



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
Floyd Gent, Board Member
Thomas Kronenberger, Alt. Member
Vacant, Alternate Member

**Bremen Planning Board
Meeting Minutes
Tuesday, June 11, 2019 at 7:00 p.m. – Bremen Town Office**

I. Attendance

Members Present: Walter Voskian, Chairman; Jack Boak; Floyd Gent; Blair Kauffman; Autumn Mahoney; Steve Wallace; Thomas Kronenberger, Alternate

Members Absent: Steve Page

Members of the Public: Adam Maltese, representing Thirty Acre Farm and LaMontagne/Sousa; Ray LaMontagne and Sarah Sousa, Simon Frost, for Thirty Acre Farm; Kathy Gent; Board of Selectmen Chair Wendy Pieh

II. Meeting called to order at 7:01 p.m.

Chairman Voskian read the traditional opening statement on Planning Board meeting policies. He also informed those at the meeting that the agenda was lengthy. He asked Board members and the public to keep comments brief, to the point, and nonrepetitive.

On a motion duly noted and seconded, Cheryl Ferrara was elected as the new Recording Secretary.

Chairman Voskian acknowledge the contributions of Board Member Autumn Mahoney for her exemplary service to the Planning Board, the Town and its citizens. This was her last meeting as a regular Board member. He noted that Autumn, if elected or appointed, has agreed to serve as an alternate on the Board.

Chairman Voskian mentioned that the Planning Board received this year's Spirit of America Award for Bremen. The award is sponsored by the Maine-based Spirit

of America Foundation and is presented annually in the name of Maine municipalities to local individuals, organizations and projects for commendable community service. Past recipients have been Bruce and Ron Poland for their service to the Fire Department and Hank and Linda Nevins for their many contributions to the Town. He attributed the award to the hard work of the Board and the town office staff, naming Melanie Pendleton and Kelly Clancy.

III. Approval of Minutes

A motion duly noted and seconded, approved the April 9, 2019, minutes. The motion passed unanimously.

The minutes were signed by Board members present.

IV. Applications for Review

A. George & Dorothy McBrien – Garage, Map 006, Lot 045-005, Route 32, Waldoboro Road

Board Chairman Walter Voskian recommended that George & Dorothy McBrien's application for a garage structure be deferred until someone can be present to represent the petitioners at the meeting and the site visit.

A motion duly noted and seconded, deferred the application until a representative could be present at a Board meeting and a site visit. The motion passed unanimously.

B. Thirty Acre Farm – Amendments to Permit, Map 010, Lot 025, Route 32, Waldoboro Road

Petitioners representing Thirty Acre Farm asked for revisions to an application considered at meetings on January 8 and 15, 2019, and approved with conditions on January 15, 2019. Applicants Simon Frost and Daniel Price proposed several amendments to the Planning Board's January 15, 2019, Finding of Facts and Conclusions of Law decision document, and the resulting permit the Planning Board approved on January 15, 2019. While the permit has been approved, it has not been issued, pending the applicants fulfilling several conditions stated in the decision document, most notably the submission of various permits and supporting transfer of ownership documents. It was noted that even if the Board approves the proposed changes, the permit would not be issued until the applicants meet all conditions in the January 15, 2019, decision document.

The Board has received the Maine Department of Transportation road entrance permit, the proposed wastewater disposal design, and a copy of the deed to prove ownership.

Still outstanding are: (1) the Maine Department of Agriculture Conservation Easement conveyed to the Maine Farmland Trust, (2) an updated site sketch of the new easement per purchase and sale agreement, (3) the site sketch changes made to the driveway plan once the MDOT permit is issued, and (4) a copy of the new covenants as noted in the purchase and sale contingencies.

To come later is the Maine Department of Agriculture mobile food vendor and food license once the facilities are built. This was not a condition of approval.

