



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, August 9, 2023, at 7:00 p.m.**

1. Attendance

Members Present: Chairman Walter Voskian, Jack Boak, John Clapp via zoom, Justin Stailey, and Mark Tenney. Deborah Roll and Mary Berger were appointed as regular members for this meeting.

Others present: Stanley Waltz CEO and Keena Cates Recording Secretary.

Applicants: Don and Susan Morley.

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

Chairman Voskian read his two opening statements. A quorum was present. (He appointed Deborah Roll and Mary Berger as regular members for this meeting.

3. Adjustments to Agenda

Chairman Voskian deferred approval of the May, June, and July minutes to later in the meeting so that the board could get right to the application.

4. *On a motion duly moved by Chairman Voskian and seconded by Deb Roll the Board approved the minutes of May, June, and July 202). The motion passed Unanimously on a roll call vote.*

5. Application for Review

The only application for review was from Susan S Morley (Map 4, Lot 65-A) for the construction of a float haul-out structure. Chairman Voskian noted there were no conflicts of interest.

Finding of Fact:

Chairman Voskian presented the findings of fact. The applicant Susan Morley is proposing the construction of a new float haul-out structure on map 4 lot 65 -A, otherwise known as 70 periwinkle Lane off Shore Road. The legal non-conforming lot is 1.759 acres or 76,615 square feet, with 37,395 square feet in the shoreland zone according to the site plan accompanying the application. The area of the lot covered by non-vegetative surfaces total 3850 square feet

or 10.3% of the portion of the lot in the shoreland zone. This total consists of the main house at 1500 square feet, a cottage at 700 square feet, the driveway, and roads at 1550 square feet and steps at 100 square feet. A still-to- be constructed 24 by 30-foot gravel parking area--apparently part of a permit approved by the Planning Board in 2002-- adds another 720 square feet bringing the total of non-vegetated surfaces 4570 square feet or 12.2% of the portion of the lot in the Shoreland zone according to the site plan. Section 15 b (10) of the Shoreland Zoning Ordinance states that the non-vegetated surfaces within the Shoreland Zone shall not exceed 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 4570 sf or about 6 % of the total lot 76,615sf. Section 5.1 of the LUO states that the maximum allowed lot coverage is 25%.

The proposed structure would be permanent and would be used to store the applicant's float in winter months, according to the applicant. The structure would sit on the site of a former float haul out, according to the application, the dimensions of which are not indicated. The new structure would consist of two parallel beams totaling 26 feet in length consisting of two 13 feet by 6"x6" by 10-foot timbers. The long beams would be pinned to keystones in the rip rap installed by the contractor who installed the rip rap several years ago at the high-water mark with a single pin each. Six steel rollers would allow the float to more easily be hauled to and from the water.

The new float haul out structure would run east from the top of the rip rap, ending about six inches to a foot below the high-water mark, according to supplemental information provided by the applicant. The site plan also shows the float haul out structure extending below the normal high-water mark but by a greater amount than the six inches to a foot. The new float haul out structure would rest on rip rap installation several years ago as a major shoreline stabilization measure under an application approved by the Planning Board. As noted above, the applicant states that the proposed site for the new haul out structure is the site of a former float haul out structure built some 50 years ago, but apparently now demolished.

The applicant has noted that the float haul out would be 20 feet from the side property lines. Side setbacks must be at least 20 feet as prescribed by Section 5.1 of the LUO.

The application has referred to the project as a "reestablishment of a 'grandfathered' float haul out." Additionally, the applicant has selected the "Reconstruction" option as opposed to "New Structure" on page 1 of the application. Nothing resembling a float haul out is on the site now nor has one been there at least since the installation of the rip rap several years ago. For most reconstruction projects in the Shoreland Zone, a permit must be obtained

within a year to 18 months of destruction. According to the CEO, under state statute the period is one year.

The Planning Board's authority to decide on this application is based on the Shoreland Zoning Ordinance's Section 14, Table 1, Lines 15 and 16, structures accessory to allowed use and structures extending over or below the normal high-water line and LUO's Section 4.6.1.4 concerning the permitting authority for all building in the Shoreland Zone. The applicant's authority to do what is requested is reflected in the undated and unsigned Personal Representative's Deed of Distribution, which is part of application. Planning Board members Tenny, Roll, and Voskian, accompanied by Mr. and Mrs. Morely, visited the site on 6 August 2023.

This ends the Finding of Fact.

