



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
September 12, 2017 at 7:00pm – Bremen Town Office**

I. ATTENDEES:

Bremen Planning Board Members: Chairman Walter Voskian; Co-Chairman Tom Kronenberger; Jack Boak; Blair Kauffman; Autumn Mahoney; Steve Wallace; Anne Krieg, MCRPC Representative; Wendy Pieh, Representative for Board of Selectmen and Cindi Hasty, Recording Secretary.

Absent: David Adkins; Dede Heath, Alternate Member.

Members of the Public: George Parker, Agent/Architect for Patrick McDonnell/Deborah Carroll; John Carroll.

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

Before the meeting formally started Chairman Voskian introduced Anne Kriege, who is the Executive Director of the Mid-Coast Regional Planning Commission based in Rockland. Anne and her predecessor have helped with the Ordinance Review Committee in dealing with the Land Use Ordinance, which has now been approved by Bremen residents. Anne has now agreed to ease some of the administrative burdens on whomever occupies the Planning Board Chairman position. The Selectmen have approved Anne in this position at least through the end of the year. Duties of such a consultant could include preparing for meetings, dealing with the applicants, researching ordinances, determining the sufficiency of the applications, reviewing the agenda, preparing a plan for each meeting, attending our meetings, and reviewing the resulting minutes, etc.

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 August 08, 2017 Regular Planning Board Minutes. The minutes were signed by the members present.

V. Applications for Review

1. Patrick McDonnell and Deborah Carroll, Map 006 Lot 001 otherwise known as 243 Fogler Rd: Renovations to existing structure. The original proposal was for the construction of three dormers on the west side or lake side of the house and one dormer on the east side of the house according to the architect/agent George Parker. However, Mr. Parker presented the Planning Board with an updated plan showing one enlarged five-window dormer as opposed to three on the lake side. The house is a legally non-conforming structure well within the Residential District of the Shoreland Zone. About half of the lot is within the Residential District of the Shoreland Zone. The house is within the 75-foot setback from the normal high-water line. The initial site plan submitted on 31 August showed the house to be within 30 feet of the normal high-water line. The revised/enlarged site plan submitted on September 1, 2017 shows that the house, not including west/lake side deck, is 28 feet from the normal high-water line. During the site visit on 10 September the Planning Board measured and found the distance from the outer edge of the lake side deck to the normal high-water line to be 29+/- feet. This measurement is critical because the Shoreland Zoning Ordinance states that expansion of any portion of the structure within 25 feet of the normal high-water line is prohibited.

Because the house, including the west/lake side deck, is beyond 25 feet from the normal high-water line the setback and square footage limitations within those setbacks apply. In this case, Section 12 C (1) (a) iii applies as the house, at 31 X 41 feet or 1271 square feet, by itself exceeds the 1000 square foot limitation for all structures within 75 feet of the normal high-water line. The 1271 feet does not include the three decks attached to the house on the west, south and east sides. According to Mr. Parker, the total square footage with the three decks is 1877 square feet. In addition, at almost 26 feet high, the house exceeds the 20-foot height limit under the Shoreland Zoning Ordinance. Together with the existing garage at 28 x 36 feet or 1008 square feet, which is within 150 feet of the normal high-water line, the two structures exceed the 2000 square foot limit for all structures within the 150-foot setback.

Board members Voskian, Kronenberger, Heath, Boak, Mahoney, Kauffman and Adkins visited the site on 10 September, accompanied by Agent George Parker. The site is in the minimal flood hazard area according to FEMA National Flood Hazard Map, panel 23015C0380.

Chairman Voskian asked Agent Parker if he had any comments. He had none at this time.

