

## SUMMARY OF PROPOSED CHANGES TO TWO ORDINANCES

### BOARD OF APPEALS ORDINANCE

- The current ordinance states, in the section on Standard Variances, that the Appeals Board may consider “road and sideline setbacks.” The amended ordinance removes the words “road and sideline.” This change allows the Appeals Board to consider all setbacks.
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### SHORELAND ZONING ORDINANCE

#### Voter’s Petition

A petition was circulated and signed by 75 Bremen residents. This petition would adopt the state’s model ordinance, Chapter 1000 (<https://www.maine.gov/dep/land/slz/index.html#rule> and select Chapter 1000), with changes in only two areas: Minimum Lot Size and Minimum Shore Frontage. The Ordinance Review Committee does not recommend adopting this petition amended ordinance for several reasons:

- Bremen has four land use districts within the Shoreland Zone that fit our needs: Residential, Stream Protection, Resource Protection, and Commercial Fisheries/Maritime Activities (CFMA) (page 2). The more ambitious state model ordinance has seven: Resource Protection, Limited Residential, Limited Commercial, General Development I, General Development II, Commercial Fisheries/Maritime Activities, and Stream Protection.
- Commercial campsites are allowed in the state model ordinance.
- Mineral exploration and extraction are allowed in the state model ordinance.
- The state ordinance is also more generic with more detailed instructions than what is detailed in the Proposed Shoreland Zoning Ordinance.
- The state model ordinance is designed to apply to much larger communities, which are not focused on the rural character of Bremen or compatible with our Comprehensive Plan.
- The state model has several more intrusive provisions that have met with objections from Bremen citizens as micromanaging what they can do with their land.

#### Proposed Amendments from the Ordinance Review Committee

After several months of weekly meetings, back and forth suggestions, public participation, and general agreement on most issues, the Ordinance Review Committee also consulted with the head of the Shoreland Zone at the Maine Department of Environmental Protection. Throughout its deliberations, the Ordinance Review Committee worked to provide continuity in the proposed ordinance and to strive to meet the concerns of multiple citizens concerning the current ordinance. Following are the significant changes to the current Shoreland Zoning Ordinance that emerged from those sessions:

- The lot size and frontage requirements proposed by the petition are included.
- The presence of a paved state public way reduces the setback for new structures to 75 feet from the water line.
- A limited number of livestock are permitted to be pastured within 25 feet of a water body or stream.
- Residences in the Commercial Fisheries/Maritime Activities District are permitted provided all setback and lot size requirements for a residential structure can be met.
- After considerable public discussion, we agreed to retain the 150-foot setback for new structures in non-tidal areas, and we also agreed to reduce the setback for new structures in tidal areas from 150 feet to 100 feet.
- Every effort was made to give as much freedom as possible to the landowners to allow them to use their land as they want to.

- The Planning Board may require engineered measures to decrease runoff and prevent erosion and sedimentation from development or require new plantings and the retention of existing vegetation.
- We did not resolve the expressed differences concerning square footage limits on expansions of non-conforming structures in tidal and non-tidal areas. **So, there are alternate choices** for expansion limits for non-conforming structures within 150 feet and 100 feet of the water line to be considered at the public hearing (pages 4 and 5).

To ease potentially confusing items, a comparison of the State Model Ordinance, Bremen's current Shoreland Zoning Ordinance, the Voter's Petition, and the Ordinance Review Committee's Proposed Shoreland Zoning Ordinance are outlined below:

**Minimum Lot Area in Square Feet:**

	<b>State</b>	<b>Bremen</b>	<b>Petition</b>	<b>Proposed</b>
Residential per Dwelling Unit				
• Tidal areas	30,000	75,000	80,000	80,000
• Non-tidal areas	40,000	75,000	80,000	80,000
Governmental, Institutional, Commercial or Industrial Per Principal Structure				
• Exclusive of CFMA	40,000	40,000	80,000	80,000
• For CFMA	NONE	10,000	silent	10,000
• Non-tidal areas	60,000	60,000	80,000	80,000
Public and Private Recreational Facilities				
• Tidal and Non-tidal	40,000	40,000	80,000	80,000
Public and Private Water Access (this is new)				
• Tidal areas only				10,000

**Minimum Shore Frontage in Feet:**

	<b>State</b>	<b>Bremen</b>	<b>Petition</b>	<b>Proposed</b>
Residential per Dwelling Unit				
• Tidal areas	150	300	300	300
• Non-Tidal areas	200	300	300	300
Governmental, Institutional, Commercial or Industrial Per Principal Structure				
• Exclusive of CFMA	200	200	300	300
• For CFMA	NONE	50	silent	50
• Non-tidal areas	300	300	300	300
Public and Private Recreational Facilities				
• Tidal and Non-tidal	200	200	300	300
Public and Private Water Access				
• Tidal areas only				50

Once the Town approves an amended Shoreland Zoning Ordinance, it must be approved or disapproved (with reasons) by the state. If the state does not respond within 45 days, the amended ordinance is automatically approved.