

**BRUNSWICK TOWN COUNCIL**

**Agenda**

**August 8, 2011**

**7:00 P.M.**

**Municipal Meeting Room**

**Brunswick Station**

**16 Station Avenue**

Pledge of Allegiance

Roll Call

Public Comment:

Correspondence:

Adjustments to the Agenda:

**MANAGER'S REPORT:**

- (a) Council Committee Updates
- (b) Nomination Papers
- (c) Federal Byrne Grant for Police Department (*Action Required*)
- (d) Report on closure of Adams Road and other road projects
- (e) Update on Brunswick Landing activities
- (f) Acceptance of grant from the Quality Community Program for Androscoggin Riverwalk (*Action Required*)

**PUBLIC HEARINGS**

95. The Town Council will hear public comments on the following Special Amusement License, and will take any appropriate action. (Manager)

**Special Amusement Licenses:**

1337 Beer LLC

D/B/A: Lion's Pride

110 Pleasant Street

Christopher and Jennifer Lively

**HEARING/ACTION**

**NEW BUSINESS**

96. The Town Council will discuss a policy for dealing with delinquent tax accounts, and will take any appropriate action. (Chair King)

**ACTION**

97. The Town Council will consider setting a public hearing on amendments to the Zoning Ordinance relative to creating a CU7 zoning district on the Longfellow School property, and will take any appropriate action. (Manager)

**ACTION**

98. The Town Council will consider authorizing the City of Portland to act as the Town's agent in executing the documents necessary to complete an approved loan by the Cumberland County Home Consortium, and will take any appropriate action. (Manager)

**ACTION**

99. The Town Council will consider discontinuing the appointment of members to the People Plus Board of Trustees, and will take any appropriate action. (Councilor Wilson and Councilor Favreau)

**ACTION**

**CONSENT AGENDA**

- (a) Minutes of July 25, 2011
- (b) Approval of Utility Location Permits for Maine Natural Gas
- (c) Approval of drainage easement from the Town of Brunswick to AMS Title Company (Senter's)

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE  
COMMUNICATION SHOULD CONTACT  
THE TOWN MANAGER'S OFFICE AT 725-6659  
(TDD 725-5521)**

**Brunswick Town Council**  
**Agenda**  
**August 8, 2011**  
**Council Notes and Suggested Motions**

**MANAGER'S REPORT:**

- (a) Council Committee Updates: Councilors with information on the Committees they are involved with will share information with the Council and public.

Suggested Motion: No motion is required.

- (b) Nomination Papers: Nomination papers for Town Council and School Board are now available. Districts 5, 7 and one At-Large seat will be up for election in November.

Suggested Motion: No motion is required.

- (c) Federal Byrne Grant for Police Department: The Police informed the Council of this grant in July and now are formally asking for permission to apply for it. This grant is for \$10,007 and requires no town match. It will be used for equipment that is not included in their budget. A copy of the application is included in your packet.

Suggested Motion:

Motion to allow the Police Department to apply for the Federal Byrne Grant to be used for enhanced crime detection and crime scene processing equipment.

- (d) Report on closure of Adams Road and other road projects: This item is to inform the Council and public that there will be a closure of this road at the salt marsh from August 15 to August 17 for replacement of a road culvert. In addition, Mr. Foster will provide updates on the Route 1 off-ramp traffic signal, Pleasant Street, Maine Street, and Bath Road projects.

Suggested Motion: No motion is required.

- (e) Update on Brunswick Landing: Denise Clavette has prepared this update on activities at Brunswick Landing, including discussion on public benefit conveyances and work on the open space management plan. Michael Lachance, a Bowdoin intern, will make a presentation on the work he has done mapping the existing trails and paths. A copy of Ms. Clavette's memo is included in your packet.

Suggested Motion: No motion is required.

- (f) Acceptance of grant from Quality Community Program for Androscoggin Riverwalk (Action Required). This item is to ask the Council to accept this grant to be used for a project to design pedestrian activated safety flashers located on Route 1 at the Cushing Street intersection. These will provide for a safer pedestrian crossing to the Androscoggin Swinging Bridge at Mill Street. The total in funds the Town would receive is \$16,000, with the Town providing a match of \$4,000 in either local funds and/or in-kind match by the Town performing design work, etc. The Town received

this grant from MaineDOT as part of the MaineDOT 2012-2013 Biennial Capital Work Plan. Copies of the letter from the State and an email from Tom Farrell are included in your packet.

*Suggested Motion:*

Motion to accept and expend a Quality Community Program grant to be used to design pedestrian activated safety flashers located on Route 1 at the Cushing Street intersection to provide for a safer pedestrian crossing to the Androscoggin Swinging Bridge at Mill Street.

**PUBLIC HEARINGS**

95. The item is for a renewal of a special amusement license for Lion's Pride at 110 Pleasant Street. It will include open mike on Tuesdays and occasional music through the year, and will be located in the dining room/bar areas. A copy of their application will be included your packet.

*Suggested Motion:*

Motion to approve a special amusement license for the Lion's Pride at 110 Pleasant Street.

**NEW BUSINESS**

96. This item, sponsored by Chair King, is for the Council to discuss how to handle delinquent tax payers if they also provide services to the Town. A copy of a memo from Gary Brown outlining how the Town has handled this issue with the Times Record will be included in your packet.

*Suggested Motion*

There is no suggested motion.

97. This item is to consider setting a public hearing on proposed amendments to the Zoning Ordinance to create a new College Use zone (CU7) to allow for college uses at the Longfellow School property. The Planning Board took action to create the proposed language, but was unable to reach a consensus on the issues of density and the definition of recreational facility, so they are requesting the Council revisit these issues. Copies of memos from Manager Brown and Anna Breinich, along with supporting materials and the draft language, are included in your packet.

*Suggested Motion:*

Motion to set a public hearing for September 6, 2011, on amendments to the Zoning Ordinance relative to creating a CU7 zoning district for the Longfellow School property.

98. In February 2008 the Town Council voted to become a member of this Consortium as a way to expand regional financial resources for affordable housing. Since there are two projects that are being funded, all members of the consortium are being asked to pass a motion to allow Portland to execute the necessary documents to receive funding

for these projects. Copies of a memo from Manager Brown, the request, and information that went to the Council in 2008 are included in your packet.

Suggested Motion:

Motion for the Town of Brunswick, a member of the Cumberland County Home Consortium (CCHS), to hereby authorize the City of Portland to act as its agent in executing the documents necessary to complete an approved loan by the CCHC.

99. This item is to discontinue the Council's role of appointing members to this Board. The Council took a similar action with the Growstown School Board and the Teen Center Board. A copy of the section of their by-laws outlining membership is included in your packet.

Suggested Motion:

Motion to convey to the People Plus Board of Trustees that the Council will discontinue appointing members to this board.

**CONSENT AGENDA**

- (a) Minutes of July 25, 2011: The minutes are included in your packet.
- (b) Approval of Utility Location Permits for Maine Natural Gas: Below is the listing of permits. Copies of the permits are included in your packet.
1. ULP2011-08, Gas main on Belmont St from Spring St to Barrows St
  2. ULP2011-09, Gas main on Dionne Circle from Baribeau Dr to Baribeau Dr
  3. ULP2011-10, Gas main on Cushing St from High St to Route 1, Gas main on High St from Cushing to Swett St, Gas main on Swett St from High St to Route 1
  4. ULP2011-11, Gas main on Scott Ave from Hennessey Ave to Bouchard Dr, Gas main on Bouchard Dr from Country Ln to Hennessey Ave
  5. ULP2011-12, Gas main on Noble St from Union St to Maine St
  6. ULP2011-13, Gas main on Pleasant Hill Rd from Baribeau Dr to Pasture Way
  7. ULP2011-14, Gas main on Pleasant St from Church Rd to Stanwood St
- (c) Approval of drainage easement from the Town of Brunswick to AMS Title Company (Senter's): This item is for the conveyance of the easement that will run from Senter's block across Town property, behind Cool As A Moose to a drainage structure in Town Hall Place. Public Works has no issues with this proposed easement. A copy of the draft easement is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

# MANAGER'S REPORT - A NO BACK UP MATERIALS

**MANAGER'S REPORT - B  
NO BACK UP MATERIALS**

# MANAGER'S REPORT - C BACK UP MATERIALS

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>	2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
<b>5. APPLICANT INFORMATION</b>		
Legal Name Town of Brunswick	Organizational Unit Police Department	
Address 28 Federal Street Brunswick, Maine 04011-1510	Name and telephone number of the person to be contacted on matters involving this application  Rizzo, Richard (207) 725-6670	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 01-6000090	7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New	9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT  Enhanced Crime Detection and Crime Scene Processing. The goal of this program is to improve crime detection and identification of suspects by the Brunswick Police Department with tools and equipment which will make the department's personnel more effective. The equipment to be purchased and utilized falls into four areas: 1. Photographic Equipment for Fingerprint Processing; 2. Video Surveillance Equipment; 3. Binoculars; and 4. Portable Light w/ Generator.	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE  NUMBER: 16.738 CFDA EDWARD BYRNE MEMORIAL JUSTICE TITLE: ASSISTANCE GRANT PROGRAM		
12. AREAS AFFECTED BY PROJECT  Town of Brunswick, Maine		
13. PROPOSED PROJECT Start Date: October 01, 2011		14. CONGRESSIONAL DISTRICTS OF

End Date: September 30, 2014		a. Applicant
		b. Project ME01
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?  Program is not covered by E.O. 12372
Federal	\$10,007	
Applicant	\$0	
State	\$0	
Local	\$0	
Other	\$0	
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?  N
TOTAL	\$10,007	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

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### Abstract

**Applicant:** Town of Brunswick (Maine), Police Department (DUNS: 077466274)

**Program:** Enhanced Crime Detection and Crime Scene Processing

**Goal:** The goal this program is to improve crime detection and identification of suspects by providing the Brunswick Police Department with tools and equipment which will make the department's personnel more effective. The equipment identified in this grant will be used in the course of normal operations of the police department (as opposed to a special initiative).

**BJA Identifiers:** The equipment to be purchased and utilized falls into four areas (the BJA identifiers are noted in parenthesis):

1. Photographic Equipment for Fingerprint Processing (**Equipment – Forensic**);
2. Video Surveillance Equipment (**Equipment – Video/Audio Recording**);
3. Binoculars (**Policing, Hazardous Material Safety Protection**); and
4. Portable Light w/ Generator (**Equipment – General**).

### Program Narrative

The Brunswick Police Department (“BPD”) is eligible to apply for FY2011 Edward Byrne Memorial Justice Assistance Grant Funding. BPD has identified tools/equipment which will make its personnel more effective detecting criminal acts, identifying suspects and preparing cases for prosecution. The equipment which has been identified to be of assistance is in the following areas:

1. Photographic Equipment for Fingerprint Processing;
2. Video Surveillance Equipment;
3. Binoculars; and
4. Portable Light w/ Generator.

Each area is discussed below.

#### ***Photographic Equipment for Fingerprint Processing.***

As recently as two years ago, fingerprints were of little use solving crimes in the Town of Brunswick because it literally took years to get the results back from the Maine State Police Crime Lab. Last year, we sent two detectives to a crime scene processing class at the Federal Law Enforcement Training Center and among other techniques, they learned to photograph fingerprints in a manner which allows the Maine State Police Crime Lab to quickly process them (turnaround times as quick as one month). BPD has been experiencing success with the training the detectives obtained. In fact, on July 20, 2011, BPD learned that a print the detectives photographed in June 2011 has identified a

burglary suspect where computers were stolen from a facility for developmentally disabled adults. The suspect was not previously identified and is now being investigated.

In order to take better pictures of fingerprints and continue to build upon their recent success, the detectives need a tripod and a macro zoom lens for their camera. BPD seeks funding to purchase these items.

### ***Video Surveillance Equipment.***

The Town of Brunswick has had problems with metal thefts in many areas of our town. Copper, steel and other valuable metals are stolen from railroad stockpiles, foreclosed homes, and construction sites (among other locations). These thefts are at risk for increasing considerably because the Department of Defense closed the Brunswick Naval Air Station on May 31, 2011 and much of the property is vacant as it awaits redevelopment. Metal theft has an impact much greater than the value of the metal stolen because when thieves steal the pipes or wire from a building, there is a great deal of labor and collateral damage involved with replacing the pipes/wiring. BPD seeks funding for electronic surveillance equipment which will enable it to set up cameras in areas where thefts are expected in order to detect and identify the thieves. The video surveillance system which is proposed to be purchased with BJA funds will give the Brunswick Police Department the following capabilities:

- A receiver/DVR which can power and record up to four cameras at once and be connected to the internet for remote monitoring;
- Wireless and wired covert cameras;
- Infrared capability for night video;
- Motion detection capability to maximize the usefulness of the memory space;
- Capability to run off of AC or DC power;
- Game cameras for outdoor areas where the cameras must be weather protected.

