

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  
Steve Page, Board Member  
Thomas Kronenberger, Alt. Member  
Vacant, Alternate Member*

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**Bremen Planning Board  
Meeting Minutes  
January 8, 2019 at 7:00 p.m. – Bremen Town Office**

**I. Attendance**

Members Present: Walter Voskian, Chairman; Blair Kauffman, Autumn Mahoney; Steve Wallace; Steve Page; Jack Boak

Member Absent: Thomas Kronenberger, Alternate.

Members of the Public: Simon Frost and Daniel Price, Thirty Acre Farm; Adam Maltese, A. Maltese Design; Wendy Pieh, Chair of the Select Board; Mary Sue Weeks; David Koubek; Sarah Wineberg.

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

Chairman Voskian welcomed new Planning Board Member Steve Page.

**III. Adjustments to Agenda**

The Board has agreed that, given the complexity of the application on tonight's agenda, the Board will not be discussing the draft Planning Board Bylaws at this meeting.

**IV. Approval of Minutes**

*After determining that there were no further corrections or amendments to the December Minutes, on a motion duly made and seconded, the Board voted unanimously to approve the December 2018 regular Planning Board Minutes, as presented. The Minutes were signed by the members present.*

**V. Applications for Review**

Chairman Voskian began by noting that Member Page has informed the Planning Board that he is on the board of the Maine Farmland Trust, which has an interest in the project to be discussed tonight. Board members and the Applicants agreed that Member Page's association with the Maine Farmland Trust does not constitute a conflict of interest with regard to this application. Per the Maine Municipal Association Planning Board Manual, the determining factor is whether he has a 10% financial interest in the operation, and that is not the case.

**A. Thirty Acre Farm, Map; 010, Lot 025, Route 32, Waldoboro Road  
Proposed Barn, Shed, Greenhouse**

Chairman Voskian began by introducing the application. Applicants Simon Frost and Daniel Price, who do business as Thirty Acre Farm are growers and producers of lacto-fermented vegetables and are proposing the renovation, improvement, and construction of agricultural buildings on a lot on Route 32. They are represented by architect Adam Maltese. Planning Board members Mahoney, Wallace, Kauffman, Page, Boak, and Voskian visited the site on 6 January, accompanied by the Applicants, their agent, and property owner Weeks.

More specifically, the Applicants seek to expand their growing vegetable processing and storage operations with the acquisition of the Route 32 property at 145 Waldoboro Road, Lot 025, Map 010. The operation at the Route 32 property would comprise the following: the growing of vegetables on existing fields, the delivery, sorting, and washing of produce; preparing and fermenting the produce on site; and packaging and delivering the product to off-site retailers. To that end, the Applicants propose to do the following on the 37-acre property:

First, maintain and renovate an existing two-story barn for farm use and potential use as a farm stand; the latter activity is not part of the current application. The existing barn is timber framed, sits on a field stone foundation. Renovation would not include expansion of this structure either by square footage or volume.

Second, maintain and improve the existing road entrance off Route 32 for farm use. According to Planning Board consultant Bob Faunce, the current driveway

meets State site distance standards, but the proposed two immediately adjacent accesses will require Maine Department of Transportation approval.

Third, construct a new one-story, 22-foot high 60' x 100' metal barn for a total of 6000 square feet for the processing and storage of produce from this lot and other properties owned by the Applicants, as well as equipment storage. The road-facing gable on the new barn would be sided to complement the existing barn. The southwest corner of the new barn would be attached to northeast corner of the existing barn. A proposed lean-to at 16' x 100' or 1600 square feet for equipment storage would be attached to the south side of the new barn, bringing the total footprint of the barn to 7600 square feet.

Fourth, construct a new greenhouse to extend the growing season and to start crops early in the season. This greenhouse would be 30' x 72' for a total of 2160 square feet. The northwest corner of the greenhouse would be attached to the southeast corner of the new barn.

Fifth, construct a new septic system adjacent to the existing barn in accordance with local and State regulations. Apparently the CEO has determined that the design for this septic system may be submitted after Planning Board approval of the project.

Once the property is purchased, the Applicants propose to place the fields and wood lot, minus a small house lot for a family residence at a later time, into agricultural conservation through the Maine Farmland Trust's agricultural easement program. This move would assure that the property remains in agricultural use in perpetuity.