The applicants proposed the following amendments to the permit and the decision document:

- 1) Relocation and reorientation of a proposed storage and processing barn.
- 2) Relocation of a proposed greenhouse and an existing shed.
- 3) Reconfiguration and modification of the proposed driveway.
- 4) Relocation of the proposed water management systems.
- 5) Relocation of the proposed septic system.

The applicants are not proposing any changes to the height, square-footage, or uses of the proposed or existing buildings or to the number of potential employees or parking spaces.

The proposed changes to the approved plan and the justifications for the proposed changes are spelled out in great detail in a document prepared by the applicant's consultant, Adam Maltese, and labeled "Thirty Acre Farm Permitting Narrative," May 30, 2019.

Chairman Voskian thanked the consultant for preparing this narrative, and he confirmed that he did not need to read the document into the record. The document will become part of the record for the Thirty Acre Farm proposal and will be attached to any approval by the Planning Board. All other Findings of Fact and Conclusions of Law in the previously mentioned document, as well as submission requirements, conditions of approval, and future considerations remain in force.

Chairman Voskian asked the Board to determine if the application was complete.

Board member Autumn Mahoney asked if the property had any new covenants for the new easement. Owners said there were no new easements. Mahoney said in that case, the easement information should not be necessary for approval. She also questioned whether the wastewater permit was approved. Chairman Voskian said it was his understanding that the permit has or will be approved.

On a motion duly noted and seconded, the Board determined the application was now complete. The motion passed unanimously.

The Board discussed the revised decision" document prepared by Member Mahoney as rewritten for the June 11, 2019, Planning Board meeting.

The substantive changes to the January 15, 2019 decision document included the following:

Ownership was changed on the application to Simon Frost and Daniel Price, "Dirt Capital Partners, 2018, LLC, dba (doing business as) Thirty Acre Farm" as represented by Adam Maltese, Damariscotta. The previous owner was removed from the document since the sale has been completed.

Location revisions were noted. As revised, the new 60'x100' metal barn and attached 16'x100' equipment shed will be constructed behind and east of the existing barn, and set back 111.5 feet from the road and 167 feet from the north abutter's property line.

"Proposed septic system" was changed to approved with permitted septic system designed to accommodate all wastewater flows generated.

The 30'x72' greenhouse will be located to the north of the existing barn parallel with the road front with a 32-foot setback from the road and 179-foot and 1-inch setback from the north property line.

There is an existing shed that originally was not going to be kept but is now in the plan. The new document noted that it will be moved to the north gable end of the new greenhouse and the square footage of approximately 10'x18' will be counted within the total.

The new structures originally proposed to be attached to the existing barn will now be separate structures. The distances between the structures at 42 feet and 53 feet would meet the requirements that all buildings be at least 25 feet as prescribed in Section 5.1.1 of the Land Use Ordinance.

The change in the driveway goes to approximately 9,997 square feet of gravel driveway with a loop area around the barn.

The existing road entrance will be improved and will be 20-feet wide.

Timing for the project was changed to work starting in the summer of 2019. The greenhouse availability date was removed.

The small house lot was removed.

All purchase and sales information was removed while leaving the contingencies noted. Protective covenants remained in place.

New drawings were included with the permit application. All new documents were included. The signed agricultural easement and site sketch are still outstanding.

It was determined that work could commence, however, the agricultural easement will need to be provided to the Town Office for the record once it is issued.

On a motion duly noted and seconded, the Board approved the renovation of an existing barn; relocation of an existing shed; and the construction of a new barn and greenhouse; and impervious surfaces for commercial use on Map 010, Lot 025 based upon the Board's findings and conclusions and the conditions and documents provided by the applicants as outlined in the decision document dated June 11, 2019. The motion passed unanimously.

C. Ray LaMontagne/Sarah Sousa, Map 008, Lot 029A, Bremen Long Island

Chairman Voskian explained that owners Ray LaMontagne and Sarah Sousa have submitted an application for completion of a partially constructed seasonal residential structure located on Map 008, Lot 029A on the northern end of Bremen Long Island. Based on the Bremen Shoreland Zoning Map, the property appears almost entirely within the Residential District of the Shoreland Zone.