Along with burglary investigations, the system will be utilized to identify and investigate perpetrators of other crimes, including internal thefts at businesses, vandalism, stalking and monitor areas where the public has complained of drug trafficking. A few recent examples of cases where the cameras would have been useful are:

- An elderly housing facility had a problem of multiple residents having money stolen on different days. An employee was suspected. With the consent and assistance of some residents, a surveillance camera system could be utilized to monitor the actions of the employees when in the residents' units;
- An auto parts store complained of money repeatedly being missing from their cash register. A covert camera could be used to monitor the employees at the cash register;
- A resident repeatedly had their yard vandalized. The game cameras could be placed to document and identify who enters their yard at night.

- A domestic violence victim complained of someone putting sugar in her gas tank and suspicions of an ex-boyfriend repeatedly driving by her residence in violation of a protective order. The surveillance system could be used to document whether stalking conduct is occurring and who is engaging in it;
- Residents have complained about possible drug dealing in an area. The surveillance system could be used to record who is in an area and what they do while they are there.

### ***Binoculars***

At this time, none of the Brunswick Police Department cruisers have binoculars. BPD seeks funding to purchase five (5) binoculars to put one in each of the five primary patrol cruisers. The binoculars will allow the officers to detect crime at a distance when pulling up closer to evaluate a situation is either not possible (for instance, due to water) or would alert the parties involved to the presence of the officer.

The binoculars will also be used in the event of a hazardous materials incident so that the placards of a vehicle involved in the incident can be read without exposing the officer to whatever hazardous material is in the distressed vehicle.

### ***Portable Light w/ Generator.***

Crime scenes are frequently out of doors and at night. In May, BPD responded to an aggravated assault (stabbing) involving an outdoor blood trail which was about 200 feet long. In July another stabbing occurred at an outdoor location. Both crimes happened in the early morning hours when it is dark. Presently our methods to process the nighttime outdoor scene are to use flashlights, vehicle headlights or to request a fire truck which has a built in tower lighting system. The first two methods are inadequate and the third method (using the fire truck) is frequently overkill – tying up a piece of fire department apparatus and operator and using the fuel required to keep the fire truck running while the scene is being processed.

A couple of years ago, a local merchant loaned BPD a portable balloon light which is powered by a small generator for an OUI roadblock. The light illuminates a large area (100' by 100') brightly with even, non-glare lighting. This light is ideal for processing an outdoor crime scene because it is portable and is powered by a generator which can easily be carried by one person (the light stand is actually heavier than the generator).

While the most frequent use of the light would be for processing outdoor crime scenes, it could also be used for roadblocks (whether safety checkpoints or investigatory roadblocks) and when BPD's mobile command post is deployed at night.

**Performance Measures**

In order to measure the effectiveness of the grant, BPD proposes two performance measures:

**Number of Times Equipment Utilized:** BPD will document the number of incidents in which the equipment purchased with this grant is utilized; and

**Number of Suspects Identified by Using Equipment Who Would Not Have Otherwise Been Identified:** The second performance measure proposed by BPD is to document the number of criminal suspects who are identified through the use of the equipment purchased with this grant who would not have otherwise been identified/caught.

**Budget and Budget Narrative**

Project Area	Item	Cost
Photographic Equipment for Fingerprint Processing	Sunpak-Pro 423PX 66.75" Camera Tripod	\$169.99
	AF-S Micro-Nikkor 60mm f/2.8G ED Macro Lens	\$569.00
	<i>Subtotal for Fingerprint Equipment</i>	<i>\$738.99</i>
Video Surveillance Equipment	4 Camera Wired Receiver Case	\$3,250.00
	5.8 ghz wireless clock radio camera	\$725.00
	Wall clock covert camera (wireless)	\$349.99
	RCA to RCA Female Barrel Connector (2)	\$3.98
	High res Super Wide Angle Color Camera	\$139.99
	Regulated 12V DC-100mA Power Supply	\$14.99
	100' Video Audio Power Cable	\$24.99
	100' BNC to BNC Cable (4)	\$99.96
	400 Line Ultra Mini IR Snake camera	\$359.99
	Rechargeable 12V Battery Pack - Lithium	\$89.99
	Pen Camera w/ Audio LE Only	\$59.99
	Mini Super High Gain Microphone	\$9.99
Game Camera (2)	\$299.98	
	<i>Subtotal for Video Surveillance Equipment</i>	<i>\$5,428.84</i>
Light for Processing Outdoor Crime Scenes	Portable Light (2k light and a320 24')	\$2,493.99
	Honda Generator to power light	\$900.00
	<i>Subtotal for Light</i>	<i>\$3,393.99</i>
Binoculars	Bushnell Trophy XLT Binoculars (5)	\$445.00
	<i>Subtotal for Binoculars</i>	<i>\$445.00</i>
	<b>Total for Project</b>	<b>\$10,006.82</b>

The Brunswick Police Department will purchase the equipment identified above after the grant is approved and it will be used for the duration of the grant. Once the equipment is purchased, there will be no further grant expenditures. The use will be documented for the duration of the grant.

No administrative costs are being charged to the grant, nor costs of any type other than equipment purchase. The Budget Detail Worksheet is attached.

#### **Review Narrative**

On July 11, 2011, the public was notified of the Brunswick Police Department's proposal and was informed of the opportunity to comment when the proposed project was described to the Brunswick Town Council at their public meeting. Despite the invitation, no public feedback has been received as of July 21, 2011. The final application is before the Brunswick Town Council awaiting their approval.

This grant will be updated with public comment (if any) once 30 days have passed since public notice was made of the proposal and once approval of the Brunswick Town Council has been received.

DUNS: 077466274

Brunswick (Maine) Police Department  
 2011 Edward Byrne Memorial JAG Program FY 2011 Local Solicitation  
 Budget Detail Worksheet - Section D (Equipment)\*

Project Area	Item	Cost
Photographic Equipment for Fingerprint Processing	Sunpak-Pro 423PX 66.75" Camera Tripod	\$169.99
	AF-S Micro-Nikkor 60mm f/2.8G ED Macro Lens	\$569.00
Video Surveillance Equipment	4 Camera Wired Receiver Case	\$3,250.00
	5.8 ghz wireless clock radio camera	\$725.00
	Wall clock covert camera (wireless)	\$349.99
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	400 Line Ultra Mini IR Snake camera	\$359.99
	Rechargeable 12V Battery Pack - Lithium	\$89.99
Light for Processing Outdoor Crime Scenes	Pen Camera w/ Audio LE Only	\$59.99
	Mini Super High Gain Microphone	\$9.99
Binoculars	Game Camera (2)	\$299.98
	Portable Light (2k light and a320 24')	\$2,493.99
	Honda Generator to power light	\$900.00
	Bushnell Trophy XLT Binoculars (5)	\$445.00
	<b>Total</b>	<b>\$10,006.82</b>

\* Only section D has been included as this grant only requests equipment. All of the equipment will be used by personnel in the course of their routine duties.

**Budget Summary**- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

<b>Budget Category</b>	<b>Amount</b>
<b>A. Personnel</b>	\$0.00
<b>B. Fringe Benefits</b>	\$0.00
<b>C. Travel</b>	\$0.00
<b>D. Equipment</b>	\$10,007.00
<b>E. Supplies</b>	\$0.00
<b>F. Construction</b>	\$0.00
<b>G. Consultants/Contracts</b>	\$0.00
<b>H. Other</b>	\$0.00
<b>Total Direct Costs</b>	\$10,007.00
<b>I. Indirect Costs</b>	\$0.00
<b>TOTAL PROJECT COSTS</b>	\$10,007.00
<b>Federal Request</b>	\$10,007.00
<b>Non-Federal Amount</b>	\$0.00

**MANAGER'S REPORT - D  
NO BACK UP MATERIALS**

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# MANAGER'S REPORT - E BACK UP MATERIALS

# Town of Brunswick Update on Brunswick Landing

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*Update to the Town Manager and the Brunswick Town Council, Denise M. Clavette, Special Projects Assistant  
August 8, 2011*

## Town of Brunswick Focus Areas

### East Brunswick Remote Radio Transmitter Site

- The East Brunswick Remote Radio Transmitter Site was transferred to the federal Department of the Interior, National Park Service, and anticipated to be transferred, complete with the deed, within the next month. This 66-acre parcel located off the Old Bath Road will be the first official property transfer to the Town.

### Naval Air Station Brunswick (NASB) Commercial Property Assessment

- KRT Appraisals, Inc awarded commercial property assessment contract of \$32,000 for Phase I, and has begun assessing 15 commercial buildings / building units, that will be transferred to MRRA. Funding is from the balance of an Office of Economic Adjustment (OEA) grant used initially for residential property assessment. Additional funding has been approved by OEA, for Phase II. Buildings being assessed and prospective tenants include: the former NCIS Building and Pass Office, with MRRA as tenants; Wing Headquarters, Building 87 mechanical room, Building 554 – R & D, with Resilient Communications as tenants; Navy Reserve Building and Bachelor Officers Headquarters, for Southern Maine Community College (SMCC); Generator Building, Air Traffic Control Tower and Transmitter Building, for the FAA; Federal Receiver Building and Generator Building, for the U.S. Coast Guard; and Hangar 6, with Kestrel as tenants; Building 553 – Ops Maintenance Garage, with Maine Tool & Machine as tenants. Priority for Phase I is for buildings that will become occupied in 2011. Phase II will be for buildings whose occupancy is tentatively slated for 2012.

### Open Space Management Plan

- A technical assistance grant application was submitted in July to the National Park Service, for support for the development of an open space management plan, for the 1000 + / - acres of conservation land, open space to be conveyed by the Department of the Navy in 2011-2012. The plan will serve as a guide for management of Town public benefit conveyances (PBC), the development of an interconnected trail network system and the protection of its natural and cultural resources, and look at potential access to new shore land from water.
- Plan development and implementation will encourage a collaborative approach among stakeholders, be comprehensive, increase community visibility, incorporate health and wellness, and to connect the acquired Brunswick Naval Air Station (BNAS) property to the community and Brunswick Landing (former BNAS).
- Much progress has been made with on-site technical research and mapping of existing trails roadways and paths, existing conditions and points of interest, with the help of Bowdoin College intern, Michael Lachance.

### Public Benefit Conveyances (PBC)

- Continued discussions with the Navy, on conservation land. Final boundary delineations on the conservation land are subject to change, due to Site 12 environmental and safety restrictions. A meeting between the Town and the Navy has been scheduled for mid-September to discuss boundaries and property survey(s). Anticipated conveyances for properties are November 2011.
- Though the Naval Air Station Brunswick has been decommissioned, it is important for the public to note that the Department of the Navy is still the owner of the property that will be conveyed to the Town. Proper procedures and clearance for access still need to go through the Navy. For questions and more information on public access, contact Denise Clavette, with the Town of Brunswick.

## MRRA, Brunswick Landing and NASB Recent Happenings

### Public Benefit Conveyances (PBC) and Economic Development Conveyance (EDC)

- The remaining area of the Airport PBC, and most of the NASB and Topsham Annex properties in the EDC, Town of Brunswick PBC, Southern Maine Community College, Bowdoin will be issued a Finding of Suitability to Transfer (FOST) in a timeline ranging from June 2011 through December 2011. Additional parcels that are part of the PBC / EDC will continue to be transferred, as the environmental cleanup and FOST are completed.
- Final FOST has been issued for the property west of the Airport property, which includes property for the Town of Brunswick, Bowdoin College and MRRA.
  - **Bowdoin College Parcels** – two non-contiguous -parcels totaling approximately 241 acres of open land (no buildings or structures) on the west side of the runways
  - **Town of Brunswick Parcels** – four non-contiguous parcels comprising approximately 155 acres of open land (no buildings or structures) on the west side of the runways
  - **Southern Maine Community College (SMCC) Parcel** – four buildings (150, 644, 645, and 649) and approximately 11 acres in the commercial area of the Base
  - **Midcoast Regional Redevelopment Authority Economic Development Conveyance (MRRA EDC) Parcels** – four non-contiguous parcels comprising 13 buildings (24, 25, 27, 30, 43, 54, 228, 294, 460, 461, 516, 592, and 639), 20 multi-unit Bachelor Enlisted Quarters (Buildings 730-749), approximately 55 acres in the industrial and commercial areas of the Base, and 1 acre in the northwest corner of the base

### Brunswick Executive Airport

- Brunswick Executive Airport is now open for business. The Airport Fly-In that was held on June 4<sup>th</sup>, had an overwhelmingly positive turnout – with over 265 aircraft attending. MRRA is anticipating a two-day event in 2012. MRRA was also awarded a tourism grant for the 2012 event, by the Maine State Office of Tourism.
- The FAA has selected Brunswick Executive Airport (BXM) to participate in the Military Airports Program, which will provide critical funds to support capital improvements for the airport over the next five years.