Part of the property is in the Shoreland Zone, but the proposed construction site is outside the Shoreland Zone. Ordinarily the Code Enforcement Officer would be the permitting authority for construction outside the Shoreland Zone, but because one of the proposed structures at 7600 square feet would be over 2500 square feet and the proposed use of the property and buildings for commercial food processing, the Planning Board is the permitting authority under Section 4.6.1.5 of the Land Use Ordinance. Accordingly, the permit application requirements are governed by Section 11.5 of the Land Use Ordinance, entitled "Planning Board Permit Procedure."

The proposed project does not meet the standards for either a Home Occupation or a Low Impact Business under the Land Use Ordinance. Under Section V of the Land Use Ordinance the maximum square footage for a Home Occupation is 1500 square feet, and for a Low Impact business the maximum square footage for a structure may not exceed 2500 square feet, and the maximum square footage for the aggregate of all permanent buildings is 7500 square feet. Thus, this project shall be considered a Commercial and Institutional Activity and shall be reviewed under those applicable provisions of the Land Use Ordinance.

Chairman Voskian proposed the following line of march for the Planning Board on this project:

First, the Board should ensure that the application meets the Planning Board's submission requirements. To this end, we should contrast the latest submissions with deficiencies in the original submission noted in Voskian's e-mail of 3 January. Some Planning Board members responded by saying that they still saw some submission deficiencies in the application.

At this point, discussion was held on submission requirements outlined in Section 11.5 of the Land Use Ordinance that the Planning Board was prepared to waive, with the following results:

***On a motion duly noted and seconded, it was voted unanimously to waive the submission requirement of 2.a.v pertaining to providing the names and addresses of abutting landowners.***

***On a motion duly noted and seconded, it was voted unanimously to waive the submission requirement of 2.a.xiv pertaining to providing the locations of water bodies within 250 feet.***

***On a motion duly noted and seconded, it was voted five (5) yes, one (1) opposed to waive the submission requirement of 2.b.ii pertaining to providing proof of the Applicants' financial and technical ability to complete the project.***

***On a motion duly noted and seconded, it was voted unanimously to waive the submission requirement of 2.b.vii pertaining to the need to submit a septic system design.***

***On a motion duly noted and seconded, it was voted unanimously to waive the submission requirement of 2.c pertaining to the desired scale of any drawings submitted.***

Second, the Board should consider the points and questions noted in Bob Faunce's memo of 3 January 2019:

1. How will the storm water resulting from impervious surfaces such as the barns, greenhouse, drives, and parking areas be handled? Bob suggested that the Applicants consider installing some low-impact development devices such as rain gardens, cisterns, level spreaders, infiltration basins, or other devices that will direct the storm water into the ground or spread it out so that it does not channelize. In response, the Applicants propose that runoff will be directed onto a 20' minimum grass buffer or a vegetated strip before sheeting onto adjacent fields and the drip lines of all buildings will consist of a trench lined with filter fabric and filled with crushed stone.
2. Regarding the two proposed adjacent accesses off Route 32, Bob said that any change to the existing access will require an entrance permit from Maine DOT. The Applicants propose to get an entry permit after they close on the property, but according to the MDOT website this is not possible. The website says that applicants must have a MDOT driveway permit before the Town issues a permit. Chairman Voskian said that one possible solution is for the Applicants to delay any changes to the access until after they receive an MDOT permit. The MDOT website says that if you are on a State road, the existing driveway is grandfathered as of 25 May 2002 for the existing use such as agricultural. If you physically alter the entrance, however, you need to apply for a permit.
3. The Applicants must submit an erosion control plan, unless the Applicants retain an on-site contractor who has an erosion control certificate. The Applicants say that they will retain an on-site contractor with an erosion control certificate.
4. Bob asks whether the proposed on-site processing will require water and what will happen to any waste water and processing wastes? The Applicants have responded by noting that processing of produce will consist of sorting and washing of produce, with damaged or inferior

produce composted according to Maine Department of Agriculture best practices. Washing will produce gray water that will be accommodated by the proposed septic system.

