



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, April 11, 2023 at 7:00 p.m.**

**I. Attendance**

Members Present: Walter Voskian, Chairman; Steve Wallace, Vice Chairman; Jack Boak, (via zoom); Floyd Gent; John Clapp, Walter Radloff; Deborah Roll, Alternate Member, Mary Berger, Alternate Member (via zoom).

Absent; Justin Stailey

Officials Present: Selectman Steve Page, Keena Cates, Deputy Town Clerk (via zoom); Melanie Pendleton, Recording Secretary/Town Clerk

Members of the Public: Margaret Sudrabin and Emily Sudrabin, informal applicant.

**II. Meeting called to order at 7:02 p.m.**

Chairman Voskian began the meeting presenting his traditional opening statements regarding the statutory basis for the meeting and the requirements of the members, and he noted that the meeting was being recorded.

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

**III. Adjustments to the Minutes**

Chairman Voskian proposed changes to the minutes of the Planning Board's March 2023 meeting. The first proposal was to replace the words "to then do the minutes" that appear at the end of the first paragraph on Page 8 with the words "help in preparing the minutes." The second change, which again would be on page 8, second paragraph, insert the following:

"Chairman Voskian assured the attorney that this does not happen." The Planning Board approved the proposed changes on a roll call vote of all in favor.

**IV. Application for Review**

There were no formal applications to review but Ms. Margaret Sudrabin requested an informal discussion with the Planning Board concerning a proposed project on Lot 8-A, Map 6, an island on the south end of Pemaquid Pond. The proposed project would be in the Residential District of the Shoreland Zone, and it is described below. To aid the Planning Board, Ms. Sudrabin has included a brief description of the project, a site plan, a side elevation, and photos, along with DEP's permit-by-rule acceptance of the project. Ms. Sudrabin and Chairman Voskian clarified some elements of her proposal in a phone conversation on 1 April.

To establish the Planning Board's jurisdiction on this issue, the Chairman noted that this discussion was being held under Section 11.5.7 of the Land Use Ordinance. That provision states that in the absence of a formal application, the Planning Board, at its discretion, may agree to discuss informally with a prospective applicant a proposed project. Such a discussion, however, does not imply any binding commitment between the prospective applicant and the Planning Board, and such a discussion shall only be to discuss what is proposed, what ordinances apply, and what the ordinances allow. No vested interest shall attach or accrue to the prospective applicant as a result of such a discussion with the Planning Board.

The prospective applicants agreed to these conditions. Chairman Voskian determined that no Planning Board member had a conflict of interest with the potential application and that a quorum was still present.

The Chairman stated that based on what has been provided, Ms. Sudrabin wishes to discuss the potential installation of an undetermined number of "infiltration steps" to be made of untreated wood no wider than four feet to descend from the shoreland near her existing cabin to the normal high-water line Pemaquid Pond. The steps would be anchored with metal rods through predrilled holes. She also has proposed the installation of a handrailing to be placed in pre-drilled holes in the ledge outcropping. Maine DEP has accepted the project under permit-by-rule, and the documentation to that effect is included in the package. The Planning Board approved a similar project proposed by Ms. Sudrabin in September 2016 involving three granite steps. But because of circumstances beyond her control the permit expired under Section 16 F of the SZO.

Chair Voskian then confirmed with Ms. Sudrabin that the description that was stated was accurate.

The Chairman noted that for a formal application, the Board would need several additional pieces of information. The information provided for this discussion says that each of the proposed steps would be no wider than four feet, but the Board needs the full dimensions of each step, what materials will be used to construct the steps, and the total square footage of the project. The Board will also need to know the exact placement of the steps—or as close as possible given the terrain, the number of steps proposed, how the eroded area where the steps will be located will be stabilized, how the steps will be adjusted to the exposed roots and rock in the area, and whether any clearing will be involved.

In a partial answer to some of these questions, Ms. Sudrabin has stated that “the area within the steps will be lined with non-woven geotextile fabric. Crushed stone, or pea stone will be placed on top of the fabric and possible topped with an erosion control mix of bark mulch.” However, it was also noted that the questions raised by the Chairman will need to be addressed, in full in a narrative and/or a site plan that will accompany a formal application.