### Upcoming Events and Important Dates - Great State of Maine Air Show 2011 August 26-27-28

- Place the date on your calendars! For more information, check the website [www.greatstateofmainearshow.us](http://www.greatstateofmainearshow.us)

## MRRA / Town of Brunswick Communications

### Housing

- Town of Brunswick staff, George Schott, Scott Howard, MRRA will be meeting early August to discuss the housing disposition plan. Anticipated presentation of the housing plan to the Town Council, will be in September.
- Subsequent and follow up discussions will be held fall 2011, to discuss affordable housing tax increment financing (AHTIF) to discuss an affordable housing tax increment financing program.

### Great State of Maine Air Show 2011 August 26-27-28, 2011

- Town of Brunswick Police Department and Fire Department staff and MRRA liaison have been meeting monthly with MRRA staff, and other organizations, agencies in preparation. Fire and EMS will be providing emergency services for the event, replacing Navy personnel that have provided this service for past air shows. Police will also be providing services, for traffic control and public safety.

## Meetings

- MRRA Board, Executive, Finance and Property Committees
- Restoration Advisory Board (RAB)
  - Wednesday, September 14, 2011 7 – 9 PM at the Parkwood Inn, public is invited to attend

# MANAGER'S REPORT – F BACK UP MATERIALS



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Paul R. LePage  
GOVERNOR

David Bernhardt  
COMMISSIONER

July 12<sup>th</sup>, 2011

Gary Brown  
Town of Brunswick  
28 Federal Street  
Brunswick, ME 04011

Re: Project Number 19383 - BRUNSWICK-PED SAFETY

Dear Gary:

The Maine Department of Transportation (MaineDOT) is pleased to inform you that your community's application for Quality Community Program funding for pedestrian and/or bicycle safety project(s) has been approved, and your community has been selected to receive federal funding assistance to design your project.

The approved project scope may have been altered relative to your original proposal. The project is funded for design for pedestrian activated safety flashers located on Route 1 near the pedestrian bridge.

Your community's project will be included in the MaineDOT 2012-2013 Biennial Capital Work Plan, pending final authorization of federal funds. MaineDOT has programmed up to \$16,000 in federal funds for design work on the project, contingent upon the additional minimum required local match of \$4,000. The funding amounts approved were based primarily on estimates for design services contained within your Quality Community Program application, although MaineDOT after review may have adjusted the amount to fit the proposed scope of the project. If actual design costs prove to be greater than the approved funding amount, your municipality will be responsible for those costs.

These numbers do not reflect additional local efforts that you may have outlined in your application. Any local efforts outlined within the application not quantified within the numbers listed above will also be required to be completed.

The MaineDOT has instituted a new policy that requires a municipality to have completed Preliminary and/or Final Design on a project funded through the Quality Community Program before being eligible to receive construction funding. Future funding for construction will be contingent upon both the community moving the project expeditiously through design and the availability of future federal and or state funding. This project is considered an approved project and your community will not need to apply again for the construction funding once the project moves through design and permitting and is ready for construction.



PRINTED ON RECYCLED PAPER

It is very important that design of this project move forward in a timely manner and that at a minimum a Preliminary Design Report (PDR) be completed prior to June 30, 2012 so that an accurate construction estimate can be arrived at for construction funding in the next Work Plan, scheduled to begin in the summer of 2013. This construction funding will be contingent upon the expeditious completion of the design.

James Mansir has been assigned as MaineDOT project manager from the Bureau of Project Development. He can be reached at 624-3420. The municipality will be required to designate its own project administrator, who will oversee all local responsibilities for the project and be required to be certified in Local Project Administration through the MaineDOT. Please keep in mind that as outlined in the original application, MaineDOT staff time required to review project plans is part of the costs that need to come out of the project funding. Furthermore, please note that funding for this project including future construction funds is contingent upon MaineDOT receiving adequate federal funding to support it, and MaineDOT reserves the right to withdraw funds from this project for any reason.

We would like to emphasize that the Municipality should not authorize any engineering work or expend any funds on this project (including local match funding) before receiving notice that funds are authorized and you have signed a Local Project Agreement with the MaineDOT. Please call your project manager listed above at 624-3420 if you have any questions regarding this project and the next steps of the process.

Please sign below to indicate that the municipality agrees with all the elements contained within this letter and commits to the local match as outlined above, to complete the design, and to continue with the development of the project. If funds are expended on the project and the community decides at a later date to not proceed with construction, then all federal/state funds may be required to be reimbursed by the municipality.

Please return this letter, signed, to Dan at the address below.

Municipality \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

Sincerely,



Dan Stewart  
MaineDOT Quality Community Program Manager  
16 State House Station  
Augusta, Maine 04333-00

**From:** Tom Farrell

**Sent:** Tuesday, July 26, 2011 10:16 AM

**To:** Gary Brown; Anna Breinich; John Foster

**Subject:** RE: Quality Community Program funding for pedestrian/bike \$\$

Gary,

Following up on our conversation last week, the Town Council voted to authorize us to apply for funding for improvements on the Brunswick side of the river to complete the Androscoggin Riverwalk project at its June 21, 2010 meeting. The total project cost request was 1.2 million. If approved as proposed MDOT would have funded \$975,547.

I spoke with Dan Stewart Maine Department of Transportation Quality Community Program Manager this morning regarding the letter you received indicating that we have been selected to receive federal funding assistance for a project to design pedestrian activated safety flashers located on Route 1 at the Cushing Street intersection that will provide for a safer pedestrian crossing to the Androscoggin Swinging Bridge at Mill Street.

In my discussion with Dan he was clear that the application we submitted last year for the Brunswick side of the Androscoggin Riverwalk was not funded. His reasons for the committee not funding the project included:

- The funds available were limited.
- The Topsham side of the Riverwalk project has not yet been completed.
- Although our proposed Riverwalk improvement project would provide for improved pedestrian facilities along Mill Street there currently exists a sidewalk along the street frontage in this area. He explained that many projects that compete with the one we submitted intend to create new pedestrian facilities where none previously existed, therefore being viewed as higher priority.
- Only the most urgent safety improvement proposals were selected for funding this round.

He said that the selection committee looked closely at our proposal and felt that the installation of pedestrian safety flashers as the crosswalk at Cushing and Mill Streets would be the best safety improvement that could be made given the limited amount of funding that was available relative to our proposal as submitted.

Regarding the letter he sent to you, I asked for clarification on the scope of the project as the letter indicated that the project scope is for design for pedestrian activated safety flashers. I pointed out to him that the list of BTIP projects listed on the MDOT web site identify the project scope as being for both design and construction. He confirmed that the award is intended to fund both design and construction.

Dan also noted that if the Town agrees to accept the award of funds by signing and returning the letter he sent to you, we should talk with Jim Mansir regarding the best way to proceed as MDOT may consider doing the design and overseeing the improvements. If MDOT does not agree to manage the project I would defer to John Foster regarding his recommendation on who should do the design work and administer the project on behalf of the Town. Either way the total federal funds the Town would receive for the project is \$16,000. We would have to fund our \$4,000 share of the project with local funds that could include in kind match should the Town perform the design work, etc.

Please let me know if you need any additional information and whether or not you feel we have enough information to place acceptance of the award on the August 8<sup>th</sup> Town Council meeting agenda.

Thanks,  
Tom

Thomas M. Farrell, Director  
Parks and Recreation Department  
30 Federal Street  
Brunswick, Maine 04011  
Tel# (207) 725-6656  
Fax# (207) 725-0148

ITEM 95

BACK UP MATERIALS



**Town Clerk's Office**  
28 Federal Street  
Brunswick, ME 04011

## **PUBLIC HEARING**

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 8/8/2011 on the following Special Amusement license applications:

### **Special Amusement**

1337 Beer LLC  
D/B/A: Lion's Pride  
110 Pleasant St.

Christopher & Jennifer Lively

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION  
PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6653 (TDD 725-5521).

Fran Smith  
Town Clerk

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: 1337 Beer LLC

Incorporation Date: 2/09 Incorporation State: Maine 6-29-11

New License: Opening Date \_\_\_\_\_  Renewal License: Expiration Date: 5/31/2011

Business Name: DBA The Lions Pride E-Mail: Lionspride, pub @danezerspub@gmail.com

Business Address: 112 Pleasant St Business Phone Number: 207-873-1840

Name of Contact Person: Jennifer Lively Contact's Phone Number: 207-699-9166

Mailing Address for Correspondence: 44 Allen Rd Lovell, ME 04051

Signature of Applicant: J E Lively Date: 5/31/11

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

Corporations Please Complete: \_\_\_\_\_ 373-1840

Address of Incorporation: 44 Allen Rd Lovell ME 04051 Phone #: (207) 873-1840 cell 699-9166

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Christopher Lively</u>	<u>President</u>	<u>x</u>	<u>50%</u>
<u>Jennifer Lively</u>	<u>Vice-President</u>	<u>x</u>	<u>50%</u>

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

Codes Officer Signature \_\_\_\_\_ Health Officer Signature \_\_\_\_\_

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: \_\_\_\_\_ Mailed or Issued Date: \_\_\_\_\_ PH Date: 8-8-11

Type of License: Special Amusement Paid Fee: \$ 100 Cash/Check Date: 6/2/11

Emailed Jeff E for inspection Advertising Fee: \$ \_\_\_\_\_  Paid

6-2-11  
1-13 approved per Jeff

**License Fees & Schedule: Please check the type of license you are applying for.**

Bazaar or Flea Market-Exp. June 30<sup>th</sup>

\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_

\_\_\_\_\_ Annually (\$225)

Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>

\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

Carnival or Circus

\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

Commercial Vehicle-Exp. December 31<sup>st</sup> \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles – one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**

FSE with Malt, Vinous & Spirituous Liquor (\$250)

FSE with Malt and Vinous (\$200)

FSE with Malt or Vinous (\$175)

FSE with Sit Down, no Alcohol (\$100)

FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering,

B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: Description of Food to be sold: \_\_\_\_\_

Going Out of Business (\$50)

60 Day License (Must also Complete an Application for Going out of Business Sale, and include a list of inventory)

Innkeeper-Exp. May 31<sup>st</sup>     1-15 Rooms (\$100)     16+ Rooms (\$175)

Junkyard  Automobile Graveyard (\$50 each, both Exp. Oct. 1<sup>st</sup>)     Auto Recycling (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_

Pawnbroker (\$75) Exp. June 30<sup>th</sup>

Peddler:

\_\_\_\_\_ #Weeks/\$25/week    \_\_\_\_\_ #Months (up to-3 mnths-\$50/ up to-6 mnths \$75)    \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

Pinball Mach. - Other Amuse Devices (\$35/each) Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Machines/Devices

Second Hand Dealer (\$75)-Exp. June 30<sup>th</sup>

Sellers of Prepared Food on Public Way (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)  
Location: \_\_\_\_\_ Exp. 1<sup>st</sup> PH in March  
As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick. \_\_\_\_\_  
(Signature of owner, officer, partner or agent)  
(New applicants must talk to Recreation Dept/There is no proration on new licenses)

Special Amusements (\$100)-Exp. w/Alcohol License

Describe in detail kind and nature of entertainment- Tuesdays open mike  
And Occasional music Thru out the year.

Describe in detail room or rooms to be used under this permit- Dining Room/Bar  
remove the tables for the band to play

Signature of Owner, officer, partner or agent: \_\_\_\_\_

Tattooing Establishment (\$75)-Exp. June 30<sup>th</sup>

Theater (\$150 per screen)-Exp. June 30<sup>th</sup> \_\_\_\_\_ Number of Screens

ITEM 96

BACK UP MATERIALS

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: August 3, 2011

RE: Times-Record Taxes, etc

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Chair King has sponsored an agenda item to discuss the recent action that was taken in regards to offsetting advertising expenditures against outstanding personal property (business equipment) owed by the Times-Record.