5. Bob notes that without the submission of a waste water design plan, the Planning Board could consider conditioning approval on prohibiting any processing or other uses that require water until a satisfactory septic design is constructed in accordance with a CEO-approved plan.
6. Bob asked what kind of surfaces, such as gravel or pavement, are planned for the drive and parking areas? According to the Applicants, drive, parking areas and drip lines will be gravel or crushed stone.

The Board's third step is to determine whether the Applicants meet the Land Use Ordinance's dimensional standards 5.1 and performance standards 5.2.

The Board's fourth step is to ensure that the proposal meets the positive finding requirements under 11.7 of the Land Use Ordinance.

The Board's fifth step is to consider the Applicants' request for waivers on the septic system design, the entrance permit, signage plans, lighting details, a site survey, and architectural plans until they are able to close on the property and are ready to apply for a building permit. Some of this had already been done earlier in the meeting.

Chairman Voskian suggested that any motion to approve should include the following:

A statement of finding of fact that the proposal meets the Planning Board's submission standards in Section 11.5 of the LUO, the Performance Standards of Sections 5.1 and 5.2 and the Positive Finding Requirements of Section 11.7 of the LUO.

In addition, any approval should be conditioned on the Applicants doing the following:

- 1) Meeting the provisions of Section 11.7, Commencement and Completion of Work. That provision states that work shall substantially commence

within 12 months of the date of the permit and be substantially completed within 24 months.

- 2) Certifying that provisions will be made for handling any waste water resulting from processing and delaying any processing or other uses that would require water until the Applicants install a septic system approved by the CEO.
- 3) Delaying any changes to the existing access from Route 32 until the Applicants secure an entry permit for access from Maine DOT. As noted above, according to the MDOT website, Title 30-A Section 41033D requires that applicants must have a DOT driveway permit before any town can issue a permit. As noted above, one possible solution is for the Applicants to retain the current access for now and only expand the access after securing an MDOT permit. The MDOT website says if you are on a State road, the existing driveway or curb cut is grandfathered as of 25 May 2002 for existing use such as agriculture. But if you physically alter the entrance, you must secure a permit.
- 4) Retaining an on-site contractor who has an erosion control certificate; otherwise the Applicants must submit an erosion control plan.
- 5) Certifying that storm water runoff will be handled in an appropriate manner by something like a low-impact device, such as a cistern, infiltration basin, level spreader or rain garden.
- 6) Certifying that the renovation of the existing barn would not include any expansion of the square footage or volume of that barn.

After some discussion of the project, Chairman Voskian offered a motion for approval using the conditions he just outlined above with some additions proposed by Board members, such as the Applicants providing a boundary survey, securing a Certificate of Occupancy from the Code Enforcement Officer, submitting final "as built" plans, and providing copies of covenants and the new deed. Member Boak seconded the motion. The Chairman's call for further discussion before a vote revealed that some Board members still had a fair amount of uncertainty over several aspects of the proposal and wanted additional

information and clarification. With that, Member Boak withdrew his second and Chairman Voskian withdrew his motion.

Considerable discussion then ensued between Planning Board members and the Applicants and their agent as the Board sought to clarify several issues relating to the application. The result was that the Board was of the opinion that it still needed additional information and clarification on several issues called for in the Land Use Ordinance and the application form before it could make a judgment on the application. Most notably this information concerned proposed water use, vehicle traffic likely to be generated by the project, the likely number of employees, projected parking needs, elevation drawings of the proposed greenhouse and the proposed barn, square footage of the existing barn, the likely building timeline for the project, details of product preparation, the likely yearly production schedule once the project is in operation, location of proposed composting, State-required applications and licenses for the project, details of the drip edge of the barns, plans for maintaining existing access to Route 32 if the Applicants choose to delay any modifications to the access and thus delay securing a Maine DOT access permit, plans for signs and lighting, and details on storage of any hazardous materials.

In response to the Board's concerns, the Applicants and their agent presented some of the requested information at the meeting. But all parties agreed that the remainder of the requested information will be presented at the next Planning Board meeting. Meanwhile, Board member Steve Wallace will also revise his draft of a detailed and comprehensive document that played an important part in guiding the discussion of the project. The document presents a project overview, the Board's findings of fact as to the proposal's compliance with submission and ordinance requirements, and possible conditions for any Planning Board approval of the application. Once final, the document is intended to be part of the Board's record of its review of the application and the Board's approval or denial of the project.

