

**TOWN OF BOWDOINHAM
PLANNING BOARD MEETING MINUTES
Town Office – Kendall Rm
February 23, 2023 – 6:00 PM**

DRAFT – to be APPROVED – March 23, 2023

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

MEMBERS ABSENT: Reeve Wood
William Shippen

STAFF PRESENT: Matt James, Code Enforcement Officer
Yvette Meunier, Town Planner and Economic Development
Coordinator

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

Chair Drummond called the meeting to order at 6:00 PM

It was determined that a quorum was present.

2. APPROVAL OF MINUTES FROM January 26

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

3. PUBLIC HEARINGS

At 6:15 PM the Chair closed the meeting and opened the public hearing on the Proposed Historic District Overlay.

Comprehensive Planning Committee (CPC) Chair Joanne Joy provided both written and verbal support for the district with a recommendation for additional regulatory structure to assist with enforcement. Regulatory tools suggested included a more nuanced ordinance, referencing a book of examples of design elements that contribute to the historic character of the village.

Chair Drummond asked for clarity on how the historic district would be defined geographically.

Mrs. Joy mentioned CPC is seeking permission to form a subcommittee on housing that may attract more individuals to the conversation with an interest in the historic district conversation.

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Regarding defining the district there are other parcels outside of Village 1 District that could be considered contributing to a historic district overlay but carving out parcels that do not currently contribute could be problematic. Yet, there is conversation about expanding current districts for housing purposes that could accommodate the historic district overlay and recommendations for other neighborhoods with a guidebook.

Mr. Joyce noted that Village 1 is restricted to growth as there are few empty lots to build upon with limited septic siting potential.

Mrs. Joy noted the proposed accessory dwelling unit ordinance and advances septic design would allow for more growth in Village 1 and added that there is a 50-acre vacant parcel in this district.

Chair Drummond questioned the amount of effort the historic district overlay would take relative to the number of new structures that would be affected, while acknowledging that support for a historic district was identified in the comprehensive plan.

CEO James added that historic preservation is a major component the district that should not be overlooked as, while it would impact new development on new lots it would also help to limit the loss of historic homes as currently there is nothing in place to stop anyone from tearing down a contributing structure and building something completely different. This has been the case for most of the area homes built in the 1700s and 1800s. Preserving these structures makes the district look more cohesive overtime.

Mrs. Joy mentioned the burned down apartment building in reference to cohesiveness. The recommendations from the 2014 plan did include and promote maintenance and restoration of historic building, support the activities and mission of the Historical Society, survey and inventory our resources, and maintain provisions in the land use ordinance to protect the significant historic resources in the community to the greatest extent possible. While written 0 years ago the intent back then was to set the stage for village historic preservation. As we have learned over the last ten years without more specifics preservation is not happening.

Mr. Schlawin questioned if a regulatory approach to historic preservation is in alignment with the community in general and wondered if there are other solutions out there for historic structure preservation. An example was a recent teardown of a historic structure was built back under the same historic parameters. The comprehensive plan language is a community/collective team effort to keep our village with a historic vibe and did not ask for regulatory tools for codes and builders.

Mrs. Joy agreed that the 2014 plan did not call for those regulatory tools but since this time it has been observed that you cannot always rely on the good will of neighbors for upholding these

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values and that we may need guidance in some areas to support this and that is where the comprehensive planning committee is headed.

Mrs. Kruger questioned if the goal was to have all of the houses look like the 1900s historic or if we don't want an ugly house in the district.

CEO James can see the goal as both.

Mrs. Kruger asked if we are asking for buildings to look like this but not that. For example would a modern non-historic building that is fairly attractive would that be allowed? We have struggled with site plan review when determining performance standards that are opinions such as what fits in with visual appeal.

Chair Drummond stated that these questions are still out there. It is all good to have a guidebook but the details about what is allowed or not and the mechanisms to implement this in a workable and fair is yet to be determined.

Mrs. Kruger questioned if support for this goes beyond the historic society and would like to see it go before the community at a meeting or a survey to get a better sense of the scope of support.

At 6:55 PM the Chair closed the public hearing.

Chair Drummond supports revisiting this after several items have been developed such as a guidebook and procedural mechanisms for its approval, implementation, appeals process, and future amendments to the district.