As the Council prepares to discuss this matter and consider setting a policy on such issues, I want to provide you with some of the history of this specific situation. We have been communicating with the Times-Record since March on this with assurances from them that we would be getting some payments. Once we ended the fiscal year without payments that we had been led to believe would be made, it was a staff decision to unilaterally offset advertising invoices against the personal property taxes. This was not something that was negotiated between the Town and the Times-Record. Our ability to secure our interest in personal property is somewhat less than what we can do for real estate taxes and we believed that we should at least begin to reduce the outstanding personal property taxes in this manner.

I am including copies of email correspondence between myself and Chris Miles, the publisher.

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BACK UP MATERIALS

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: August 4, 2011

RE: Longfellow re-zoning

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The Town Council voted at the April 4<sup>th</sup> meeting to direct the staff in the Planning Board to develop appropriate College use zoning language for the purpose of re-zoning the parcel of land where the Longfellow school is. Subsequently, Anna Breinich and I had one meeting with representatives of Bowdoin College to discuss the potential language.

The purpose of the rezoning of the Longfellow parcel is to facilitate the conveyance of this property to Bowdoin College. The re-zoning is a threshold requirement of the College in either of the two options discussed between the College and the Town (sale or building exchange).

Shortly after that meeting, the initial language was developed by staff to be presented to the Planning Board. Prior to the Planning Board getting the language, it was determined that there should be preliminary discussions with residents on Longfellow Avenue. There have been meetings with staff and Longfellow residents, the College and Longfellow residents as well as a meeting with all three entities in attendance.

The meetings have resulted in several compromises as well as some total elimination of some of the initial language in the proposed amendment to the zoning ordinance. The Planning Board held two workshops on the proposed language as well as the required Public Hearing.

The agenda materials also include a more detailed memorandum from Anna on the rezoning.



## TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT  
28 FEDERAL STREET  
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP  
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660  
FAX: 207-725-6663

August 2, 2011

**To:** Brunswick Town Council  
Gary Brown, ICMA-CM, Town Manager  
**From:** Anna Breinich, AICP  
**Subject:** Proposed Zoning Amendment for Council Consideration: Creation of new zoning district, College Use 7 (CU7) for reuse of Longfellow School.

By Town Council's action on April 4, 2011, the Brunswick Planning Board was requested to consider an amendment to the zoning ordinance for the Longfellow School property in order to allow for an appropriate College Use, excluding student residential use. Staff drafted a new College Use District, CU7 for the Planning Board's consideration. The Planning Board held a public hearing on the proposed amendment on July 26, 2011 and took action to forward the attached zoning ordinance amendment to create a new College Use zoning district, CU7, for Longfellow School noting that the Board was unable to reach consensus on issues of density and the definition of recreational facility, further requesting Town Council to revisit these issues (unanimous vote in favor with one member absent).

Staff respectfully requests Council's consideration to hold a public hearing regarding the draft amendment as attached and further consider the issues of density and the definition of recreational facility.

The intent of the proposed new CU7 zoning district is to allow for an appropriate reuse of the now closed Longfellow Elementary School, compatible with adjacent existing zoning districts. As you know, Bowdoin College has publicly stated their interest in acquiring the property for college use.

Presently, the ~ 40,000 sq. ft. school building on 2.5 acres is zoned R-1, as is the majority of Longfellow Avenue. R-1 allows for one permitted use that being single-family/2-family residential use at a density of 3 units/acre. The school property is primarily surrounded by lands owned by Bowdoin College per the attached parcel map of the street. In addition, CU1, the College Core Zoning District is located directly across South Street from the school property; CU5, Brunswick Apartments is located within 400 ft. at the corner of Longfellow Avenue and Upper Park Row; and CU3, College St., is also located within 400 ft., beginning at the corner of Coffin and South Streets. The 2008 Comprehensive Plan includes the area in the Town Residential land use area (R1, R7, R8, parts of TR5, CU2, CU6, MU3 and MU6), described as a mix of older neighborhoods adjacent to the Town Core and the newer portion of Bowdoin campus. The vision for the area is to remain primarily a residential and educational area of the community, with a compatible range of residential uses, very limited commercial uses and

college related residential and non-residential uses. New development should be allowed at densities ranging from 3-24 units per acre with lot sizes reduced or eliminated. College Use and Mixed Use standards should remain as is.

Based upon existing conditions, zoning and vision for the area, staff proposed a new College Use Zoning District, CU7, less intensive than the adjacent CU1 District, yet more of a mix of residential and college related uses than currently permitted in the R1 District. Staff also recommended a rezoning of all Bowdoin property on the north side of Longfellow Avenue.

Several meetings were held with Longfellow Avenue residents, Bowdoin College representatives and Town staff to discuss a number of concerns with changes made to the original draft district provisions. A copy of the most recent draft is attached which also compares the proposed District provisions with that of other CU Districts and R1. At the request of the residents, staff scaled back the area to be rezoned to now only include the Longfellow School parcel. At the request of the Planning Board, a legal opinion was obtained from Town Attorney, Pat Scully, regarding whether this resulted in "spot zoning." His attached opinion states that so long as a rezoning of land is consistent with the Town's adopted Comprehensive Plan, as in this specific case, it is not considered "spot zoning."

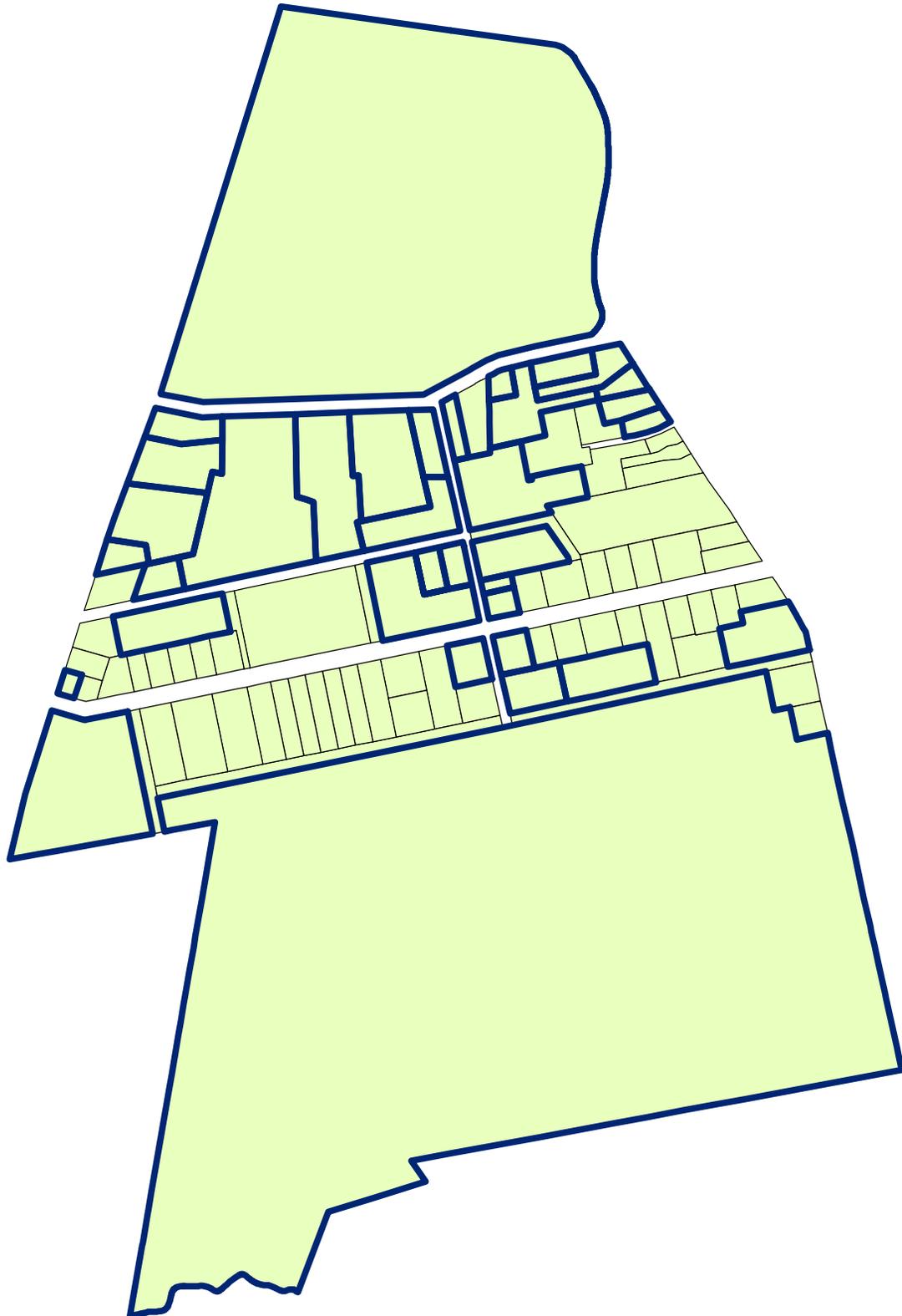
Lastly, two issues still remain to be considered by Town Council – density and the definition of recreational facility. The Planning and Development staff recommendations regarding these two standards are as presented. The Planning Board was unable to reach a consensus on these issues. A copy of the draft Planning Board minutes are attached which references their discussion regarding both.

Should you have any questions, or need further clarification, please feel free to contact me.

Attachments

# Longfellow Neighborhood

-  Bowdoin Properties
-  Longfellow Nhood



0 180 360 720 1,080 1,440 Feet



**Longfellow Area Rezoning Proposal (CU7) - 4/29/11; rev. 6/8/11, 6/29/11, 7/11/11**

Key: "P"= permitted use; "X"= prohibited use; "-"= special permit required; "\*" = special requirements

Use/District	CU1	CU2	CU3	CU4	CU5	CU6	CU7 - Proposed	R1
Bank	X	X	X	X	X	X	X	X
Bed and Breakfast	-	-	-	-	-	-	-	X
Boarding House	X	X	P	X	X	X	X	X
Business Office	X	X	X	X	X	X	X	X
Car Wash	X	X	X	X	X	X	X	X
Congregate/Assisted Living	X	X	X	X	X	X	X	X
Convenience Store	X	X	X	X	X	X	X	X
Club or Lodge	X	X	X	X	X	X	X	X
College Dining Facility	P	-	P	X	X	X	P (1)	X
College Office	P	P	P	P	*	P	P	X
Community Center	P	-	P	P	X	X	X	X
Contractor's Space	X	X	X	-	X	X	X	X
Drive-Through	X	X	X	X	X	X	X	X
Dwelling, Single and Two Family	P	P	P	P	P	P	P	P
Dwelling, 3 or More Units	P	-	P	P	P	P	P	X
Gasoline Service Station	X	X	X	X	X	X	X	X
Golf Course	X	X	X	X	X	X	X	X
Greenhouse or Florist	P	-	-	P	X	X	P	X
Educational Facility	P	P	P	P	X	P	P	X
Farm	X	X	X	P	X	X	X	X
Hotel/INN	X	X	X	*	X	X	X	X
Industry Class I	X	X	X	X	X	X	X	X
Industry Class II	X	X	X	X	X	X	X	X
Junkyards	X	X	X	X	X	X	X	X
Kennel	X	X	X	X	X	X	X	X
Library or Museum	P	P	P	P	X	P	P	X
Media Studio	P	P	P	P	X	P	P	X
Motor Vehicle Sales	X	X	X	X	X	X	X	X
Motor Vehicle Service/Repair	X	X	X	X	X	X	X	X
Parking Facility	P	P	P	P	X	-	X	X
Photographers/Artists Studio	P	P	P	P	X	X	P	X
Professional Office	P	X	P	X	X	X	P	X
Recreation Facility	P	P	P	X	X	X	P	X
Religious Institution	P	-	P	P	P	P	P	X
Residence Hall	P	-	P	*	*	X	X	X
Restaurant	P	X	-	*	X	X	X	X
Retail Class I	X	X	X	X	X	X	X	X
Retail Class II	X	X	X	X	X	X	X	X
Service Business Class I	X	X	X	X	X	X	X	X
Service Business Class II	X	X	X	X	X	X	X	X
Veterinary Office	X	X	X	X	X	X	X	X
Warehousing and Storage	X	X	X	X	X	X	X	X
Theater	P	-	P	P	X	P	P	X

(1) College Dining Facilities permitted only as an accessory use.