The Board will also need the dimensions and square footage of the cabin, the distance from the closest and farthest points from cabin to the normal high-water line and the square footage and location of any other structures on the island, including the square footage of the proposed stairway. Chairman Voskian said that these requirements would be emailed to her.

Vice Chair Wallace then clarified that the square footage of the steps is to be determined by the area of steps themselves and not the crushed stone over fabric which will allow the water to infiltrate thus is not impervious surface. The main factor is the number of steps and the dimensions of the steps and any supporting wooden sides in determining the square footage.

Chair Voskian informed Ms. Sudrabin that should she decide to have the Planning Board formally consider this proposal at a future date, the Board would be making a site visit, normally on the Sunday prior to the meeting. As Ms. Sudrabin has indicated that this day may not be convenient, an alternate date can be arranged. To ensure that her application is complete, Ms. Sudrabin was informed that she should consult the revised application form and the permit checklist. Both are online. In filling out the checklist, Ms. Sudrabin should make clear where she is requesting any waivers and keep in mind the difference between requesting waivers and marking items N/A and make sure that she has completed all forms. Otherwise, her application may be deemed incomplete and not ready for PB review. All of this is spelled out in the application and the checklist.

Chairman Voskian stated that the following ordinance provisions also would appear to be potentially relevant to this proposal based on the review of the documents provided. Chair Voskian then stated the he would be sending these items to the potential applicant to assist in completing the application.

#### Shoreland Zoning Ordinance

- Section 15 B (12) This section states in effect that stairways or similar structures may be allowed with a permit from the Planning Board to provide shoreline access, notwithstanding requirements stated earlier in the ordinance, as long as no other reasonable alternative exists on the property. By stating “requirements stated above” this provision would appear to apply to waterbody setback and square footage requirements such as those set out in Section 15 B 1 (a) So,

Section 15 (12), which Chair Voskain cited, would appear to take precedence over 15 B 1 (a). Vice Chair Wallace, agreed that there is no setback requirement in this case.

- Section 14, Table 1, line 15. pertaining to Planning Board authority to issue permits for structures that are accessory to allowed uses.
- Section 15 R (2) pertaining to exemption from clearing and vegetation standards in 15 P for allowed structures when setback requirements in 15 B are not applicable. This provision, Section 15 R (2), would appear to take precedence over other ordinance provisions pertaining to clearing and removal of vegetation, such as Section 14 Table 1, #4 and Section 15P (2) and (3) both pertaining to clearing and removal of vegetation.
- Section 15 T pertaining to the need for an erosion control plan under certain conditions. This could be as simple as hay bales and mulch.
- 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. Especially definition of "Structure."

Vice Chair Wallace then proposed the following questions to make this a more complete application. First the Board needs a sense of how steep the slope is, providing the applicant with a means for estimating the vertical drop to be transited by the stairs. Ms. Sudrabin replied that the man that will be doing the work thought the difference from the water level, going up towards the flat section near the cabin was from 4 to 5 feet. She mentioned that the builder will be making a return trip to the island to verify this distance and other construction details. Vice Chair Wallace, he is guessing the horizontal distance covered by the stairs would be 10 or 15 feet from what is on the drawing. This distance was clarified by Emily that it is approximately 8 feet. Vice Chair Wallace agreed that based on these dimensions this is a pretty steep embankment and the stairs are needed. Vice Chair Wallace then continued with a recommendation that, given steepness of the slope, pea stone not be used on top of the fabric due to small size which would likely result in it being washed away. He recommended that at least 1 inch stone or even larger be used which would be more to stay in place. Additionally, using erosion control mulch on top of that is a waste of money and efforts since it will likely be washed down the slope and into the lake. The crushed stone over the geotexch fabric will promote infiltration and stay in place and work out better you for a long time.

In response to an earlier proposal from a member of the railing at the end of the steps to assist with exiting and entering a boat, Ms. Sadrabin said she does not have issues with getting in or out of the boat. She does not want anything extra near the shore. Chairman Voskain and Vice Chair Wallace commented that it

was her choice whether to include a railing but if she wanted one, to make sure to add it to the application.

Member Boak then asked if the applicant had taken into consideration if an additional step may be necessary if there are drought conditions on Pemaquid Pond. Chair Voskain stated this is not something that has to be determined at this point, just a suggestion to be considered.

Chair Voskain then reviewed the items to accompany the application.

