



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

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

**Bremen Planning Board Meeting Minutes
Tuesday, July 11, 2023 at 7:00 p.m.**

1. Attendance

Members Present: Walter Voskian, Chairman; Floyd Gent, Vice Chairman; Jack Boak; Walter Radloff; Mark Tenney; Deborah Roll, Alternate Member

Also Present: Fred Lilly agent for applicants Courville and Albin; Select Board Chair Wendy Pieh, and Melanie Pendleton, Recording Secretary.

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

Chairman Voskian read his two opening statements. A quorum was present. He appointed alternate member Roll as a regular member for this meeting.

3. Adjustments to Agenda

The approval of the May and June meeting minutes were deferred to the next meeting after discussion of the new software use, which will be later this meeting.

4. Application for Review

**Michael Albin and Marianne Courville, Map 010, Lot 039-004, 44 Broad Cove Road
Construction of an accessory structure**

Chairman Voskian determined that no Planning Board members had a conflict of interest with regard to this application.

Finding of Fact:

The applicants, Michael Albin and Marianne Courville, are proposing the construction of an accessory structure on Map 10, Lot 039-004, otherwise known as 44 Broad Cove Road off Route 32. The lot is part of the Meadow Tide subdivision. The applicants are represented by Fred Lilly of F. Lilly Design/Build of Bremen. The proposed structure would be 18 feet wide by 26 feet long by 17 feet high. Taking into account an enclosed 6'x10' entry area and a fire wood storage area, both on the north side of the proposed structure, as well as the surrounding deck, the total square footage of the proposed accessory structure would be 899.4 square feet, according to the application. The proposed construction site is entirely within the Residential District of the Shoreland Zone.

The proposed accessory structure would be set back 171.5 feet from the normal high-water line. Section 15 B of the SZO calls for at least a 150-foot setback. According to the application the side setbacks are over the 20 feet prescribed by Section 5.1 of the Land Use Ordinance. According to the plan provided by the applicant and scale of those plans, the distance between the proposed accessory structure and the principal residence is 7 feet.

According to the application, the proposed accessory structure will contain a full bathroom: a shower, sink and toilet. The bath facility will require CEO review.

The proposed structure will sit adjacent to a 2,400-square-foot residence that was approved by the Planning Board in October 2018. The lot in question is 2.15 acres or 93,654 square feet, with about 191 feet of shore frontage, less than the 300 required under Section 15 A of the SZO. But, as established in the 2018 application, the lot is legally non-conforming under Section 12 E of the SZO. That provision states, in part, that a non-conforming lot of record as of the effective date of the ordinance may be built upon provided that all provisions of the SZO, except lot width, lot area, and shore frontage are met. The area of the lot in the Shoreland Zone is 49,928.5 square feet or 46 percent of the lot, according to the site plan.

The narrative states that no vegetation will be removed during construction, except for some scrub grasses. According to the site plan, the total non-vegetated coverage of the portion of the lot in the Shoreland Zone lot would amount to 4,656.8 sf or 10.6 percent of the portion of the lot in the Shoreland Zone. The breakdown for non-vegetated surfaces in the Shoreland Zone would be the dirt driveway at 1357.4 sf, the existing structure at 2,400 sf, and the proposed structure at 899.4 sf. Section 15 B of the SZO puts the maximum total footprint for non-vegetated surfaces at 20 percent of the portion of the lot in the Shoreland Zone. According to the site plan, the total proposed coverage for the entire lot amounts to 10,321.2 sf or 11 percent of the total lot. Section 5.1 of the LUO states that the maximum lot coverage is 25 percent.

The applicants have provided a list of abutters, a site plan, floor plan, photos, and a copy of the warranty deed. The warranty deed makes reference to "warranty covenants" but such covenants are not provided with the application. When the 2018 application was considered, according to the minutes of the meeting, the Board asked whether the applicants would certify that subdivision covenants for Meadow Tide subdivision, such as height limits, architectural review, side setbacks, and view corridor limitations had been met. The applicants responded that when they purchased the land, their attorney reviewed the subdivision covenants. The applicant then noted that the subdivision has not existed since 1990 and that as a result, the covenants would be impossible to enforce. Still, the Board said that it was most concerned about the view corridor and sought assurances that view corridor concerns had been addressed. The current application states that the proposed structure will have "minimal visual impact once constructed. Care will be taken to not disturb the neighbors' viewshed..."

The Planning Board's authority to make a determination on this application is based on the Shoreland Zoning Ordinance's Section 14, Table 1, Line 15, Accessory Structures and the Land Use Ordinance's Section 4.6.1.4 concerning the permitting authority for all building in the Shoreland Zone. Planning Board members Gent, Radloff, Boak, and

Voskian, accompanied by Mr. Lilly, visited the site on July 9, 2023.

This ends the Finding of Fact.

The waivers were reviewed.

On a motion duly made by Floyd Gent and seconded by Walter Radloff, the board approved the waivers as changed and presented; and then, determined the application was ready for review. The motion passed unanimously on a roll call vote.

Applicable ordinances were discussed.

On a motion duly moved by Floyd Gent and seconded by Debora Roll, the Board accepted the application as presented subject to the following conditions: 1 - The accessory structure is not to contain cooking or sleeping facilities. 2 - The accessory structure will not be used as residential unit. 3 - Bath facilities will need CEO approval/permit. 4 - Erosion control plan and certified person in erosion control must be on site during construction. 5 – Photos of the completed project must be supplied to the town at the conclusion of the project under Section 16 C (5) of the Shoreland Zoning Ordinance. The motion passed unanimously on a roll call vote.

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 ordinance-based conditions imposed by the Planning Board as stated in the minutes of the meeting.

The applicants will be receiving a letter from the chairman informing them of the Board's decision, the ordinance basis for such decision, and any conditions attached to decision.

Other Planning Board Business

Election of Officers: According to the By-Laws, "the election of officers is to occur at the first meeting after the annual Town Meeting each year."


Nominations were opened for Chairman. Floyd Gent nominated Walter Voskian for Chairman of the Planning Board. With no other nominations heard, the nomination was proclaimed by acclamation. The next nomination was for Vice Chairman. Jack Boak nominated Floyd Gent for Vice Chairman of the Planning Board. With no other nominations heard, the nomination was proclaimed by acclamation.

The Planning Board welcomed new member, Mark Tenney.

The Board discussed the use of the Otter AI software and how to utilize the information in summary form for minutes that will outline specific items required for application review. The outline will be reviewed and used for the minutes to create the summary for the past months' minutes. These will be reviewed at the August meeting.

There being no further business, a motion was duly moved by Floyd Gent and seconded by Walter Radloff to adjourn the meeting at 8:28 p.m. The motion passed on a roll call vote.

FOR BREMEN PLANNING BOARD:



Walter Voskian, Chairman

Floyd Gent, Vice Chairman

Jack Boak

John Clapp

Walter Radloff

Justin Stailey

Mark Tenney

Mary Berger, Alternate

Deborah Roll, Alternate