**Longfellow School Rezoning Proposal (CU7) - 4/29/11; rev. 6/8/11; 6/29/11\*\*, 7/11/11**

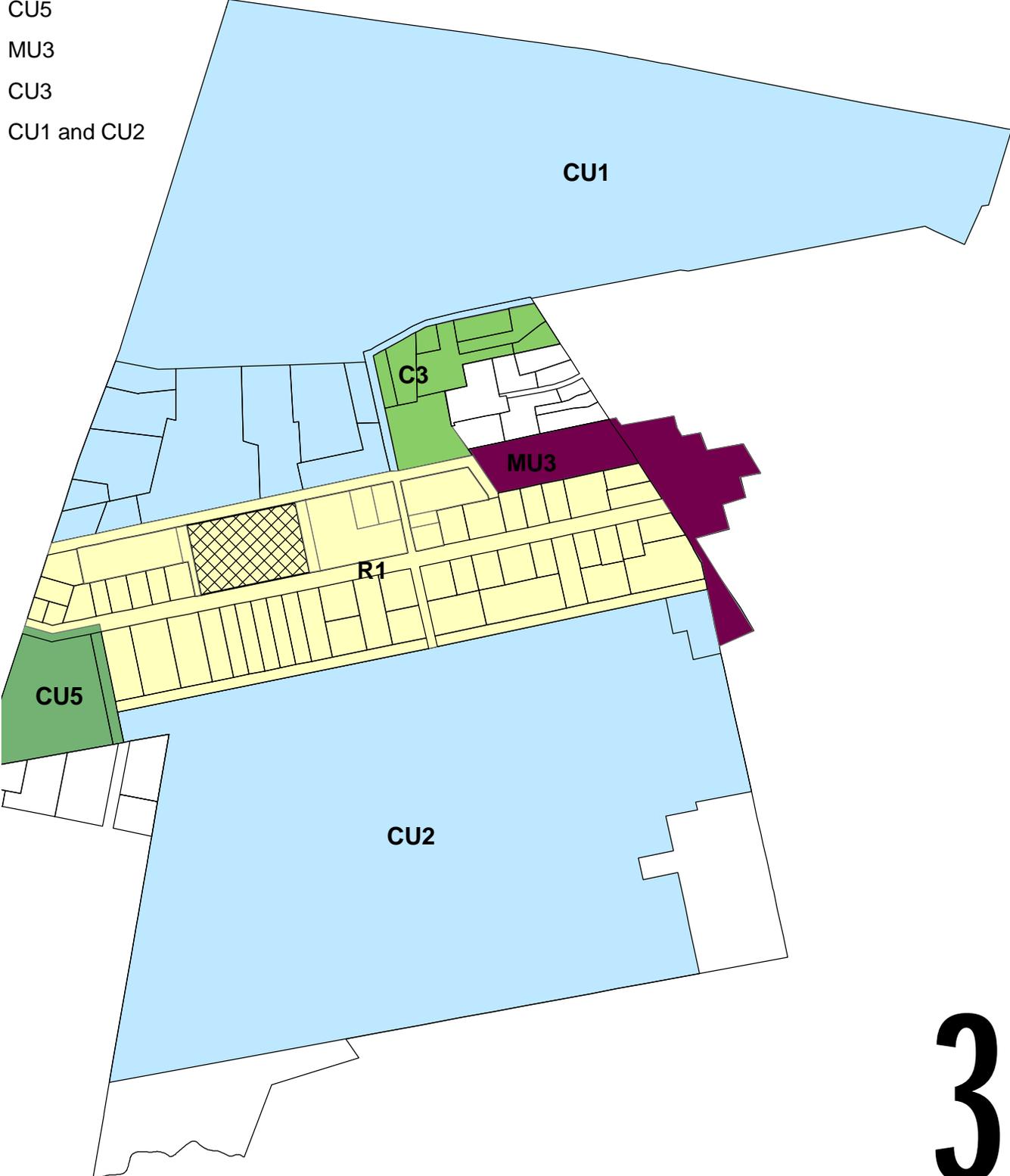
Standard/District	CU1	CU2	CU3	CU4	CU5	CU6 (Amended 5/21/01 R)	CU7 - Proposed	R1
Minimum Lot Area	10,000 sf	10,000 sf	10,000 sf	10,000 sf	20,000 sf	10,000 sf	10,000 sf	10,000 sf
Maximum Density	12 units per acre	10 units per acre	10 units per acre	5 units per acre	24 units per acre	8 units per acre	10 units per acre**	See maximum below
Minimum Lot Width	65 ft	65 ft	65 ft	65 ft	65 ft	65 ft.	65 ft**	65 ft
Minimum Front Yard	15 ft	15 ft*	15 ft	15 ft	see 203.3D	20 ft.	15 ft	15 ft
Minimum Rear Yard	15 ft	15 ft*	15 ft	20 ft	see 203.3D	20 ft.	15 ft	20 ft
Minimum Side Yard	15 ft	15 ft*	15 ft	15 ft	see 203.3D	15 ft.	15 ft	15 ft
Maximum Impervious Surface Coverage	60%	50%	50%	30%	40%	35%	50%	30%
Maximum Building Height							40 ft (1)	35 ft
Maximum Building Height within 200 feet of District Boundary, as permitted in Section 204.3	70 ft	35 ft	45 ft	35 ft	35 ft	35 ft.	n/a	
Maximum Building Height 200 feet from District Boundary	70 ft	55 ft	Same as above	35 ft	35 ft	Same as above	n/a	
Maximum Building Footprint Per Structure	n/a	n/a	10,000 sf	5,000 sf	8,500 sf	5,000 sf	20,000 sf	5,000 sf
Maximum Density using Public Sewer								3 units per acre
Maximum Density using Subsurface Wastewater Disposal Systems								4 units per acre

(1) Exception: Maximum building height may not exceed 35 feet within a 25 foot setback of the Longfellow Avenue right-of-way.

\*\*6/29/11 revision: Maximum Density decreased from 12 units/acre to 10 units/acre and Maximum Lot Width increased from 50ft to 65 ft as a result of Longfellow neighbors/Bowdoin /Town meeting on June 23, 2011.

# Longfellow Neighborhood Area

- Residential 1
- Proposed CU 7 District
- Residential 1
- CU5
- MU3
- CU3
- CU1 and CU2



0 330 660 1,320 Feet

## **BERNSTEIN SHUR**

**COUNSELORS AT LAW**

146 Capitol Street  
PO Box 5057  
Augusta, ME 04332-5057

# Memorandum

To: Anna Breinich

From: Patrick J. Scully and Amanda A. Meader

Date: June 22, 2011

Re: Longfellow Elementary School Rezoning

---

### **Issue**

Whether the Town of Brunswick's rezoning of an elementary school and 3.5 acre parcel from a Residential zone to a College Use zone would constitute illegal spot zoning?

### **Brief Answer**

No. The Town's proposed rezoning would not constitute illegal spot zoning because the proposed rezoning is not in conflict with the goals and policies contained in Brunswick's Comprehensive Plan.

### **Statement of Facts**

Brunswick is transferring ownership of Longfellow Elementary School and an associated 3.5 acre parcel (the "Property") to Bowdoin College. Longfellow Elementary is located in the Residential 1 zoning district and the uses around the School (other than Bowdoin) are one or two family residences. Currently there are six College Use zoning districts that encompass the Bowdoin campus. The Town is considering creation of a seventh College Use zone ("CU7") that would apply to the Property. The scope of the new College Use zone would be more restrictive than many of the existing College Use districts, but it would allow Bowdoin more use options than the current Residential zone would permit.

### **Discussion**

"Spot zoning" is not itself a pejorative term, and the mere fact that an ordinance benefits a particular piece of land will not render it illegal. City of Old Town v. Antonios

DiMoulas et al., 2002 ME 133, P20, 803 A.2d 1018, 1024 (Me. 2002). “Illegal spot zoning” is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners. Id. In order to constitute “illegal spot zoning,” a zoning ordinance: (1) must pertain to a single parcel or a limited area, ordinarily for the benefit of a particular property owner or specially interested party, and (2) must be inconsistent with the city's comprehensive plan, or if there is none, with the character and zoning of the surrounding area, or the purposes of zoning regulation, i.e., the public health, safety, and general welfare. Id.

The doctrine of illegal spot zoning is a common law rule developed to ensure that municipal zoning bodies do not act in a manner that is arbitrary, irrational, or unfair. Id. Since consistency with a comprehensive plan is sufficient to satisfy the common law requirement that neither the zoning ordinance itself nor the procedures employed to enact it were arbitrary or fundamentally unfair, the “illegal spot zoning” doctrine, as a practical matter, is reserved for municipalities that have not enacted a valid comprehensive plan. Id. at P21.

In general, the Maine Supreme Judicial Court (the “Law Court”) has been very reluctant to strike down local rezoning actions as illegal “spot zoning.” In DiMoulas, the Law Court held that an ordinance which rezoned a grocery store parcel from a residential to a commercial zone was in harmony with the city’s comprehensive plan and therefore did not constitute illegal spot zoning. To support its decision, the Court cited several sections of the city’s comprehensive plan which supported development in the area of the grocery store. The Court also noted that commercial development was not prohibited for the parcel of land in question, and that the parcel was in fact located in an area known for its commercial activity. Finally, the Court noted that permitted uses for the pertinent commercial zone allowed for a broad array of business activities.

In Salvatore Vella v. Town of Camden, 677 A.2d 1051 (Me. 1996), the Law Court upheld zoning ordinance amendments which expanded commercial uses in a particular district and expanded the definitions of “hotel” and “motel”. In determining that the amendments were in basic harmony with Camden’s zoning ordinance, the Court cited several sections of Camden’s comprehensive plan which supported the conceptual basis for the zoning amendments (e.g. the promotion of tourism and strengthening of the local economy).

In Robert LaBonta v. City of Waterville, 528 A.2d 1262 (Me. 1987), the Law Court considered whether rezoning a portion of a lot from a residential to a commercial designation to allow for the development of a large grocery store violated the city’s comprehensive plan. The Court upheld the validity of the zoning change because portions of the comprehensive plan set forth a number of goals relevant to the rezoning requested by the grocery store. In particular, the Court cited the plan’s emphasis on the need to expand economic opportunity in Waterville and to provide adequate space for commercial development. The Court also noted that the plan sets as a zoning goal for

the city the commercial development along three arteries including Kennedy Memorial Drive, the location of the grocery store.

Brunswick's Comprehensive Plan contains numerous objectives and policies which support the validity of rezoning the Property from R1 to CU7. These include, but are not limited to the following: 1) Comprehensive Plan Part B., Policies, Chapter 5, Proposed Major Policies – Objectives –Actions, Policy Area 4, Key Objective #4; 2) Policy Area 8: Promote a Diverse and Healthy Local Economy; 3) Comprehensive Plan Part B., Chapter 7(D), Land Use Plan, Growth Areas, Town Core, Town Residential. These provisions of the Comprehensive Plan provide support for the Town's proposal to rezone the Property from R1 to CU7. Bowdoin's attempt to expand into buildings near or adjacent to the central campus adheres to the Town's infill development goals and desire to avoid sprawling growth. Additionally, the reclassification will not cause the Property to be totally different from that of the surrounding area, as the surrounding area already consists of a mix of residential uses and college uses.

**BRUNSWICK PLANNING BOARD  
TUESDAY, JULY 26, 2011**

**MEMBERS PRESENT:** Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis, Dana Totman, Richard Visser, and Steve Walker

**STAFF PRESENT:** Anna Breinich, Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday, July 26, 2011 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chairman Charlie Frizzle called the meeting to order at 7:00 P.M.

**Public Hearing:** The Board will hold a public hearing to review a proposed zoning amendment to create a new College Use Zoning District, CU7, for the Longfellow School parcel, 21 Longfellow Avenue (**Assessor's Map U12, Map 33**).

Anna Breinich identified that this meeting was to discuss Longfellow School rezoning and the creation of the College Use 7 District (CU7). She stated that this use would be between residential use and college use; the only change since the last Planning Board meeting was the correction to change Minimum Lot Width to 65 feet as was previously decided upon but not yet changed. Charlie Frizzle reiterated that there was very little change.

Steve Walker asked if the proposed zone change area included the playground and stand of pine trees; Anna Breinich replied that the area did not include the stand of pines.

Chairman Charlie Frizzle opened the meeting to the public.

