



TOWN OF BREMEN
P.O. Box 171– Bremen, ME 04551

Walter Voskian, Chair
Steven Wallace, Vice Chair
Jack Boak, Board Member
Floyd Gent, Board Member
Walter Radloff, Board Member
Justin Stailey, Board Member
John Clapp, Board Member
Mary Berger, Alt. Member
Deborah Roll, Alt. Member

**Bremen Planning Board
Meeting Minutes
Tuesday, January 10, 2023 at 7:00 p.m.**

I. Attendance

Members Present: Walter Voskian, Chairman; Steve Wallace, Vice Chairman; Jack Boak; Floyd Gent (via zoom); Walter Radloff (via zoom); Justin Stailey; Mary Berger, Alternate Member (via zoom)

Absent: John Clapp; Deborah Roll, Alternate Member

Officials Present: Selectman Steve Page (via zoom); Max Johnstone, Consultant (via zoom); Cheryl Ferrara, Recording Secretary

Applicant Present: Mark Albers

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

Chairman Voskian began the meeting by noting that this hybrid meeting is being held under State Statute 1 MRS 403-B that governs participation, via remote methods, by members of the body and the public after public notice. Under this statute, members of the body are expected to be physically present for a meeting except when that is not practical. All votes taken during the meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting. This meeting is being recorded.

Chairman Voskian introduced the members of the Board and all others present. Alternate member Mary Berger was appointed as a regular voting member for this meeting. A quorum was established.

III. Adjustments to the Minutes

Chairman Voskian moved approval of the minutes to a later time in the meeting. He also asked the Board to move his request for an informal discussion to the February Planning Board meeting.

**IV. Application for Review
Mark Albers, Installation of a Seasonal Dock, Map 006, Lot 014,
415 Turner Road**

Chairman Voskian determined that no Planning Board members had a conflict of interest regarding this application and re-established that a quorum was present.

Chairman Voskian presented the following “findings of fact.” The applicant is proposing to install a seasonal dock complex on Map 006, Lot 014, otherwise known as 415 Turner Road. The property lies alongside McCurdy Pond. The site of the proposed dock is entirely in the Residential District of the Shoreland Zone.

According to the applicant, the proposed dock would consist of two sections. Section one protruding from the shore in a westerly direction would be 28 feet long by 4 feet wide and consist of two 10x4-foot sections and an 8x4-foot ramp, 3 to 4 feet of which would rest on the shoreline and not be secured to the ground. The ramp will accommodate the steep slope. The second and shorter section – also four feet in width – would join the outermost end of section one and extend in a southerly direction parallel to the shore for 10 feet; it would contain a ladder on its south side. According to the application, the proposed dock would be placed near the site of a to-be-removed dock that, based on a photo, now rests on the shore; the existing dock has been damaged and displaced by ice and will be removed.

According to the applicant, the new dock is intended for seasonal recreational use such as boating and swimming, and the length of 28 feet, which includes the proposed ramp, is necessary to access water deep enough for recreational purposes. The applicant states that such a dock is consistent with the character and uses of other docks in the area. The dock components will be stored on the property in the off season.

The proposed dock complex will be about 130 feet from the northern lot line, 216 feet from the southern lot line, and 130 feet from Turner Road. The lot’s total shore frontage is 350 feet. The dock components are commercially available, pre-built Shoremaster RS 4 sections consisting of aluminum frames and decking inserts. The eight aluminum legs supporting the dock will have aluminum feet that will rest on the floor of the pond and cause minimal disturbance to the pond floor, according to the applicant.

The applicant’s original application received by the Town Office on 12-27-2022, and so stamped, has been superseded by a revised application, with additional information, provided by the applicant and received by the Town Office on 1-6-2023. The applicant provided this additional information in response to the Chairman’s review on 12-28-2022 that found that the original application lacked some important information called for in the application form, the checklist, and the Shoreland Zoning Ordinance. The Chairman communicated those deficiencies to the applicant.

