

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

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**DRAFT – to be APPROVED – March 23, 2023**

MEMBERS PRESENT:     Nate Drummond (Chair)  
                              Tracy Krueger (Vice Chair)  
                              Reeve Wood  
                              Richard Joyce  
                              Justin Schlawin

MEMBERS ABSENT:     Tracy Krueger (Vice Chair)  
                              William Shippen

STAFF PRESENT:        Matt James, Code Enforcement Officer

**1. REGULAR MEETING CALL TO ORDER and DETERMINE QUORUM AND VOTING**

Chair Drummond called the meeting to order at 6:01 PM

It was determined that a quorum was present.

**2. APPROVAL OF MINUTES FROM November 17**

Draft meeting minutes were not available for review prior to the meeting. No action taken.

**3. PRE-APPLICATION DISCUSSION**

At 6:15 PM the Chair opened discussion with Doug Tourtelotte who is seeking feedback from the Board regarding the possibility of relocating his gas station across River Road to U03-026, from its current location at U03-002.

Mr. Tourtelotte informed the Board that during a Staff Workshop with former Planner Jenn Curtis, and CEO Matthew James the issue of impervious surfaces had arisen, specifically a 50 foot set back standard.

Chair Drummond clarifies that Mr. Tourtelotte is referring to Article 10.E.5.b. of the Land Use Ordinance, and asks what the extent of Mr. Tourtelotte’s proposal is.

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

---

Mr. Tourtelotte states that he would like to move the gas station across the street with new above-ground tanks. He believes that this is the most feasible location for him to move the gas station to, but he is concerned that the 50 foot setback would interfere with these plans.

Chair Drummond asks if there will be a building, or just pumps and tanks.

Mr. Tourtelotte clarifies that a “minimal” building, as small as 64 square feet, is required to house the electronics for the pumps.

Mr. Joyce arrives to the meeting.

Mr. Schlawin notes that U03-026 is already mostly an impervious surface, consisting of a parking lot.

Chair Drummond and Mr. Woods suggest that a waiver would be considered in this situation because of the existing impervious surfaces and the ways in which this proposal would improve the lot.

Mr. Tourtelotte explains that the reason he is seeking guidance on this matter is due to the long waitlist for purchasing the tanks. Mr. Tourtelotte is amenable to all other standards but wants to request a waiver so that he knows that his proposal will get approved before he spends his money. Mr. Tourtelotte asks if it is possible to get a waiver before going through the Site Plan Review process.

The Board discusses the possibilities for providing a waiver before a formal application has been submitted.

Chair Drummond brings Article 7.D.2.d. to attention, noting that non-vegetated surfaces must not exceed 70% of the portion of the lot located within the shoreland zone. Mr. Tourtelotte notes that the parking lot is already non-vegetated and that his proposal would include landscaping that would increase the vegetated area of the lot.

The Board discusses the possibilities for providing a waiver before a formal application has been submitted, noting that Site Inventory and Analysis may allow for a waiver to be granted earlier. Site Inventory and Analysis is reserved for Tier III applications, and is not required for Tier I and II applications. Chair Drummond states that he will check with the Town Manager if Site Inventory and Analysis could be used in this situation.

Mr. Tourtelotte states that Brian Smith surveyed the elevation of the lot. Mr. Tourtelotte asks if the Land Use Ordinance would see the gas pump islands as a structure beholden to Article 6.C.6. of the Land Use Ordinance.

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

---

Chair Drummond asks if Mr. Tourtelotte has contacted the State regarding gas stations located in floodplain zones.

CEO James states that the gas tanks are required to be elevated above the ground in the floodplain zone but is unaware of specific regulations regarding the pumps.

Mr. Tourtelotte exits the meeting.

Mr. Joyce states that in c.1954 the store located on lot U03-002 flooded. Mr. Joyce asks if the gas station would be grandfathered in, because one already exists on the lot, and if that means that Mr. Tourtelotte’s proposal should go through a different application process.

Mr. Woods and Chair Drummond clarifies that he is looking to move the gas station across the street, to an entirely different lot, so the gas station itself would not be grandfathered.