Connie Lundquist, 11 Longfellow Avenue, referred to her letter to the Planning Board dated July 26, 2011. She stated that the neighbors of Longfellow were not asked to the table until late in the discussions and were faced with previous extensive discussion and decision making between the Town and Bowdoin College at that time. She believes that the residents of Longfellow have given much more than Bowdoin, such as 3 or more dwelling units, greenhouse and florist, library, museum, media studio, photographer/artist studio, professional offices, religious institution, theater and college dining use as an accessory use, as they were not previously permitted uses. Her issue lies with recreational facilities and noted that she argued her reasons as to why in her letter to the Board. She stated that if recreational use is needed for the playground then the use table should reflect this. Connie noted that the lack of specificity does affect market value of neighborhood homes and stated the policy and vision of the Comprehensive Plan are designed to protect the established neighborhood. She asked the Board to reduce density, particularly for small scale multi-family housing which is envisioned in the town residential area, and she asked that the Board reduce the current density of 10 to 4 units and to eliminate or amend recreational use to protect the current playground.

Town Manager, Gary Brown, reviewed the history of the Longfellow discussions stating that this was a directive of Town Council to the Planning Staff in April 2011. He stated that the original idea was to rezone more than just Longfellow footprint but this was met with resistance; Planning staff then agreed to rezone just the Longfellow footprint. Mr. Brown stated that at the July 25, 2011 Town Council Meeting there was discussion on the exchange of the McLellan Building to the Town and Longfellow to Bowdoin and stated that he believes that this is beneficial to the entire town; rezoning is key to this exchange. Mr. Brown does recognize that this does represent a change to the residents of Longfellow and stated that all decisions have been done in good faith and believes them to be a good compromise.

Meg Green, 28 Longfellow Avenue, stated that she supports what Connie Lundquist stated and requested that the Board reduce the allowed density to 4 units similar to Federal Street or 5 units similar to Maine Street, so that they will be in line with similar neighborhoods.

Catherine Longley, Bowdoin College representative, reviewed history with the town and the original zoning and stated that Bowdoin has worked hard to come to a reasonable compromise. She noted that Bowdoin has agreed to exclude a residence hall, eliminated the use as an Alumni Center, reduced density from 12 units to 10 units per acre and agreed to an additional setback from Longfellow Avenue. If the deal goes through, Bowdoin will invest a great deal of money into Longfellow; at this time they believe they will use it as a visual arts studio as they currently have studios in Fort Andross, the dance studio in Brunswick Station, and print studio on Maine Street. At this time they wish to maintain maximum flexibility and believe that the proposed zone is reasonable and in line with the Comprehensive Plan. Katie stated that in respects to the recreational facility, if it was used by sports teams or cheerleaders and dancers it could be deemed a recreational facility; a fencing club has been held at Longfellow School and if continued that could be considered a recreational use. She stated that the playground, though grandfathered, could be moved in subsequent years and noted that it is important to maintain as a possible use and pointed out that it is permitted in CU1, CU2 and CU3. In reference to density, Bowdoin may find the need for more faculty and staff housing in the future; she believes that this is a reasonable conclusion.

Allen Moss, 39 Longfellow, stated that he is concerned about density and no concrete answers on whether it will be used as a recreational facility. He stated that he is very concerned about the looseness of the recreational facilities definition and believes that there must be a way to tighten the definition up so that in 5-7 years there are no surprises that will affect property values.

James Ward, 16 Longfellow, and former Bowdoin staff stated that college administration comes and goes; one generation does not bind the next and is why he is concerned about the recreation definition which is interpretable.

Connie Lundquist stated that the current density of 10 per acre equals 25 units. She stated that what is at the end of the street is Brunswick Apartments student housing though it may not be classified as that. It is not fair to compare the two in respects to density. She noted that recreational use is allowed in some districts but not in CU4, CU5 or CU6 and asked that what is proposed be consistent with the Comprehensive Plan.

Chairman Charlie Frizzle closed the public hearing.

Steve Walker asked if there was a definition for dance studio or fencing and Anna Breinich replied “no” and stated that it was not common practice to be that specific in a zoning ordinance. She read the definition of Recreational Facility and Passive Recreation from the Brunswick Zoning Ordinance as requested.

***Recreation Facility:*** *A place designed and equipped for the conduct of sports and/or leisure time activities excluding campgrounds, regulation size miniature golf courses, water slides, outdoor amusement centers, spectator sports facilities, race tracks or other similar facilities.*

***Passive Recreation:*** *Includes walking, hiking and biking, and other similar activities. Passive Recreation specifically excludes motorized vehicles and equipment.*

Steve Walker stated that he realizes that infill development in the growth area is a stated goal of the comprehensive plan, but similarly, the comprehensive plan stresses the importance of maintaining

established neighborhoods; immediately west of Longfellow School houses are roughly at a density of 6 units per acre, this zone currently allows 3 units per acre. Walker suggests a density of 6 units per acre which reflects the existing pattern of development and is still a doubling of density meeting the Comprehensive Plan goal of increasing density while still maintaining the scale and character of “established neighborhoods”. Margaret Wilson disagreed and stated that when driving down Longfellow when the school was open there would be more than 300 people; staff (47) mostly drove there and a good number of parents may have driven their children as well. She stated that 375 feet away was the dense CU5 District and that 12 lots on the south side abut CU2 District. She stated that this is a neighborhood that abuts very busy places and noted that the neighborhood does not just encompass the front yard. She supports the density as written and stated that for the neighborhood the worst-case-scenario would be 25 units of Bowdoin faculty. There are already Bowdoin faculty living on Longfellow and they seem to be good neighbors; she supports the creation of CU7 as written. Steve Walker stated that he views Longfellow very differently and noted that school would start at 7:00AM and be over by 4:00PM. He stated that the 25 units would not be additional residents with buy in to the neighborhood, but temporary faculty housing; this would be more of a transient community. He also stated that the orientations of the houses are towards the street and that the neighborhood looks in on itself. He believes the Comprehensive Plan is clear on wanting infill but in this specific residential zone, the plan is clear about maintaining neighborhood character.

Dana Totman stated that he fully supports the exchange of the McLellan Building for Longfellow School but believes that typically when the buyer requests a rezoning the buyer and seller are on the same page. He stated that what is different about this is that the zone change will affect the entire neighborhood. He noted that directly across from Longfellow School are narrow lots with roughly 8 houses staring directly towards Longfellow. He struggles with having a recreational facility in that location and feels that this would be a drastic change. He agrees with Steve Walker that 6 units is a better number and feels that the definition of recreational facility should be tightened up. Dann Lewis was in agreement with Dana on both density and definition amendment.

Richard Visser stated that he would be concerned with uses more intense than the current use but as the proposed language is stated it seems that there will be less traffic and in a way less recreation. He can see density at possibly 8 units but is supportive of the current language.

Charlie Frizzle believes that members have different concepts of what a “neighborhood” means and noted that this may be a discussion for another time; he takes a point of interest and draws a circle around it to determine the neighborhood. He stated that he is satisfied with recreational facility definition especially since any intense recreational use would need to come before the Board for approval. He does not see the current density creating any more intense use and suggested that the Board forward language to the town Council and ask that they look into density and recreational use.

Dana Totman reiterated that he agreed with the proposed language with the exception of density and recreational use definition.

**MOTION BY MARGARET WILSON TO FORWARD TO THE TOWN COUNCIL THE PROPOSED ZONING AMENDMENTS TO CREATE A NEW COLLEGE USE ZONING DISTRICT, CU7, FOR LONGFELLOW SCHOOL NOTING THAT THE BOARD WAS UNABLE TO REACH A CONSENSUS ON THE ISSUES OF DENSITY AND THE DEFINITION OF RECREATIONAL FACILITY AND THE COUNCIL SHOULD REVIST THESE ISSUES. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY OF THOSE PRESENT.**

Anna Breinich asked if the Board wished to suggest any language regarding recreational facilities at this time and Charlie Frizzle replied that they should leave it as is to allow all parties involved time to think

about what the definition should be. Steve Walker agreed so long as Catherine Longley's uses were in the scope of the definition.

**Public Hearing:** The Board will hold a public hearing to review a proposal for a Special Permit to locate a Child Care Facility on a parcel located at 364 Maine St (**Assessor's Map 22 Map 37**).

Kris Hultgren stated that this was an application for a Special Permit to locate a child care facility at 364 Maine Street in the Residential 3 Zoning District to service roughly 20 children and up to 4 staff members. He stated that the facility does not currently exist and that the applicant is seeking approval before construction begins; the applicant is aware that she will need to come back to the Board for Site Plan Review.

Charlie Frizzle stated that is smart of the applicant to seek approval for the facility before construction. Margaret Wilson asked how close the nearest neighbor was and John Libby replied that the nearest neighbor was roughly 100 yards away and noted that the neighbor was aware of and supported the proposed use (refer to letter included in packet by previous owner and abutting owner Steven Colucci.) John Libby stated that they have a right-of-way and 1.6 acres behind them. Margaret asked that the applicant keep cutting to a minimum and John agreed. Steve Walker asked how many students would be at this facility and Sara Libby stated to start with they hope for up to 20. Richard Visser asked if the previous owner who owns the abutting parcel lived in that house; John replied that Steven rents the house.

**MOTION BY RICHARD VISSER THAT THE SPECIAL PERMIT IS DEEMED COMPLETE. SECONDED BY STEVE WALKER, APPROVED UNANIMOUS OF THOSE PRESENT.**

Margaret Wilson asked that staff review the length of the special permit and Kris Hultgren stated for the applicant that the permit was good for 2 years to complete the project or the applicant would need to apply for an extension.

**MOTION BY MARGARET WILSON THAT THE SPECIAL PERMIT IS APPROVED WITH THE STANDARD CONDITION. SECONDED BY DANN LEWIS, APPROVED UNANIMOUS OF THOSE PRESENT.**

Other Business

- Anna Breinich: Town Council voted for planning staff to draft an amendment to allow for other animals besides chickens in the Growth Area under the Municipal Code of Ordinances.

Minutes

No minutes were approved at this meeting.

Adjourn

This meeting was adjourned at 8:00 PM

Attest

Tonya Jenusaitis  
Recording Secretary

Intentionally left blank

ITEM 98

BACK UP MATERIALS

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: August 3, 2011

RE: Cumberland County HOME program

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The agenda item (#98) is to formalize an action that has been in-place since 2008. Attached with this memo are materials presented to the Town Council in February 2008 at which time Brunswick agreed to join the consortium. The program receives funding for housing programs and is administered by the City of Portland.

There are two projects being funded this year outside of the City of Portland and the attorneys representing the City of Portland and one of the grant recipients have asked that all members of the consortium pass the enclosed motion.

Staff recommends that the Council pass the motion as presented.

## COUNTY OF CUMBERLAND

August 8, 2011

**Title: Cumberland County, City of Portland HOME Program Consortium:  
Authorization for the City of Portland to Act as Agent for the  
Consortium**

### **County Manager Comments:**

**Background:** Through a Mutual Cooperation Agreement Cumberland County, representing the 25 member communities of the HUD CDBG Entitlement Jurisdiction, the Town of Brunswick and the City of Portland formed a HUD HOME Program Consortium. The program provides Brunswick and Cumberland County between \$450,000 and \$500,000 annually in housing program funds. The funds are used for housing rehabilitation, homeownership assistance and developing new affordable rental housing units. The City of Portland serves as the "lead community" for the Consortium.

**Issue:** The Consortium was initially formed in June 2008 and renewed in May 2011. It was assumed that Portland as the designated "lead community" was authorized to execute loan documents on behalf of the Consortium. In fact, Portland had been executing such documents for single-family housing rehabilitation and homeownership projects for the past 2+ years. The non-Portland members of the Consortium are about to fund their first development project – providing \$119,000 for the 26 unit Oak Leaf 2 senior housing development in Freeport with the Freeport Housing Trust (FHT). Attorneys for FHT and the City of Portland have requested direct authorization for the City to act as agent for the Consortium in executing loan documents. They do not believe the general language of the Mutual Cooperation Agreement provides a clear directive for the City to perform this function. The Town of Brunswick will be providing similar authorization.

**Fiscal Impact:** No fiscal impact to the County.

**Recommendation:** The Community Development Director and Pat Dunn the County's Attorney recommend authorizing the City of Portland to act as agent for the Consortium in executing loan documents

**Motion:** Cumberland County, a member of the Cumberland County HOME Consortium (CCHC), hereby authorizes the City of Portland to act as its agent in executing the documents necessary to complete an approved loan by the CCHC.

Prepared by: Aaron Shapiro, Community Development Director

**MOTION for Town of Brunswick, Town Council**

The Town of Brunswick, a member of the Cumberland County Home Consortium (CCHC), hereby authorizes the City of Portland to act as its agent in executing the documents necessary to complete an approved loan by the CCHC.