The lot in question, Map 006, Lot 014, is 121,097 sq. ft., according to the application, or about 2.8 acres, 2.16 acres of which are in the Shoreland Zone. Other structures on the lot include a 26x44-foot cottage, which is 132 feet from the normal high-water line, a 14.5x17.5-foot bunkhouse, which is 35 feet from the normal high-water line, and a 5x5-foot pump house, which is 77 feet from the normal high-water line, according to the site plan. Regarding the ramp, no vegetation will be removed or disturbed as the ramp will rest on a 3x4-foot patch of non-vegetated, rocky ground. The applicant has provided a warranty deed, a photo of the area, and a list of abutting property owners. Abutting property owners and structures on abutting properties are also noted on the site plan.

The Planning Board's legal jurisdiction on this issue derives from Section 14, Table 1, (16) of the Shoreland Zoning Ordinance and the items listed under Section 15 C of the Shoreland Zoning Ordinance. Planning Board members Gent, Radloff, Voskian, and alternate member Berger visited the site on January 8, 2023. The members were not accompanied by the applicant, Mark Albers, but he gave his permission for members to visit the site. This concludes the finding of facts.

Mr. Albers confirmed that the findings of fact were accurate.

Chairman Voskian noted that the applicant has asked for the following waivers as reflected in the checklist: 2.a.xi (location of signage), 2.a.xii (location of utilities and easements), 2.a.x.v (location of outdoor lighting), 2.a.xvii (location of fences etc.), 2.a.xv.iii (contour lines), 2.a.xx (proposed landscaping), 2.b.vii (septic system design), and 2.b.viii (list of state and federal permits). The applicant also indicated the reasons for those requests. The applicant has listed several other waiver requests on the "Reasons" page: 2.a.x (pedestrian walkways) 2.a.xxi (licensed professional) and 2.b.x (other documents needed for compliance). But they appear as NAs in the checklist. Vice Chairman Wallace pointed out that NA was a choice and the applicant had provided the reason. He also added that 2.a.ix (off-street parking) should be part of the waiver requests.

On a motion made by VC Wallace and seconded by member Boak, the Board granted the waivers as proposed and deemed the application complete and ready for review. The motion passed unanimously by roll call vote.

In Chairman Voskian's view, the following ordinances appeared to be potentially applicable to this proposal based on the review of the application.

From the Shoreland Zoning Ordinance:

- Section 12 C (1) excludes functionally water-dependent uses from applicable water body and or wetland setback requirements.
- Section 14 Table 1 (16) deals with the installation of temporary docks.

- Section 15 B (5) states that normal water body or wetland setback requirements do not apply to structures that require direct access to waterbodies such as docks.
- Section 15 C pertains to number, size, maximum width, location, and erosion control and other conditions pertaining to the construction and installation of docks.
- Section 15 P (2) and (3) pertain to clearing.
- Section 15 R (2) pertains to exemption from clearing and vegetation standards in 15 P for allowed structures when setback requirements in 15 B are not applicable.
- Section 15 T pertains to erosion and sedimentation control.
- Section 16 B, C and D pertain to permit and application requirements and Planning Board procedures, including Section 16 C (5) that pertains to the requirement to provide post-construction photos of the site and project to the Planning Board.
- Section 17, definitions.

From the Land Use Ordinance:

- Section 5.1 regarding side lot setbacks.
- Section 12, definitions.

The Board discussed whether it should impose any conditions on the removal of the existing dock and concrete supports for that dock. It was determined that the applicant would be responsible for mitigating any damage caused to the shoreline when the concrete supports and dock were removed, and measures would be taken by the contractor to avoid damage by using methods that would result in the least amount of disturbance.

On a motion made by member Boak and seconded by VC Wallace, the Board approved the application for the installation of a seasonal dock on Map 006, Lot 014, 415 Turner Road, and the removal of an existing dock and concrete footings with the following conditions: 1 – Any efforts to remove the existing dock and concrete footings include efforts by the contractor to mitigate any damage to the area and to repair any areas that need to be repaired or replanted. And 2 – Photos of the project are to be presented to the Town Office within 20 days after the project's completion. The motion passed unanimously by roll call vote.

Chairman Voskian read the following conclusion of law. The Planning Board concludes that the applicant's proposal as presented in the application and clarified at the meeting meets the relevant requirements of the SZO and LUO. Such approval will be subject to any ordinance-based conditions imposed by the Planning Board as stated in the minutes of the meeting.

The applicant will receive a letter from Chairman Voskian informing him of the Board's decision and any conditions attached to decision.