The waivers were reviewed.

The Board reviewed and approved all waivers requested by the applicant except for the requested waivers for a DEP permit by rule and a Flood Hazard Permit; the latter would be issued by the CEO. Deb Roll made the motion to accept the request for waivers, and to accept the application as ready for the Planning Board to review. The motion was seconded by Mark Tenney. The motion passed unanimously on a roll call vote.

The Board discussed applicable ordinances.

Section 15 C (1) of the Shoreland Zoning Ordinance. That provision limits each lot to one dock, pier, or "similar structure" extending over or below the normal high-water line. Although this lot already has a dock, the stated consensus of the Board members was that the proposed float haul-out structure would not constitute a "similar structure" as stated in Section 15 C. Voskian made the motion to accept the application as presented with several conditions, and Deb Roll seconded it. The motion passed unanimously on a roll call vote with the following conditions and findings.

The application is approved in accordance with Shoreland Zoning Ordinance Section 14, Table 1, Lines 15 and 16 that respectively give the Planning Board authority to approve structures accessory to allowed uses and structures extending over or below the normal high-water line.

-The stated consensus of the Board was that the term "similar structure" as it appears in Shoreland Zoning Ordinance Section 15 C (1) does not apply to this project.

-The applicant must secure a Flood Hazard Permit from the CEO and a DEP permit by rule from the DEP within three weeks of this approval.

-This project is “new construction” not “reconstruction” as stated by the applicant, and no “grandfathering” as claimed by the applicant applies to this project.

-Any changes to the application as approved by the Planning Board will require resubmission to the Planning Board.

-Photos of the completed project shall be submitted to the Town within 20 days of completion, in accordance with Shoreland Zoning Ordinance Section 16 C (5).

The Chairman read the following Conclusion of Law

The planning board concludes that the applicant’s proposal as presented in the application, and as clarified at the meeting meets the relevant requirements of the shoreland zoning ordinance and the land use ordinance. And such approval will be subject to ordinance- based conditions imposed by the planning board, as stated in the minutes of the meeting,

The Chairman told the applicants that they will be getting a formal letter stating what the Board approved and what conditions were attached to the approval.

6. Other Planning Board Business

On a motion duly moved by Chairman Voskian and seconded by Deb Roll the Board approved the minutes of May, June, and July 2023 meetings as amended). The motion passed unanimously on a roll call vote.

The Chairman noted that the May, June, and July minutes, reflecting the new Otter software, were well done by the Staff. By way of background, he reminded Board members that after a recent Planning Board meeting where the Board discussed the Otter transcripts, he sent an email to Board members containing a list of about a dozen items that he thought should be in this new shorter summary. Those items, which will be supplemented by the Otter transcript and the audio recording, are commonly accepted and legally required. Some will be a sentence or two while others will be longer. But throughout the emphasis will be on brevity to the extent possible, while allowing the Otter transcript to carry much of the detail that has been our minutes but still fulfilling legal requirements. The length of the summary, of course, will be a product of the number and the complexity of the issues that the Board addresses. The Chairman noted that in his experience, minutes are commonly written in the past tense and in the third person, while striving for full sentences. He observed that this is an evolving process, and he thanked the staff very much for their patience with this.

Jack Boak emphasized the need for brevity in the minutes, relying on the transcript and recording for detail.

Mary Berger stated that potentially applicable ordinances do not need to be listed in the minutes. Also, there is no need to list people who did not attend.

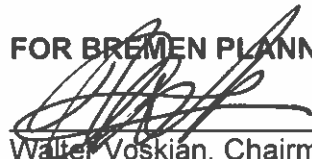
In other business, the Chairman noted a possible upcoming Planning Board meeting with the Town attorney and a new initial application review process involving the Chairman and the CEO.

There being no further business, a motion was duly moved by Chairman Voskian and seconded by Jack Boak to adjourn the meeting at 8:20 p.m. The motion passed unanimously on a roll call vote.

FOR BREMEN PLANNING BOARD:

There being no further business, a motion was duly moved by Chairman Voskian and seconded by Jack Boak to adjourn the meeting at 8:20 p.m. The motion passed on a roll call vote.

FOR BREMEN PLANNING BOARD:



Walter Voskian, Chairman

Floyd Gent, Vice Chairman

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Walter Radloff

Justin Stailey

Mark Tenney

Mary Berger, Alternate

Deborah Roll, Alternate

These minutes do not represent the full extent of discussion on these agenda items.