Site Plan  
Checklist and waiver request  
Narrative  
Relevant documents

Vice Chair Wallace then stated that the site plan needs to be a little more detailed when submitted with the application but does not need to be an engineered drawing just include better detail. The Chairman reminded her that the deadline for submissions for the May meeting is April 26, 2023. The applicant stated she will not meet that deadline. As a result, the Town Office will provide her with the deadline and other meeting information for June. Car pool of the members would be great if possible. Ms. Sudrabub then made the Board aware of the logistics for conducting a site visit as the use of a 12-foot boat and very limited parking. Therefore carpooling would be great if possible. Member Boak also reminded everyone of the parking space available that is owned by McCurdy Pond Preserve which could also be utilized.

## **V. Public Comment and Questions**

There were no public comments at this time.

## **VI. Other Planning Board Business**

1. Chairman Voskain stated, that the Selectboard and Planning Board elections will occur on June 24, 2023 in the morning with the Town Meeting in the afternoon, and the election for the Legislature will be on June 13, 2023. This information was confirmed by the Town Clerk. Because the Town Office will be unavailable June 13, the Planning Board agreed that the Board meeting scheduled for that evening will be rescheduled for June 20 and the site visit will be on Saturday, June 17, instead of Sunday June 18, to accommodate Ms. Sudrabin. Chairman Voskain will let Ms. Sadrabin know about the changes when she submits an application.

2. The Chairman announced that the Planning Board budget was approved as presented to the Budget Committee on 29 March. He made a statement on the budget and the work of the Planning Board, but no discussion ensued. The next step is consideration of the budget at the annual Town meeting on 24 June.
3. Chairman Voskain will not be available to attend the Selectboard meeting on 20 April. Steve Wallace agreed to attend the Selectmen's meeting to represent the PB.
4. Chairman Voskian asked Selectman Page if there is any new opinion from the Town attorney on the items discussed at the March meeting. Selectman Page replied that nothing has been received at this time.
5. Chairman Voskian has made Wendy Pieh, Chair of the Select Board and the Ordinance Review Committee, aware of the pressing need to amend the Land Use Ordinance to make it consistent with the revised Shoreland Zoning Ordinance, which follows state guidelines, on the definitions of enlargement or expansion of a structure and enlargement or expansion of use. You will recall that this issue came up in connection with our recent review of an application for an addition to a non-conforming structure in the Shoreland Zone. This inconsistency between the two ordinances required the Planning Board, in its review of the recent application, to rely on the opinion of a previous Town attorney on a similar application a few years ago. The Board's decision on the recent application was legal but unnecessarily cumbersome.

The Chairman observed that the amendments simply involve removing the references related to "cubic volume" from two definitions in the Land Use Ordinance. Select Board Chair Pieh asked to be reminded of this need. To that end, Chairman Voskian suggested that the PB officially recommend to the Select Board that Section 12.2 Definitions in the Land Use Ordinance be amended to remove the words "an increase in cubic volume" from the definition of "ENLARGEMENT OR EXPANSION OF A STRUCTURE" and the words "or cubic volume" from the definition of "ENLARGEMENT OR EXPANSION OF USE." Ideally, these changes should be on the warrants to be considered at the 24 June Town Meeting. Vice Chair Wallace will bring this to the Selectmen's attention at the next meeting.

6. A public hearing before the legislature's Joint Select Committee on Housing was held this afternoon on proposed legislation (LD 665) to extend the

deadline by which municipalities must meet the requirements of LD 2003 –the affordable housing legislation passed last year—from 1 July this year to July 2025. Such a delay would allow communities time to accomplish what they are required to do but with the benefit of fully developed state guidance—which is now lacking. The change would also allow municipalities to make ordinance changes to accommodate the new law, hold public hearings on the proposed ordinance changes, and include the new ordinances on the Town warrant in time for consideration at the annual meeting. I suggested to the Selectboard that given the importance of the issue to Bremen it may want to weigh in on the issue.

Chairman Voskian stated that he does not know what came out of the hearing due to not being able to tap into the meeting. Neither could Selectman Page join the meeting.