The owners/applicants were present and represented by Adam Maltese. Planning Board members Mahoney, Gent, Wallace, Kauffman, and Chairman Voskian visited the site on June 9, 2019, accompanied by guest Karen Berg, Shawn Hickey, head builder, and Leon MacCorkle, the boat captain from Padebco Custom Boats, which provided transportation to the island for the Planning Board members.

The applicants are seeking to complete construction of a partially built seasonal residential structure approved by the Planning Board in February 2006. Only portions of the structure have been constructed including the first floor, supporting columns and supporting piers. A well and septic system are in place.

The property, owned at the time of the 2006 approval by Blair Pyne, has since changed hands and is now owned by Mr. LaMontagne and Ms. Sousa. The applicants said that they purchased the property with the understanding from those selling the property that the 2006 construction permit for the structure was transferable. The applicants also said that they had been led to believe by those selling the property that they could complete construction of the structure as it was approved in 2006.

Chairman Voskian explained that the original 2006 permit issued by the Planning Board for a 2,022-square-foot structure has expired, requiring the applicants to submit a new permit application.

The Chairman noted that the justification for this requirement is found in Section 6 F of the Shoreland Zoning Ordinance (Page 28). It states that for structures within the Shoreland Zone building permits expire one year from the date of issuance if a substantial start (see definitions) is not made in construction.

The ordinance goes on to say that if a substantial start is made within one year of issuance of a permit, the applicant has one more year to complete construction, at which time the permit shall expire.

The Chairman went on to observe that any question of the transferability of the permit is academic as the permit has expired. Voskian also explained that the building permit form itself, including the one issued in response to the 2006 application, clearly states on its first page that permits are not transferable.

Board Member Autumn Mahoney noted a copy of the Property Deed was not in the package. Adam Maltese said he would send one to the Board.

The Board discussed whether the applicants need a Growth Cap Permit. As it turns out, even though Growth Cap Permits are required for "seasonal living quarters," the applicants do not need to apply for a new Growth Cap Permit as one was secured at the time the original permits was issued in 2006.

An opinion, given orally to the Town from the Maine Municipal Association found that the project, with its existing first floor, supports and piers, was a legal non-

conforming structure. The Board agreed that this position appeared to be supported by Section 12 A of the Shoreland Zoning Ordinance, which states that non-conforming conditions existing before the effective date of this ordinance or amendments thereto shall be allowed to continue subject to the conditions of Section 12.

The Board further held that because the structure is a legal non-conforming structure, the proposed completion of the structure, including the first and second floors, must meet the conditions of Section 12 C (1) v. of the Shoreland Zoning Ordinance. That ordinance states that for structures less than 150 feet from the Normal High-Water Line, the total square footage of portions of those structures within 150 feet of the Normal High-Water Line must not exceed 2000 square feet.

Accordingly, the Board asked for a drawing showing the 150-foot setback.

The Board considered that application complete provided it receives the property deed and a drawing showing the 150-foot setback.

The Board noted that the applicants also have a shed and a camp platform on the site map. The square footage of those structures would have to be factored into the calculation. The applicants said those two structures would be removed. Chairman Voskian said that the removal would have to be part of the Board's motion.

The Board further noted that the principal structure's setback from the Normal High-water Line on the easterly side at 129 feet does not meet the current 150-foot setback requirements in Section 15 B (1) of the current Shoreland Zoning Ordinance. The structure, however, did meet the 75-foot setback requirement when the original permit was issued in 2006. As a result, the Board noted that in terms of meeting setback requirements, the structure appears to be a non-conforming structure based on Section 12A of the Shoreland Zoning Ordinance.

The applicants' representative explained that the closest point to the shore was about 100 feet based on the topography of the peninsula. The Board confirmed, that even with the difference, the setback requirement of the original permit was met.

