



Ordinance Review Committee

Cheryl Ferrara

Wendy Pieh

Steve Wallace, Chairman

Bremen Ordinance Review Committee Thursday, September 7, 2023, at 3:30 p.m.

MINUTES*

The meeting was called to order at 3:30 p.m.

Max Johnstone, consultant, answered the four questions posed at the August meeting and brought another three issues for the committee to consider.

1. Is the Shoreland Zone exempt from all requirements when considering accessory dwelling units and LD2003/LD1706?

Answer: Shoreland Zone is exempt from all requirements regarding Accessory Dwelling Units; however, a municipality must still permit this use where single-family dwelling units are permitted. At the meeting Mr. Johnstone clarified that ADUs in Bremen's Shoreland Zone are subject to all dimensional requirements for structures and dwelling units located in the Shoreland Zone.

2. How is the Crabapple Creek subdivision affected by LD2003/LD1706?

Answer: Based on the definitions, Crabapple Creek could have the Growth Area benefits if the water system and subsurface system are shared and match the definitions. It would not matter if it is privately operated or owned by the Town. With that in mind, the developer still must show that the additional units still would have sufficient water and septic as well as enough land to add the new units.

3. How are LD2003 and LD1706 related and is there one document? (Max to send link)

Answer: While it is not a single document, ss.4364 and their proceeding sections (A-C) contains 2003 and 1706: <https://legislature.maine.gov/statutes/30-A/title30-Asec4364.html>

4. Review "definitions" and suggest changes to bring Bremen's ordinances in sync with LD2003/LD1706.

The three new issues brought to the committee by the consultant were:

1 – Bremen's definition of Accessory Dwelling Unit could impact whether it counts toward a subdivision. If the definition states that it is a structure accessory to a primary building, then it would not count towards a subdivision count.

The committee agreed that the definition should state that it is a structure accessory to a primary building.

2 – A town has the option to forgo Planning Board approval with ADUs. This means that an ADU can require Planning Board approval if that is outlined in the Ordinance.

The committee agreed that approval should be relegated to the authorities currently assigned to existing districts. In other words, any ADU inside the Shoreland Zone would require Planning Board approval, and any ADU outside the Shoreland Zone would require CEO approval.

3 – The Town needs an updated Comprehensive Plan to sustain the use of the Growth Cap Ordinance. The Town needs to outline a strategy on how to work on this transition.

The committee took no action on this issue, but agreed that an ADU cannot be counted toward the town's growth cap unless more than one (1) ADU per lot is allowed. The committee agreed that allowing one (1) ADU per lot (the State's minimum) is the way to proceed, except possibly in the portion of Crab Apple Creek that is outside the Shoreland Zone.

4 – Mr. Johnstone then reviewed new wording for Bremen's Land Use Ordinance definitions that would bring it into compliance with LD2003/LD1706. (Original Document attached.)

Most of the new wording was acceptable. The following changes were discussed:

***BASE DENSITY:** The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in Section 5.1. DIMENSIONAL STANDARDS of this Ordinance and Section 15. Land Use Standards of the Shoreland Zoning Ordinance.
Changed as discussed.

*****DWELLING UNIT:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary human habitation living quarters for only one (1) household family at a time and containing cooking, sleeping, and toilet facilities. An area configured for food preparation may be considered cooking facilities even if appliances are not present. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

The committee discussed whether there was agreement with the last sentence: "Recreational vehicles are not residential dwellings." The committee agreed to discuss this further.

***MULTIFAMILY DWELLING:** A building containing three (3) or more dwelling units (excepting accessory dwelling units), or a mixed-use building containing one (1) or more dwelling units. Development that may be considered multifamily includes but is not limited to duplexes, triplexes, quadraplexes, multiplexes, townhouses, garden apartments, and other dwelling units that share a common wall, floor or roof.

OR

~~***MULTIFAMILY DWELLING:** A building containing three (3) or more dwelling units (excepting accessory dwelling units), or a mixed-use building containing one (1) or more dwelling units. Development that may be considered multifamily includes but is not limited to duplexes, triplexes, quadraplexes, multiplexes, townhouses, garden apartments, and other dwelling units that share a common wall, floor or roof.~~

(Remove second sentence completely.) Which version to use is to be decided.

~~***SINGLE-FAMILY DWELLING UNIT:** A structure containing one (1) dwelling unit. (Use Bremen's existing definition instead.)~~

~~***WATER/WASTEWATER:** The owner of all dwelling units and/or Accessory Apartments must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to certification for occupancy. Written verification must include the following:~~

- ~~• Proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, *Subsurface Wastewater Disposal Rules*;~~
- ~~• Proof of access to potable water, including the standards outlined in 01-672 CMR. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must include that the water supply is potable and acceptable for domestic use.~~

(Move to Standards.)

Remove from Index

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~~SINGLE-FAMILY DWELLING UNIT~~

~~SINGLE-FAMILY, 12, 21 (Keep this one)~~

Questions still exist on wording for short-term rentals and dimensions for accessory dwelling units.

No date was set for the next meeting.

Respectfully submitted,

Cheryl Ferrara
Recording Secretary

*These minutes were approved on October 26, 2023.