#### 7. Discussion on composition of minutes:

The Chairman noted that at the Board's last meeting the members agreed to discuss the composition and length of the Planning Board's minutes, something the Board has done from time to time. The Chairman stated that for several years the Board, for good reasons, has been producing comprehensive minutes. The Board's extensive minutes have proven to be of considerable value to wide audience, such as members of the public, the Board of Appeals, the Selectboard, and the members of the Planning Board itself. The Board, for example, has found its comprehensive minutes to be valuable in considering precedents on ordinance-based issues, making determinations on issues that straddle sessions, preparing requests for legal opinions, drafting decision letters for applicants, dealing with cases involving code violations, considering applications for structures that have undergone previous expansions, and reviewing applications involving legal non-conforming structures in the Shoreland Zone.

The Board's extensive minutes are also a product of the need to take into account legal requirements that seem to have grown over the years. These requirements include the ordinance basis for the Board's decisions, the presentation of findings of fact and conclusions of law, statements of the Board's legal authority to act on the issue at hand and the applicants' authority to do what they are proposing, the presence of a quorum and the determinations of any conflicts of interest, the approval of waivers, and a determination as to whether an application is ready for review.

The Chairman noted that the MMA manual, which to some degree has guided the Board's approach on this issue, has several things to say about the length and composition of Board minutes. It notes, for example, that the length of minutes is governed by the needs of the respective Boards and the complexity of the applications being reviewed. The manual also states that the recording secretary should take reasonably complete and accurate minutes of meetings of discussions of applications, including what was said and by whom and any agreements regarding procedures or other issues. Finally, it notes that the minutes, any documents submitted by the applicants or others, and the Board's findings of fact and conclusions regarding whether the applicant has complied with the statute or ordinance shall comprise the "record" for the case.

Still, the Board concluded that there are places where the minutes could be shortened and simplified. For example, the Chairman's opening statements on the statutory basis for the meeting and the responsibilities of the Board members could be reduced to one or two sentences that noted that the Chairman made such statements. Members pointed to instances of unnecessary complexity that could be simplified and to repetition that could be eliminated. In some places discussion could be summarized—especially where decisions are not being made—without the minutes appearing to be a transcript, which all agreed they were not.

Selectman Page observed that changes should not be made to minutes when proposed changes do not reflect what was stated at the meeting. Chairman Voskian stated that the changes to which the Selectman was referring have been intended to clarify what has happened, not to change the facts. Still, the Chairman noted that the Planning Board will be mindful of this factor.

Chairman Voskian discussed the relationship between the minutes and the plan he produces for his use at monthly meetings. The Chairman noted that the plan helps him keep the proceedings on track and avoid unproductive and time-consuming detours. The plan also helps in the preparation of ordinance-based motions to approve, defer, or deny an application. The Chairman noted that as a courtesy he makes the plan available to the recording secretary to aid her in preparing the minutes, which should also reflect her own notes and the recording of the meeting. In response to a request to circulate his plan to other members, the Chairman stress that the plan represents his views, and he does not want to impose them on other members, preferring that they reach their judgments independently.



Chairman Voskian concluded that the Board will not come up with a magic formula to shorten the minutes at this sitting, but the Board will keep striving toward that goal. He invited Board members to continue to come up with ideas on this issue.

For further details on this discussion, consult the recording of the meeting.

8. Other issues.

One item on the agenda for May meeting which is my application for a stairway.

9. Future meetings/Events Calendar. Next meeting is on 9 May 2023. Our site visit day will fall on 7 May. Note that time for site visits is now 4:00 pm. The submission deadline is noon 26 April. Again, please let the me know if you are going to be away.

**VII. Meeting and Events Calendar**

Wednesday April 26, 2023, at 12 noon – Application deadline for May

Sunday, May 7, 2023 – Site visits (if any) at 4 p.m.

Tuesday May 9, 2023 – Next meeting at 7 p.m. in the Town Office

***There being no further business, a motion was duly moved by Vice Chair Wallace and second by Member Boak to adjourn the meeting at 8:07 p.m. The motion passed unanimously on a roll call vote.***

**BREMEN PLANNING BOARD:**



\_\_\_\_\_  
Walter Voskian, Chairman

\_\_\_\_\_  
Steven Wallace, Vice Chairman

\_\_\_\_\_  
Jack Boak

\_\_\_\_\_  
John Clapp

\_\_\_\_\_  
Floyd Gent

---

Walter Radloff

---

Justin Stailey

---

Mary Berger, Alternate

---

Deborah Roll, Alternate