**4. PRESENTATION ON PROPOSED LUO CHANGES**

At 6:33 PM the Chair opened discussion with CEO James who is seeking feedback regarding a proposed Historic District on behalf of the Historic District Sub-Committee of the Comprehensive Planning Committee (CPC).

CEO James provides the Board with a memo from the Sub-Committee, Bill Stanton, Betsy Steen, Former Planner Curtis, and CEO James. CEO James states that the Sub-Committee was created to protect historic building in the Town, particularly those not on State or Town registries for Historic Places. The Sub-Committee is now seeking changes to the Land Use Ordinance to reflect their goals of preserving and restoring historic structures in Village District I. The enforcement of the proposed changes would be carried out by the CEO.

CEO James states that these changes to the LUO would “push” applicants towards designs and structures that fit within a historic district.

Mr. Woods notes that if these changes are made to the LUO, they would be enforceable requirements, not suggestions.

CEO James provides an example from Hingham, Massachusetts, wherein a stucco house was allowed by the town, but was unable to survive the winter. CEO James notes that structures historically built in New England can have benefits beyond aesthetics, particularly in Village District I where the lot sizes are small and a larger effect can be had on abutting properties.

The proposed changes to the LUO draw from language elsewhere in the LUO. Article 10.D.8. currently has vague language, including the term “New England Vernacular.”

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

---

Mr. Woods and the Board agree that this terminology should be avoided.

CEO James notes that many structures and properties would meet the criteria of the proposed changes to the LUO, but that the Sub-Committee would like more specific enforcement and protection of historic architecture. The proposed changes to the LUO include three new definitions. Neighboring Structures are those within 300 feet of a historic property, a radius CEO James states is sufficient to capture the rhythm of the neighborhood, but this distance could be changed. Contributing Structures are those which represent the design elements to be included in the historic district, as well as registered historic places. CEO James states that it would be unethical to enforce these performance standards on every structure in the district, and that Non-Contributing Structures could be allowed to exist.

CEO James then discusses the proposed changes to Article 5.E., which includes new performances standards under Article 5.E.2. The language of Article 5.E.2. is based off the language included in Article 10.D.8.

CEO James notes that the town has had issues with maintaining historic properties due to events like the 1902 fire, as well as general progress and the individual demolition or natural destruction of historic properties.

CEO James says that public complaint regarding overbuilt and aesthetically unappealing homes does happen, and there is little cooperation and collaboration between property owners, the Town, and the Historic Society.

Mr. Woods says that there is “preservation,” and then there is “dictating” what is allowed in relation to a subjective baseline of historic properties.

CEO James describes that these changes would allow for the rehabilitation of historic neighborhoods.

Mr. Woods asks who decides which buildings are contributing.

CEO James says that registries, the Comprehensive Plan, and the dates in which individual structures were built could be used to make the determination.

Mr. Joyce asks which houses are on the registry.

CEO James says that he does not know which are, or not, on the registries.

Mr. Woods asks if the decisions of what meets a contributing or non-contributing structure are made by the CEO.

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

---

CEO James confirms this and adds that this would allow for the process to not be a burden on the Town or property owners and applicants.

Chair Drummond asks how the process of reviewing the application for a new structure in Village District I would go with these new performance standards in place.

CEO James states that it should not be hard to determine what an applicant is seeking to build, and that these changes do not have the intention of costing applicants significantly more time or money. A sketch of the proposed structure would be a new requirement for the submission of an application.

Mr. Woods questions if these changes will require that new structures be exact copies of neighboring structures.

CEO James states that these changes are not intended to create “cookie cutter” neighborhoods, variation in architectural styles will be allowed.

Mr. Woods questions if it appropriate to lock property owners and applicants into building a specific way, particularly if it is required that they build structures that are outdated in style and function.

Mr. Schlawin questions if a single-wide or double-wide trailer is considered historic. Mr. Schlawin notes that there is already a wide variety of architectural styles from various periods in Village District I, and that there are not many locations where new structures could be built. He questions what problem the proposed changes to the LUO solve.

Mr. Woods raises the concern of affordable housing in Town.

CEO James states that the goal of the proposed changes is not to raise the cost of housing in Town.

Mr. Schlawin would feel more comfortable with the proposal if there was a better outline of specifically which structures would be included or contributing.