Chairman Voskian noted that this proposal appears to fall under Section 12 C (1) of the Shoreland Zoning Ordinance. That provision states that a non-

conforming structure may be expanded if such an expansion does not increase the non-conformity of the structure and is in accordance with Section 12 C (1) a and b that address the square footage and height limitations within specific setback requirements. As previously stated, the structures associated with this application already exceed the square footage and height limitations for 75- and 150-foot setback requirements. Under the Shoreland Zoning Ordinance, the definition of structure "includes structure temporarily or permanently located, such as decks." And the definition of expansion is "an increase in the floor area or volume of a structure, including all extensions..."

Chairman Voskian asked if the Planning Board members had any questions/concerns regarding this application. Without further inquiries from the Planning Board Members, Chairman Voskian proceeded to identify two possible questions to be answered while considering this application:

1. Would the proposed dormers increase the non-conformity of the existing structure?
2. Does the fact that the total square footage of the structure already exceeds the 1000 square foot limitation prohibit expansion, which is defined as an increase in the square footage or volume?

Discussion followed regarding where the measurement of floor space begins; in this case the knee walls on the second floor are all roughed in and the dormer walls would not extend beyond existing knee walls. There is no increase in area but the volume would be increased due to the increase in usable space. Also discussed was the fact that a 30% expansion of the house took place in 1993 under the previous owner and the possible impact of this condition on the application. (See later discussion of this issue.)

Chairman Voskian offered his view that there would be no increase in non-conformity as there is no increase in the dimensions of the structure. He cited the definition of increase in nonconformity on page 36 of the Shoreland Zoning Ordinance that says "structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity...if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. The proposed dormers on the lake or west side, which would appear to be within the existing lower roof line, would not appear to extend any further into the required setback area than does any portion of the existing structure. The members of the Planning Board were in agreement with this statement.

The Planning Board then turned to the second question of whether the existing square footage prohibits expansion. While the dormers would not appear to increase the existing floor area or square footage on the second

floor, according to the definitions of floor area and expansion, the dormers would increase volume and this would be an expansion. Expansion is defined as an increase in floor area or volume, and floor area is defined as the sum of the horizontal areas of the floors of a structure enclosed by exterior walls. The construction of the dormers would not increase the floor area on the second floor but would increase volume. If the dormers are an expansion- and they would appear to be under the Shoreland Zoning Ordinance-they would not be permitted under Section 12 (C) (1) (a) iii because the total square feet plus the three decks already exceeds the 1000 square foot limit. According to the Maine Municipal Association Planning Board Manual page 82, the court has ruled that "any significant alteration of a nonconforming structure is an expansion...even if the alteration does not increase nonconformity.

Also included in the discussion was the definition of volume as stated in the Shoreland Zoning Ordinance, this definition being "The volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roof." as it relates to this or any expansion application. Discussion continued regarding Section 12 C (1) dealing with expansions and that it clearly states both a and b must be met for expansion to be approved.

Mr. Parker raised the possibility of adjusting the roof line so that there would be no overall increase in volume. Mr. Parker said he will review the proposed design to reduce volume to allow for this renovation and return with a new plan.

The Planning Board agreed to table the application to allow Mr. Parker to complete a new plan with a reconfigured roofline showing no increase in volume and to present the new plan at a subsequent meeting.

Motion: On a motion duly made and seconded that this application be tabled until Mr. Parker provides a recalculated diagram showing the current volume of the area and the post renovation volume for this application showing a new roofline.

Vote: 6-0

Discussion continued on the issue of expansion beyond the 30% increase which took place in 1993. Chairman Voskian will request legal opinion from Attorney Hull if an additional expansion could be considered or if the 30% is applied to the lifetime of the structure.

VI. Comments and Questions:

Chairman Voskian informed the Planning Board that he attended the August 17 and September 7 Board of Selectmen's Meetings, at which time he brought the Selectmen up to date on the Planning

Board deliberations and findings.

Chairman Voskian also asked Planning Board members to be aware of the need for another alternate member. The need for alternate members increases during the fall and winter months as members depart for warmer climates.

VII. New Business:

1. Informal non-binding discussion of proposed renovation of existing deck at 383 Fogler Road. under Section 11.5.7 of the Land Use Ordinance/Mr. John Carroll is the owner.