## Portland/Cumberland County HOME Program Consortium

### The Opportunity

With the establishment of Cumberland County as a HUD Entitlement County, a new opportunity is available to expand regional financial resources for affordable housing. Termed a "HOME Program Consortium", all the communities of Cumberland County would join together to address affordable housing both locally and regionally. The Consortium would be formed in 2008 and receive its initial HUD HOME program allocation in July 2009.

### The HOME Program

The HOME Program, established in 1994, is HUD's primary community-based housing initiative. While housing activities, primarily housing rehabilitation, are eligible under the CDBG program, new construction is not permitted and homeownership assistance is limited. The HOME program supports four general housing activities: Housing rehabilitation; new construction of rental housing; homeownership assistance and tenant based rental assistance (TBRA). The City of Portland has been utilizing HOME funds for housing rehabilitation and homeownership assistance for the past 14 years and new construction of rental housing for the past 7.

A critical distinction between the HOME and CDBG programs is the additive, non-exclusive provision of receiving HOME funds. Unlike CDBG where a local government may only receive funds through one entity – either the State **or** a local program, a HOME program activity can be funded by both the State **and** local programs. Projects within the Portland/Cumberland County Consortium could still receive funds from the State HUD HOME program.

### Participating Jurisdictions

A Participating Jurisdiction (PJ) in the HOME program is the equivalent to an Entitlement Jurisdiction in the CDBG program. In Maine there are currently three PJs – the State program administered by MaineHousing; the City of Portland and; the Cities of Lewiston and Auburn combined. With the new arrangement Portland would join with all other communities in the County to form one PJ.

### Consortium Membership

Consortium members would include all the communities of Cumberland County, excepting Frye Island which lacks year-round residents.

- 1) The City of Portland has been a HOME Participating Jurisdiction since 1994 and would serve as the Lead Community of the Consortium.
- 2) The City of Westbrook and Brunswick would join as independent members.

3) The 23 communities of the Cumberland County Entitlement Jurisdiction would join under the umbrella of Cumberland County. It is anticipated that the new Town of Chebeague Island will become a member of the County program as the 24<sup>th</sup> member of the group.

### Financial Resources

The City of Portland has a 2008 HUD HOME allocation of \$654,775. Best estimates for the new Consortium would be approximately \$1,300,000 given a 2009 Federal HOME budget similar to 2008. This represents approx. \$645,000 new funds to the region dedicated to affordable housing, homeownership and new construction of rental housing.

Portland would at a minimum be "held harmless" and receive a set-aside of HOME resources at least as large in proportion to the national HUD HOME allocation as it received in 2008. It would also receive an additional portion of administrative funds consistent with its role as "Lead Community" of the Consortium.

### Benefits

For the State of Maine as a whole the program will bring between \$200,000 and \$400,000 *additional* HUD HOME program funds to our overall housing initiatives. HUD HOME funds allocated to MaineHousing (the State Entitlement Jurisdiction) will be reduced, but the reduction will be offset and significantly enhanced by funds received by the new consortium. Peter Merrill, following discussion with MaineHousing Director Dale McCormick, has made assurances that MSHA will not "penalize" the Consortium, and continue to provide HOME subsidies to worthy projects and programs.

The Town of Brunswick has nothing to lose and everything to gain. There's the inherent benefit of participating in and facilitating the creation of a regional affordable housing initiative. Brunswick remains eligible for both HOME program funds from MaineHousing and the enhanced resources of the Consortium. Further, the community is part of the decision making and resource allocation process.

### Regional Cooperation

The regional nature of housing markets and affordable housing needs is a central theme of the County-wide HOME Consortium. An important element in the distribution of the consortium's HOME resources will be the "permeable membrane" between Portland and its Consortium partners. Funds can be allocated where needed to address regional needs. While Portland will be entitled to its set-aside, it could choose to spend a portion of these funds for activities outside the City.

## Proposed Program Structure and Governance

The governance structure and program design for the HOME Consortium will be developed over the Winter and Spring. The program will have a two-tiered structure:

- The four members: Portland, Brunswick, Westbrook, Cumberland County will constitute the official governance of the Consortium with Portland acting as lead community
- Portland will manage its program as it has in the past. For all the rest, the existing Cumberland County Community Development program's Municipal Oversight Committee (MOC) will expand to include Brunswick and Westbrook. This group, or sub-committee, will select projects and allocate resources for activities within these communities.

## Match Obligation

The Consortium will be responsible to provide match funds equal to 25% of funds drawn down for project costs. This requirement supports the central premise of the authorizing legislation for the HOME program that affordable housing is the responsibility of all levels of government.

The "match" does not have to relate to specific projects funded, but affordable housing activities and assistance provided. A significant source of match is the portion of General Assistance funds utilized for housing vouchers, not reimbursed by the State.

## Program Development Calendar

Winter/Spring 2008 – Development of Consortium, governance and agreements.

March 1, 2008 – Formal notification of "intent to participate" must be submitted to HUD.

June 15, 2008 – Qualification documents delivered to HUD

May 15, 2009 – Consortium Action Plan delivered to HUD

July 2009 – Consortium HOME funds arrive

## Cumberland County HOME Consortium

### What it is:

- 1) A new regional initiative to capture additional funds for affordable housing and housing rehabilitation programs
- 2) All the communities of Cumberland County become members of the new Consortium, including the City of Portland
- 3) Additional HUD funding resources, projected to be \$600,000-\$650,000 will be available

### Why do it:

- 1) More funds for housing for the region – rehab, homeownership or new construction.
- 2) Address housing issues on a regional level
- 3) No one loses. HUD HOME funds from MaineHousing (MSHA) remain available for all Cumberland County communities.

### Issues:

- 1) Develop a Consortium Agreement and governance structure
- 2) Portland must serve as the lead community for the Consortium
- 3) Portland continues to independently operate its existing HUD HOME program
- 3) Program Match – 25 % of all HUD HOME funds expended.

### Schedule:

Winter 2008: Develop agreements and governance

March 1, 2008: Formal notice of "intent to participate" submitted to HUD

June 15, 2008: Qualification documents submitted to HUD

May 15, 2009: Consortium Action Plan submitted to HUD

July, 2009: Consortium HOME funds arrive

ITEM 99

BACK UP MATERIALS

## ARTICLE IV

### OFFICERS, COMMITTEES AND ASSOCIATE MEMBERS

**Section 1. Trustees:** There shall be nineteen (19) Trustees appointed in the following manner:

a. One member shall be the Director of the Brunswick Recreation Department, ex-officio, or his/her designee.

b. Eight members are to be appointed by the Town Council.

(1) A minimum of five of these Trustees must be Brunswick residents. Three of these Trustees may reside in the other communities served by the Center: namely Topsham and Harpswell.

(2) Five of these members must be 55 years of age or older.

c. The remaining ten members are to be appointed by the Board of Trustees.

d. Trustees shall be appointed for three year terms unless filling the remainder of an unexpired term. No Trustee who has served two consecutive three year terms may be reappointed until one year has passed from the time he/she was last in office.

**Section 2. Powers and Duties:** The Trustees shall be responsible for the maintenance and upkeep of the physical plant and will oversee the Director in scheduling building use and programming. They shall be responsible for financing and fund-raising sufficient to keep the Center solvent. They shall annually elect the following officers from among themselves: Chairman, Vice-Chairman, Treasurer and Secretary. Election shall take place at the first meeting of the fiscal year.

a. Chairman and Vice-Chairman: The Chairman shall preside at all meetings and shall be the official spokesperson for the Board or shall otherwise designate this responsibility as he/she deems necessary. The Vice-Chairman shall preside in the Chairman's absence. Each shall have such further duties as the Trustees may from time-to-time decide.

b. Treasurer: The Treasurer, or his/her designee, shall oversee the financial transactions of the corporation.

c. Secretary: The Secretary shall keep an accurate record of the meetings of the Trustees. The Secretary may also be the Clerk of the corporation.

**Section 3. General Term of Office:** A Trustee holds office until his/her successor is duly appointed. Any vacancy on the Board shall be filled as soon as possible by the Town Council or by the Board of Trustees, depending on the seat vacated.

**Section 4. Committees:** The Trustees shall appoint any committees considered essential to the Center's efficient operation.

## ARTICLE V

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# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**July 25, 2011**  
**6:45 P.M.– Executive Session**  
**7:00 P.M. – Regular Session**  
**Municipal Meeting Room**  
**Brunswick Station**  
**16 Station Avenue**

**Councilors Present:** Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Suzan Wilson, John M. Perreault, Gerald E. Favreau, Margo H. Knight, E. Benet Pols, and Deborah R. Atwood

**Councilors Absent:** None

**Town Staff Present:** Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; Tom Farrell, Director of Parks and Recreation ; Anna Breinich, Director of Planning and Development; Ken Brilliant, Fire Chief; Richard Rizzo, Police Chief; John Foster, Public Works Director; Marc Hagan, Deputy Police Chief; Don Koslosky, Deputy Fire Chief; Aaron Bailey, Police Officer; and TV video crew.

Chair King called the meeting of July 25, 2011, to order and asked the Clerk for Roll Call.

**Executive session –Disposition of Real Property per 1 M.R.S.A. §405(6)(C)**

**Councilor Tucker moved, Councilor Perreault seconded, to go into executive session to discuss disposition of real property per 1 M.R.S.A. §405(6)(C). The motion carried with seven (7) yeas. Councilor Watson and Councilor Pols arrived after the vote.**

**Public Comment:**

**David Nadeau**, BDA Event Co-Chair, thanked the Council and staff for their assistance with the Taste of Brunswick.

**Larissa Darcy**, Baribeau Drive and BDC, spoke on the Village Review Board's action to deny BDC's request to raze four buildings at the corner of Pleasant and Stanwood Street and said she had safety concerns with the vacant buildings.

**Sally Loving**, BARK, and **Rob Jarrett**, spoke on the dog park's progress and upcoming events.

**Kathy Wilson**, Pleasant Street, spoke in support of tearing down buildings for the police station.

**Correspondence:**

Councilor Perreault commented on the good road work done on Pleasant Street.

**Town Council Minutes**

**July 25, 2011**

**Page 2**

**Adjustments to the Agenda:**

To take up Item 90 after Item 88.

To Add Item 94 regarding re-negotiating the purchase and sales agreement for the Thomas Point property.

**MANAGER'S REPORT:**

**(a) Financial Update**

Manager Brown gave this report. He responded to questions from Councilor Perreault and Chair King.

**(b) Council Committee Updates**

Reports were given on the Trust Fund Advisory Committee and the Police Station Subcommittee.

**(c) Nomination Papers Availability**

Fran Smith, Town Clerk, spoke on this item.

**(d) Election of MMA Vice President and Executive Committee Members (*Action Required*)**

Manager Brown spoke on this item.

**Councilor Perreault moved, Councilor Favreau seconded, to approve the slate for the MMA Vice President and Executive Committee Members as presented on the voting ballot. The motion carried with nine (9) yeas.**

*(A copy of the ballot will be attached to the official minutes.)*

**(e) Discussion of August meeting schedule**

The Council decided to hold the August meeting on August 8, 2011.

**(f) (ADDED) Route One South Off Ramp signal is working**

Manager Brown spoke on this item.

**(g) (ADDED) Technical Service Grant in amount of \$25,000 to study the effect of the new traffic pattern.**

Councilor Knight spoke on this item.

**PUBLIC HEARINGS**

88. The Town Council will hear public comments on the following Special Amusement Licenses, and will take any appropriate action. (Manager)

**Special Amusement Licenses:**

165 Park Row, Inc

D/B/A: Brunswick Inn

165 Park Row

Eileen Hornor

MCM Corp

D/B/A: Hacienda Pancho Villa Mexican Restaurant

164 Pleasant Street

Fernando Saldana

Chair King opened the public hearing; hearing no comments, she closed the public hearing.

**Councilor Watson moved, Councilor Perreault seconded, to approve special amusement licenses for Brunswick Inn, located at 165 Park Row, and for Hacienda Pancho Villa Mexican Restaurant, located at 164 Pleasant Street. The motion carried with nine (9) yeas.**

89. The Town Council will hear public comments on “An Ordinance Authorizing the Funding and Acquisition of a New Fire Rescue Vehicle,” and will take any appropriate action. (Manager)

Manager Brown spoke on this item.

Chair King opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Wilson and Councilor Favreau spoke on this item.

Chief Brilliant spoke on this item and responded to questions from Councilor Watson and Chair King.

Councilor Perreault and Councilor Watson asked questions, to which Manager Brown responded.

