00; Recommended \$150.00  
Commercial Building-Non Shoreland Zone: Current \$75.00; Recommended \$150.00  
Commercial Building-Shoreland Zone: Current \$250.00; Recommended \$400.00  
Residential Accessory Structure-Non Shoreland Zone: Current \$30.00; Recommended \$75.00  
Residential Accessory Structure-Shoreland Zone: Current \$50.00; Recommended \$75.00  
Commercial Accessory Structure-Non Shoreland Zone: Current \$50.00; Recommended \$100.00  
Commercial Accessory-Shoreland Zone: Current \$100.00; recommended \$150.00

### Fees based on footprint square footage:

Commercial/Industrial: Current \$0.25/Sq Ft; Recommended same  
Residential: Current \$0.15/Sq Ft; Recommended same  
Accessory Structure: Current \$0.10/Sq Ft; Recommended \$0.15/Sq Ft  
Agricultural: \$0.10/ Sq Ft; Recommended \$0.15/Sq Ft

New Fees:

The Planning Board voted to combine the Selectmen-recommended proposed Site Visit Fee (\$100.00) and Final Plan Review Fee (\$250.00) into one fee for a total fee of \$200.00. But, the Planning Board proposed that this new combined fee be imposed only as necessary at the discretion of the Planning Board. The Planning Board did not endorse the Selectmen-recommended proposed Pre-Application Fee (\$100.00).

Selectman Nevins stated that Mr. Faunce's reports are excellent. He noted that if Mr. Faunce consulted with an applicant, there should be a fee for his services. All fees should come from the applicants, not the taxpayers.

There was discussion whether a shed or other structure under 100 square feet should be considered by the Planning Board. The Planning Board has the view that it has the authority within the Shoreland Zone, and it should consider such proposals even if they do not require a permit.

Consultant Faunce's Duties:

After considerable discussion, the Planning Board agreed that after a month or so of having Mr. Faunce on board, he was providing a valuable service for the Planning Board and the Town. The consensus, however, was that the Town needed to get better control over Mr. Faunce's activities with a view toward reducing his monthly bill and saving Town money. To that end, the Planning Board offered the following suggestions:

In order to avoid what appear in some cases to have been lengthy and expensive site visits by Mr. Faunce, he should not make independent site visits. If in his view he needs to make a site visit, he should accompany the Planning Board members when they make their site visits. Or, if the Planning Board thinks an independent site visit by Mr. Faunce is necessary, he could do it later with the Planning Board's approval.

Mr. Faunce will consider only formal applications, and his review of formal applications should focus on application completeness, relevant ordinances, relevant history of the property, adherence to the application form, and ordinance-based recommendations for approval, approval with conditions, or denial (By the way, the Planning Board agreed once again that the application form is in need of revision.).



Mr. Faunce will not consider informal inquiries. Instead, a prospective applicant with questions or concerns and without a formal application will be encouraged to take advantage of the Land Use Ordinance's provisions for an informal non-binding conference with the Planning Board. Mr. Faunce may be invited to attend such conferences.

As the Planning Board did this month, as a general rule Mr. Faunce will not attend monthly Planning Board meetings. To a large degree Mr. Faunce's thorough memos on applications, which follow what have become Planning Board custom, make his attendance at Planning Board meetings unnecessary.

**On a motion duly made and seconded, it was voted unanimously to accept the Selectmen's recommendations for nonrefundable fees and square footage fees and for the introduction of a new site plan/final plan review fee for \$200.00, as necessary at the discretion of the Planning Board and to forward to the Selectmen for their consideration the Planning Board recommendation regarding Mr. Faunce's duties.**

Chairman Voskian met the new Town Attorney Amanda Meader who practices in Augusta.

Mr. Voskian has been selected by the Selectmen to be Bremen's representative on the Lincoln County Regional Planning Commission (LCRPC) Board.

An alternate date for consideration of Planning Board Ordinance and Bylaws will be established. See Attorney Meader's comments on draft ordinance.

There being no further business, the meeting was adjourned at 8:37 p.m.

#### **VIII. Meeting Events Calendar**

**November 2, 2018** - Applications for Building Permits to be considered at the next Planning Board meeting must be filed with the Town Office by 12:00 Noon.

**November 11, 2018** - Site visits (if any) 3:00 p.m.

**November 13, 2018** - Planning Board Meeting 7:00 p.m., Bremen Town Center.

**BREMEN PLANNING BOARD:**



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Walter Voskian, Chairman

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Jack Boak

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S. Blair Kauffman



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Autumn Mahoney



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Steven Wallace, Interim Vice Chairman



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Thomas Kronenberger, Alternate

Respectfully submitted,  
Kelly A. Clancy  
Acting Recording Secretary