Chairman Voskian clarified the rules associated with an informal discussion for Planning Board members and Mr. Carroll. Mr. Carroll agreed with the rules. The discussion falls under the referenced section of the Land Use Ordinance that says that the Planning Board may not render an official decision or advisory opinion in the absence of a formal application for a permit from a prospective applicant. But the Planning Board may informally discuss a proposed development with a prospective applicant at a regular Planning Board meeting. Such discussions will be non-binding and shall be only to discuss what is proposed, what ordinances apply, and what the applicable ordinances allow without reference to the specific project. Finally, no vested interests shall accrue to the prospective applicant as a result of such discussions.

Mr. Carroll is requesting information regarding a deck located on his property at 383 Fogler Road that he would like to reconfigure when it is replaced. The Planning Board confirmed that the existing deck in question is an open deck with no enclosures and the proposed deck would be the same. However, Mr. Carroll raised the possibility of constructing a roof over the proposed deck.

The Planning Board asked Mr. Carroll to review the Shoreland Zoning Ordinance, specifically Section 12. C (3) titled Reconstruction or Replacement during his planning process. The Planning Board also recommended Mr. Carroll review the definition of increasing non-conformity as it applies to this potential application.

Mr. Carroll inquired if the Planning Board would require an additional site visit with his new application. The Planning Board felt there would be no need for an additional site visit since it has visited the site twice, unless Mr. Carroll's new application were to include significant changes to the previously reviewed plans.

Mr. Carroll raised the requirement for the applicant to provide technical and financial evidence of the ability to complete the project as listed in the Land

Use Ordinance 11.5.b.ii. The Planning Board would consider waiving this requirement as well as the septic system design requirement if Mr. Carroll were to request such waivers when submitting his application.

VIII. Old Planning Board Business:

Awamleh application for a change of use from a garage to a seasonal cottage. Map 012, Lot 008 otherwise known as 42 Hidden Lane.

The Planning Board granted another two-month extension for this application at the August meeting in the wake of rejecting the Agent's environmental impact statement required by the Shoreland Zoning Ordinance and in anticipation of a new professionally prepared statement. The Planning Board is currently awaiting such a statement. After discussions with Mr. Awamleh and the environmental consultant approached by the applicant to prepare such a statement, Chairman Voskian is under the impression that the Planning Board should receive such a statement in time for the October meeting.

Meanwhile the Planning Board has received the State's Minimum Lot Size Waiver and a new plan drafted by the applicant's architect, both of which the Planning Board had previously requested. Chairman Voskian proposed that the Planning Board hold off any further formal discussion of this application until the environmental impact statement has been received. The Planning Board acknowledged the receipt of the two documents noted above.

The Planning Board stated that the environmental impact statement should be based largely on the new plan that the two documents are a package, and that the Planning Board should not discuss one without the other. Chairman Voskian will so inform Mr. Awamleh and his agent Mr. Fesmire. He will also inform them that the Planning Board is expecting the environmental impact statement in time to be included on the October agenda and it will be considered as part of the package with the new plan.

There being no further business, the meeting was adjourned at 8:14 p.m.


IX. Meetings/Events Calendar

September 29, 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.

October 08, 2017 – Site Plan Visits (if any) 4:00 p.m.

October 10, 2017 – Planning Board Meeting 7:00 p.m. Bremen Town Office.

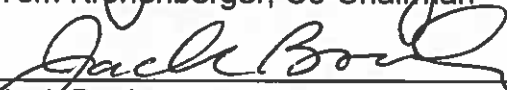
BREMEN PLANNING BOARD:



Walter Voskjan, Chairman



Tom Kronenberger, Co-Chairman



Jack Boak



David Adkins

S. Blair Kauffman



Autumn Mahoney



Steve Wallace

Dede Heath, ALT

Respectfully submitted,
Cynthia Hasty
Recording Secretary

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