The Board discussed how an overlay could work and there were varying opinions on if it should follow existing district boundaries or not. There will be need to be clarity as to how and why a district was developed. This can either be developed as an overlay district which requires its own definition and would be added to the land use ordinance or would be an addition to Village 1 which would include a performance standard.

Mr. Shlawin reminded the board that there has been skepticism about this on the board and wonders if the work would be worth it to affect a small number of lots.

Mrs. Kruger concurs that a guidebook would be preferred over the use of a map to identify which lots are or are not contributing to the historic district. She also expressed concerned that having too many requirements for new buildings would be an impediment to developing more housing which is a need in town though a guidebook would be helpful to builders.

Mr. Shlawin feels that these requirements will make houses more expensive and does not align with the goals of creating more affordable housing.

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Mrs. Kruger brought up a question as to whether this would be more applicable to homes built as a result of tearing down a historic house verses new construction on an undeveloped parcel.

Chair Drummond would like to learn more about how other towns have developed these districts, see similar examples of ordinance language not from Camden or Bowdoin but somewhere in between and would consider hearing another proposal on the historic district next year.

Mr. Joyce asked that the guidebook include photographs of existing buildings in Bowdoinham.

New Business

Item 5: Pre-application Discussion

3R-09 Lot 01-A 529 Bay Road

Elizabeth Marks, the realtor representing the buyers of the property at 529 Bay Road presented to the Board an outline of events that have transpired during the sale of the property related to a non-conforming 2-car garage not meeting setback requirements that are impacting the real estate transaction.

The findings as confirmed by CEO James include:

- The property has pins set prior to 1990 which mark the property boundary at 152.8 feet, whereas the deed registers the property as having 160 feet of frontage.
- In 1990 a proposed 2-car garage with an 11-foot setback from the property line was permitted and constructed, yet has been found in non-compliance of setbacks as verified by a survey performed in December of 2022 as part of the current real estate transaction.
- The buyer's lender requested a variance or consent agreement to clear the title and secure the purchase.
- A consent agreement with the town would require an escrow and give a 5-year timeframe to bring the garage into compliance. Compliance would require the structure be moved or demolished.
- The other option to bring the structure into compliance would be for the neighbor at 535 Bay Road to sell them a 400 square foot parcel allowing the building to meet the setback.

Mrs. Marks states that the mortgage lender for the neighbor which is willing to sell the land has been slow to respond. The buyers are in financial hardship as they risk losing their low interest rate loan offer as time goes on. As a result, the buyers are looking to pursue the consent agreement or variance without stipulations, meaning the garage is to remain non-conforming is what is required to allow for a clean title.

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After a lengthy discussion it was determined by the Board that the authority to grant a consent agreement or variance that would allow the garage to remain a non-conforming structure is with the Select Board.

There was concern by Board members that there are many non-conforming structures in town and that this issue may come up again. Where the Select Board is hesitant to take up these consent agreements, legal council could be consulted to examine the land use ordinance to make recommendations on language which would resolve situations like this.

The Board drafted a letter in support of the buyers to obtain a consent agreement without stipulations from the Select Board.

At 8:44PM a motion was made, and seconded, and it was unanimous that the approve the letter as written.

Item 6: Discussion on Proposed Land Use Ordinance Changes

Regarding LD 2003 and accessory dwelling units.

Chair Drummond reiterated the milestones the Board reached to bring forth the draft language before the Board which included a rejection at the Select Board to move this language onto the 2022 warrant as it lacked language about short term rentals. In summary, the changes include adding a definition of an Accessory Dwelling Unit (AUD) including dimensional requirements and performance standards of AUDs like what was proposed in 2022. It also provides a footnote for maximum net residential density for the Residential Agricultural District and states that where an accessory dwelling unit that meets the standards of Article 4, Section B shall be exempt from density or lot area requirements in Village 1 and 2 Districts to allow for more growth in this area. The performance standards also include a requirement that the owner of the property live in one of the units which addresses short term rental concerns. It also adds AUDs into the Table of Uses and requires proof of adequate wastewater disposal.

Mrs. Kruger requested a minor spelling error and reformatting the numbering sequence of the footnotes.

At 9:07 PM it was noted that there is an opening on the Board and those interested can apply by reaching out to the town manager.

ADJOURN MEETING

At 9:10PM a motion was made, seconded, and it was unanimously to adjourn the meeting.