Next, the Board looked at the site map to determine the square footage and height of the proposed structure.

The square footage was determined to be 1,181 square feet on the first floor and 748 square feet on the second floor, totaling 1,929 square feet and within the

2000 square feet limit in the 150-foot setback. That square footage total was achieved after the removal from the plan of a proposed deck and sunroom. The representative drew a changed site plan before the Board.

The applicant asked about transferring square footage from the tent platforms to the main building in order to keep the current square footage total, which is more than the 2,000 allowed within 150 feet of the NHWL when expanding an existing structure. The Chairman explained that the ordinances do not permit square footage transfers. But the removal the accessory structures would need to occur so that the total square-footage of all structures within 150 feet of the NHWL equaled no more than 2,000.

The height was determined to be no greater than 30 feet as stated in Section 15 B (3) of the Shoreland Zoning Ordinance.

On a motion was duly made and seconded, the Board approved the application of Ray LaMontagne and Sarah Sousa in accordance with the drawings updated on June 11, 2019, and contingent upon receipt of an updated site plan, narrative descriptions and deed for the property. The Planning Board also required that the following condition be met of the Shoreland Zoning Ordinance sections 12 A, 12 C (1), and 15 B (3) and the Land Use Ordinance section 5.1. Additionally, the shed and tent platforms be removed within the year. As required by section 11.9 of the Land Use Ordinance work must substantially start within the year and be substantially completed with 24 months. The motion passed unanimously.

V. Public Comments and Questions

There was no public comment.

VI. Other Planning Board Business

Select Board Chairwoman Wendy Pieh gave a report on the work being done by The Ordinance Review Committee. The Maine State Model Shoreland Zone Ordinance has been put into a side-by-side document with the current Bremen Shoreland Zoning Ordinance, highlighting the current differences. They vary from small things like wording and organizing to larger and more substantial issues such as but not limited to the number of districts within a Shoreland Zone.

Ms. Pieh said the public is invited to all Ordinance Review Committee meetings. She also said the side-by-side comparison was available on the website.

The next meeting of the Ordinance Review Committee is scheduled for 1 p.m. on Wednesday, July 10.

Discussion of Planning Board suggestions for Land Use Ordinance amendments was deferred to a later meeting because of the late hour.

Board Member Autumn Mahony talked about clarifying the Building Permit application and using the checklist in the meantime.

On another issue, Chairman Voskian said that he had determined that an informal request for Planning Board consideration of a variance for a structure that did not meet setback requirements from a property line was not the responsibility of the Planning Board and should be referred to the Board of Appeals.

Chairman Voskian also determined that a request for the Planning Board to approve the division of a single lot into two lots that would meet minimum lot standards was not the responsibility of the Planning Board. Planning Board responsibility on such issues only pertains to subdivisions—three lots or more.

Board Member Mahoney asked for more information the town's driveway permit application. Does the Town of Bremen have such an Ordinance that would govern this permitting process? This will be checked.

Chairman Voskian noted that he and Member Boak shared responsibility for representing the Planning Board at the recent Selectmen's meetings.

There being no further business, the meeting was adjourned at 9:25 p.m.

BREMEN PLANNING BOARD:



Walter Voskian, Chairman



Steven Wallace, Interim Vice Chairman

Steve Page



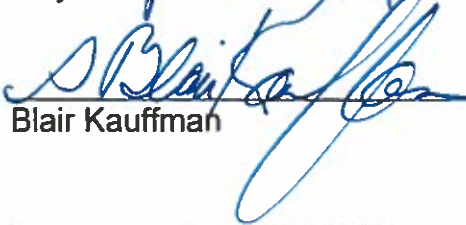
Jack Book



Thomas Kronenberger



Floyd Gert



Blair Kauffman

Autumn Mahoney

Respectfully submitted,
Cheryl Ferrara, Recording Secretary