Mr. Woods agrees, and notes that the Comprehensive Planning Committee would also like to have this data. Mr. Woods worries that a “taste mafia” would have too much power in dictating what is or is not allowed.

Chair Drummond notes that the current proposal places the jurisdiction in the hands of an individual, and questions the subjective nature of enforcement.

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

---

CEO James suggests that a rule-by-reference guidebook could be produced to guide enforcement. The proposal is intended to be broad, and allow for a wide range and size of buildings, while still protecting neighbors. CEO James references the public complaint and violations accrued by U01-017, but notes that some aspects of the structure would be allowable.

Mr. Schlawin notes that U01-017 had specific violations as well as general complaint, and worries that the ambiguous aspects of the structure are hard to enforce.

Chair Drummond questions who has the power, and how lenient they may be. Chair Drummond agrees that some structures are so out of line with the neighborhood that they may garner complaint.

Mr. Schlawin questions if there is a strong case against structures that meet most requirements of the proposed and current LUO, but do not meet others, such as scale.

Mr. Woods questions if you would be allowed to build a small house if your property is surrounded by large houses.

Chair Drummond notes that there are structures in Portland, Maine, that do not fit with the architecture of other building on the street.

Mr. Joyce would like to see more specificity in the proposal as to what is allowed or not allowed, so that applicants can know what they are getting into.

Chair Drummond raises the concern that an applicant may not know about the LUO before purchasing their property.

CEO James notes that this is the case for the entire LUO and all of its current restrictions but agrees that some property owners or prospective property owners are not familiar with the process.

Chair Drummond questions how strictly these new standards will be applied.

CEO James suggests that the LUO, and particularly Article 10.D.8., should be updated with more specific language anyway, so it is good to have these kind of discussions. CEO James also suggests broadening the allowed structures to include more types of structures that have been commonly built in New England.

Mr. Woods states that more specific instructions for applicants would be needed, and is worried that future CEO's will have different interpretations of the LUO.

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

---

CEO James mentions his background in archaeology, history, and historic preservation, and agrees that not every CEO or applicant will have that background.

CEO James states that the proposal is the first iteration, and worries that the public may not want to heavy-handed changes to be made to the LUO.

Mr. Woods wonders if the Sub-Committee is looking for specific feedback.

Mr. Schlawin is interested in the proposed standards targeting public concerns, but is not in favor of policing architecture. Mr. Woods is in agreement with this statement and wants the enforcement to be predictable.

Chair Drummond questions how strongly recommended this proposal is by the CPC.

Mr. Woods notes that it was a minoritarian view of the CPC.

Chair Drummond does not want the Planning Board to be the final determination on this matter and is not opposed to having public hearings. Chair Drummond cautions against putting too much time into the proposal before gathering more public feedback.

Mr. Joyce thinks that the first step should be to inventory the historic properties in town.

CEO James notes that there were concerns about man-hours, staff time, workflow, and administrative costs. Betsy Steen has started to do some of the legwork for this proposal. CEO James also notes that subjecting every applicant to a committee would be a massive amount of work.

Chair Drummond and Mr. Woods worry that applicants may feel targeted if the rules are too subjective or there is not enough transparency in enforcement.

Chair Drummond proposes that a public hearing should be scheduled, with guidance from the Town Manager.

Mr. Schlawin questions if this is a staff proposal, or a proposal from the CPC.

Chair Drummond notes that there is a staff component, but it is under the purview of a Sub-Committee of the CPC.

Mr. Schlawin suggests that an actual resident of the Town be the one to present in the future.

CEO James notes that historic districts are present in hundreds of towns, and some of these districts have full time committees and large amounts of funding and power. CEO James does

**TOWN OF BOWDOINHAM  
PLANNING BOARD MEETING MINUTES  
Town Office – Kendall Rm  
January 26, 2023 – 6:00 PM**

---

not think that that model will would work in Bowdoinham, but that the language could be adopted. CEO James also suggests that historic districts promote social cohesion and healthy neighborhoods, and that there are already heightened restrictions in Village District I.

Chair Drummond asks that references from nearby towns and towns of similar size and populations be taken into consideration.

**ADJOURN MEETING**

At 7:44PM a motion was made, seconded, and it was unanimously to adjourn the meeting.