Finally, the Board agreed to resume discussion, with the hope of rendering a decision on the project, at a special meeting at 5:00 pm on 15 January 2019 at the Town Center.

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



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

The Chairman informed the Board that he attended the 20 December 2018 and 3 January 2019 meetings of the Selectmen where he brought them up to date on the Board's deliberations and findings. At the 20 December 2018 meeting, the Selectmen were presented with the final version of the draft Planning Board Ordinance. At the 3 January meeting, the Selectmen approved the Planning Board Ordinance and said it would go to a public meeting in February.

Chairman Voskian reminded Board members that we are in the winter season when attendance is even more of an issue. He asked Board members to let him know via email if they plan to miss any meetings in the next several months.

The Chairman reiterated what the Board agreed to at their last meeting regarding lines of communication. Basically it is this: In the interests of time, efficiency, and expense for the Town, Planning Board members should not provide independent or individual instructions to the consultant or the Town Attorney. Any such instructions should first be discussed and agreed to by the members of the Planning Board. Then that corporate view should be communicated to the consultant or Town attorney by the Chair or someone designated by the Board. This does not preclude Planning Board members from raising at meetings their views on issues relating to work being done by the consultant or the attorney. But for the views to be acted on by the consultant or the attorney, they should first be agreed to by members of the Board.

On another issue, the Chairman said that he has been confronted recently by the Selectmen's concerns about the rate the Planning Board is spending its allotted budget. We have only \$1600 left in our budget for the rest of the fiscal year that ends in July. He pointed out that we have not been totally unaware of the costs we have incurred with consultants' and attorney's fees. We have, for example, raised application fees to cover consultant fees, we have essentially discontinued costly "office hours" for the consultant, we have reduced Bob Faunce's duties to focus only on formal applications, and we have been spare in our use of the new Town attorney who, unlike her predecessor, is paid on an hourly basis that has come out of the Planning Board budget. Voskian said that in his view in doing our important business, it is best to cross every "T" and dot every "i" up front rather than to be legally challenged later on the basis of incomplete work, a process that is usually even more costly for the Town in dollars.

The Selectmen responded by asking for a projection of what additional funds the Board would need to finish out the year. Voskian told the Selectmen that he would have such a projection at their next meeting. He noted, however, that such a projection is difficult given the uncertainty of what kind, number, and complexity of applications we are likely to face and the uncertainty of what the new fee schedules will realize.

Finally, the Chairman said that the Board also needs to discuss the issue of whether applications are complete at the time of submission and whether they should be accepted for our review. Tonight's application may be an example of an application that should not have been accepted, given its many submission deficiencies at the time of submission. The result was that an inordinate amount of time was spent by Board members reviewing, researching, and e-mailing to ensure that missing pieces in the application were submitted, even while Bob Faunce was doing his substantive review. Voskian said that he welcomes suggestions as to how to make this process run more smoothly. For starters, he asked whether Board members should be tasked on a monthly basis to be on call to look at applications for completeness when they come in, even before Bob Faunce looks at them? He asked Board members to give it some thought and e-mail him their thoughts, and we can discuss the issue at a later meeting.

There being no further business, the meeting was adjourned at 9:18 p.m.

#### **VIII. Meeting events and calendar**

February 1, 2019 – Applications for Building Permits to be considered at the next Planning Board meeting must be filed with the Town Office by 12:00 Noon.

February 10, 2019 – Site visits (if any) 3:00 pm

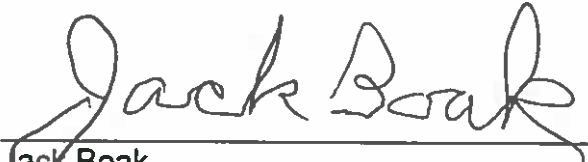
February 12, 2019 – Planning Board Meeting 7:00 p.m., Bremen Town Center

**BREMEN PLANNING BOARD:**



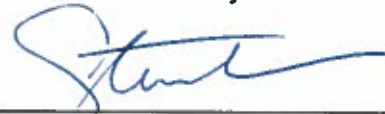
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Walter Voskian, Chairman

  
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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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Steve Page

Respectfully submitted,  
Kelly A. Clancy  
Acting Recording Secretary