V. Public Comment and Questions

Selectman Page noted that the Selectmen were working to respond to Chairman Voskian's request that the Planning Board regularly be given a list of CEO approved permits and any violations issued in the Shoreland Zone. Selectmen Page said the request would be put through the normal legal process to determine if there were any conflicts or concerns, but he shared that he had concerns regarding it. Chairman Voskian and Selectman Page agreed that the Planning Board was responsible for reviewing permits in the Shoreland Zone, and the CEO was responsible for enforcement in the Shoreland Zone. Selectman Page cautioned the Board to defer all inquiries regarding CEO activities to the Town Office. Chairman Voskian said that he and the Board members have carefully followed the procedure outlined by Selectman Page, and the Chairman assured the Selectman that he and other members of the Planning Board were not in any way attempting to infringe on the authority of the CEO. Mr. Voskian said all he was asking for is better communication from the CEO.

VI. Other Planning Board Business

1 - The Board reviewed an edited version of the December minutes with changes provided by Chairman Voskian.

On a motion duly moved by VC Steve Wallace and seconded by member Gent, the Board approved the December 13, 2022, minutes with the edits made by Chairman Voskian. The motion passed 6-0 on a roll call vote with member Berger, who did not have a copy of the revisions, abstaining.

2 - The Board discussed final changes to the building permit application with Consultant Johnstone.

On a motion duly moved by Chairman Voskian and seconded by VC Wallace, the Board approved the building permit application as amended. The motion passed unanimously on a roll call vote.

Chairman Voskian said the revised checklist and the building permit application will be submitted to the Board of Selectmen for their review and approval.

3 – Chairman Voskian presented a preliminary budget for fiscal year 2023-2024 for the Board's review. Last year's budget amount was \$14,700. The proposed budget is \$13,600. The recording secretary costs were decreased by \$1,000 and mailing and shipping was reduced by \$100.

On a motion duly moved by member Boak and seconded by VC Wallace, the Board approved the fiscal year 2023-2024 proposed budget. The motion passed unanimously on a roll call vote.

The proposed budget will be presented to the Budget Committee when it meets in March.

4 – Chairman Voskian will be working on the Planning Board’s submission for the Annual Report. He will have a draft report for the next meeting.

5 – Chairman Voskian reminded the Board about the Lincoln County Regional Planning Commission training to be held at 5:00 p.m. on Wednesday, January 18, 2023. This can be a refresher for anyone interested.

7 – On the issue of LD 2003, Chairman Voskian said the newly passed affordable housing law is almost certain to have an impact on Planning Board operations. The common view in the local planning community is that the law, while well-intentioned, is flawed. Still, he said, it is likely to become a reality in one form or another in mid-2023 or sometime thereafter. Given those facts, Chairman Voskian believed that there are proactive things the Town should be doing now, rather than waiting for the legislature to take corrective action or for the state to offer help, which may or may not be coming. He suggested those steps include reviewing the law’s density requirements and considering definitions such as affordable dwelling units, short-term rentals, and assessing the law’s impact on the Town’s Growth Cap Ordinance. Although State assistance to Towns for coming to grips with this law may be coming, such as providing a blue print for implementation, Chairman Voskian suggested that the “one-size-fits-all requirements” differences for big and small jurisdictions still need to be firmed up.

8 – Chairman Voskian asked if anyone saw the recent segment on the Channel 6 “207” show that featured the raising on the Queen Mary building on Hog Island in response to rising sea levels. He said it was a nice segment featuring Juanita Roushdy and Eric Snyder. He noted that the project would not have been possible without the work of the Planning Board, most notably VC Steve Wallace.

VII. Meeting and Events Calendar

Wednesday Feb. 1, 2023, at 12 noon – Application deadline for February

Sunday, Feb. 12, 2023 – Site visits (if any) at 3 p.m.

Tuesday Feb. 14, 2023 – Next meeting at 7 p.m. in the Town Office

There being no further business, the meeting was adjourned at 8:06 p.m.

BREMEN PLANNING BOARD:



Walter Voskian, Chairman

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Jack Boak

John Clapp

Floyd Gent

Walter Radloff

Justin Stailey

Mary Berger, Alternate

Deborah Roll, Alternate

Reviewed and Revised by Chairman Walter Voskian