**Councilor Watson moved, Councilor Tucker seconded, to adopt “An Ordinance Authorizing the Funding and Acquisition of a New Fire Rescue Vehicle.” The motion carried with nine (9) yeas.**

*(A copy of the adopted ordinance will be attached to the official minutes.)*

**TABLED ITEMS**

**Town Council Minutes**

**July 25, 2011**

**Page 4**

- 83. The Town Council will consider authorizing the Town Manager to negotiate a purchase agreement with Bowdoin College for the exchange of Longfellow School for the McLellan building, and will take any appropriate action. (Chair King and Councilor Knight)**

Councilor Knight and Chair King spoke on this item.

Manager Brown spoke on this item.

Councilor Atwood and Councilor Perreault asked questions, to which Manager Brown responded.

Councilor Tucker, Councilor Perreault, Councilor Pols, Councilor Atwood, Councilor Favreau, Councilor Wilson, Councilor Watson and Chair King spoke on this item.

Chair King opened the meeting for public comments on this item.

**Jane Millet**, Franklin Street, spoke about her concerns with the town's priorities considering the difficult school budget this year.

**Councilor Favreau moved, Councilor Watson seconded, to authorize the Town Manager to negotiate a purchase agreement with Bowdoin College for the exchange of Longfellow School for the McLellan building. The motion carried with six (6) yeas. Councilor Perreault, Councilor Pols and Councilor Atwood were opposed.**

**NEW BUSINESS**

- 90. The Town Council will consider a request from the McKeen Woods Association for the Town of Brunswick to accept their fire hydrant, and will take any appropriate action. (Chair King)**

*This item was done prior to Item 89.*

Chair King spoke on this item.

**Frank Douglas**, Vice President of McKeen Woods Association, spoke on their request. He responded to questions from Councilor Favreau, Councilor Perreault, and Councilor Pols.

Councilor Tucker, Councilor Perreault, Councilor Atwood, and Councilor Watson asked questions, to which Manager Brown and Chief Brilliant responded.

**Chair King moved, Councilor Favreau seconded, for the Town of Brunswick to accept the fire hydrant located at the McKeen Woods condominium project. The motion carried with nine (9) yeas.**

**Town Council Minutes**

**July 25, 2011**

**Page 5**

*(A copy of a letter of request from the Association will be attached to the official minutes.)*

- 91. The Town Council will consider having Town staff draft an ordinance relative to allowing for domesticated farm animals within the Town's designated Growth Area, and will take any appropriate action. (Councilor Favreau)**

Councilor Favreau spoke on this item.

Councilor Tucker, Councilor Pols, and Councilor Watson asked questions.

Chair King spoke on this item and opened the floor to public comments.

**Jennifer Joerger**, horse owner, spoke on this item.

The following residents spoke in support of this item:

**Kathy Wilson**, Pleasant Street

**Doris Emmons**, 45 Pollard Avenue

**Lori Paulette**, 26 Pollard Avenue

**Ted Bombardier**, 45 Pollard Avenue

**Sonia Rush**, 2 Wilson Avenue

Councilor Perreault and Councilor Watson spoke on this item.

Manager Brown and Ms. Breinich spoke on this item.

**Councilor Favreau moved, Councilor Knight seconded, to have staff proceed to draft an ordinance relative to allowing for domesticated farm animals within the Town's designated Growth Area. The motion carried with nine (9) yeas.**

*(A copy of a memo from Anna Breinich, including a chart showing information from other communities, will be attached to the official minutes.)*

- 92. The Town will consider establishing a Capital Improvement Plan Committee/Process, and will take any appropriate action. (Chair King)**

Chair King, Councilor Favreau, Councilor Wilson, and Councilor Knight spoke on this item.

Councilor Pols asked a question, to which Manager Brown responded.

*The Appointments Committee will be working on a charge for the CIP Committee.*

- 93. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Manager)**

Councilor Favreau nominated the following:

**Town Council Minutes**

**July 25, 2011**

**Page 6**

David Kilgour to the Conservation Commission

John Kanwit to the Conservation Commission

Councilor Atwood nominated Kermit Smyth to the Conservation Commission

With two opening and three nominations, a vote was taken giving each Councilor two votes.

David Kilgour received a total of six votes from Councilor Watson, Councilor Wilson, Councilor Perreault, Chair King, Councilor Favreau, and Councilor Knight

John Kanwit received a total of six votes from Councilor Watson, Councilor Wilson, Councilor Perreault, Chair King, Councilor Favreau, and Councilor Knight

Kermit Smyth received three voters from Councilor Tucker, Councilor Atwood, and Councilor Pols

Mr. Kilgour and Mr. Kanwit were appointed to the Conservation Commission.

Councilor Tucker, Councilor Wilson, Councilor Perreault, Councilor Atwood, Councilor Pols and Chair King spoke on this item.

Councilor Favreau nominated the following and votes were taken on each.

David Knight to the Davis Fund. Mr. Knight was appointed with nine votes.

Susan Morgan to the Housing Authority. She was appointed with eight votes from Councilor Watson, Councilor Tucker, Councilor Wilson, Councilor Perreault, Chair King, Councilor Favreau, Councilor Knight, and Councilor Pols.

Claudia Adams to the People Plus Board of Trustees. She was appointed with eight votes from Councilor Watson, Councilor Tucker, Councilor Wilson, Councilor Perreault, Chair King, Councilor Favreau, Councilor Knight, and Councilor Pols.

Alphonso Ripa to the Trust Fund Advisory Committee. He was appointed with eight votes from Councilor Watson, Councilor Tucker, Councilor Wilson, Councilor Perreault, Chair King, Councilor Favreau, Councilor Knight, and Councilor Pols.

**94 (ADDED) The Town Council will consider authorizing the Town Manager to renegotiate the purchase and sales agreement for the Thomas Point property, and will take any appropriate action.**

Manager Brown explained this item and responded to questions from Councilor Watson.

**Councilor Watson moved, Councilor Perreault seconded, to authorize the Town Manager to renegotiate the purchase and sales agreement for the Thomas Point property. The motion carried with nine (9) yeas.**

*(A copy of a memo from Manager Brown will be attached to the official minutes)*

**CONSENT AGENDA**

(a) Approval of the Minutes of July 11, 2011

**Councilor Tucker moved, Councilor Watson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

**Councilor Watson moved, Councilor Perreault seconded, to adjourn the meeting. The motion carried with nine (9) yeas**

The meeting adjourned at 10:00 p.m.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.**

*Frances M. Smith*  
*Town Clerk*  
*July 27, 2011*

August 8, 2011  
*Date of Approval*

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*Council Chair*

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# CONSENT AGENDA - B BACK UP MATERIALS

## MEMORANDUM

TO: Gary Brown, Town Manager  
FROM: John A. Foster, Director, PWD  
DATE: August 1, 2011  
SUBJECT: Utility Location Permits

Attached, for presentation to the Town Council, are several applications for Utility Location Permits received from the Maine Natural Gas.

In application ULP 2011-08, Belmont St Maine Natural Gas seeks authorization to install a 2" gas main, from the existing gas main on Belmont St at Spring St, the gas main will be installed under the sidewalk on the north side of Belmont St, from Spring St to Barrows St.

In application ULP 2011-09, Dionne Circle Maine Natural Gas seeks authorization to install, a 2" gas main from the existing gas main on Baribeau Dr, behind the curb around the outside of Dionne Circle back to Baribeau Dr.

In application ULP 2011-10, Cushing St, High St, Swett St Maine Natural Gas seeks authorization to install, a 2" gas main from the existing gas main on High Street, across Cushing St to the south side of High St, then along High St to Swett St. then from High St along the west side of Swett St to Route 1. And from the south side of High Street, under the sidewalk along the west side of Cushing St to Route 1. The sidewalk within the construction zone on Cushing St will be replaced.

In application ULP 2011-11, Scott Ave, Bouchard Dr Maine Natural Gas seeks authorization to install, a 2" gas main from the existing gas main on Scott Ave, north on Scott Ave to the north side of Bouchard Dr, then east to Country Ln and west to Hennessey Ave. The gas main will be installed behind the curb.

In application ULP 2011-12, Noble St Maine Natural Gas seeks authorization to install, a 2" gas main from the existing gas main on Union St, across to the sidewalk on the south side of Noble St then along Noble St to Maine St. The sidewalk within the construction zone on Noble St will be replaced.

In application ULP 2011-13, Pleasant Hill Rd Maine Natural Gas seeks authorization to install, a 2" gas main from the existing gas main on Pleasant Hill Rd, across Baribeau Dr along the north side of Pleasant Hill Rd to just beyond Pasture Way.

In application ULP 2011-14, Pleasant St Maine Natural Gas seeks authorization to install, a 2" gas main from the existing gas main on Church Rd, across to the sidewalk on the north side of Pleasant St, then east under the sidewalk to Mill St. The sidewalk within the construction zone on Pleasant St will be replaced.

Brunswick Public Works Department has no objection to this underground utility line as proposed, providing it is approved subject to the following conditions:

1. The final locations are subject to adjustment, as determined necessary by the Town Engineer, to provide adequate clearance from any underground facilities as determined by field verification by each utility.
2. All work is subject to compliance with the Town's Street Opening and road restoration requirements.

**Town of Brunswick  
Public Works Department**

***Application for Utility Location Permit***

DATE July 28, 2011

Permit Number: ULP2011-08  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and

operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Belmont Street  
Starting Point: Spring Street End Point: Barrows Street

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously proposed gas main located in the north side of the road in the sidewalk. The main will extend approximately 1252 Feet.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



**Town of Brunswick  
Public Works Department**

***Application for Utility Location Permit***

DATE July 28, 2011

Permit Number: ULP2011-09  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and  
operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Dionne Circle  
Starting Point: Baribeau Dr End Point: Baribeau Dr

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously proposed gas main located in the outside of the road. The main will extend approximately 1575 Feet.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



Town of Brunswick  
Public Works Department

**Application for Utility Location Permit**

DATE July 28, 2011

Permit Number: ULP2011-10  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and  
operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Cushing Street  
Starting Point: High Street End Point: Rt 1  
Name of Street: High Street  
Starting Point: Cushing Street End Point: Sweet Street  
Name of Street: Sweet Street  
Starting Point: High Street End Point: Rt 1

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main will extend 403 feet on the east side of Cushing Street, 315 feet on the south side of High Street and 300 feet on the east side of Sweet Street.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



**Town of Brunswick  
Public Works Department**

***Application for Utility Location Permit***

DATE July 28, 2011 Permit Number: ULP2011-11  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and  
operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Bouchard Drive  
Starting Point: Country Lane End Point: Hennessey Ave  
Name of Street: Scott  
Starting Point: Hennessey Ave End Point: Bouchard Dr

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously proposed gas main located in the north side of the road in the sidewalk. The main will extend approximately 1685 Feet.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



**Town of Brunswick  
Public Works Department**

***Application for Utility Location Permit***

DATE July 28, 2011

Permit Number: ULP2011-12  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and  
operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Noble Street  
Starting Point: Union Street End Point: Maine Street

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously proposed gas main located in the south side of the road in the sidewalk. The main will extend approximately 917 Feet.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



**Town of Brunswick  
Public Works Department**

***Application for Utility Location Permit***

DATE July 28, 2011

Permit Number: ULP2011-13  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and

operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Pleasant Hill Road  
Starting Point: Baribeau Drive End Point: 973 Feet Past Baribeau

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously proposed gas main located in the north side of the road. The main will extend approximately 973 Feet.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



**Town of Brunswick  
Public Works Department**

***Application for Utility Location Permit***

DATE July 28, 2011

Permit Number: ULP2011-14  
(to be provided by Town)

The Maine Natural Gas and \_\_\_\_\_  
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and

operate a natural gas distribution system  
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.):

Name of Street: Plesant Street  
Starting Point: Church Road End Point: Stanwood Street

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously proposed gas main located in the north side of the road in the sidewalk. The main will extend approximately 3027 Feet.

Minimum Depth of Cover 36" (if applicable) Maximum PSI 60 (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application  will  will not be published\*: Publish Date: \_\_\_\_\_

Name of Newspaper: \_\_\_\_\_

Signature of Utility: Darrel R. Quimby

Print Name and Title: Darrel Quimby -Vice President

\*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.



# CONSENT AGENDA - C BACK UP MATERIALS

## **EASEMENT DEED**

**TOWN OF BRUNSWICK**, a Maine municipal corporation with a mailing address of 28 Federal Street, Brunswick, ME 04011, for consideration paid, does hereby GRANT unto **AMS TITLE COMPANY** ("Grantee"), a Maine nonprofit corporation with a mailing address of 114 Maine Street, Suite 5, Brunswick, ME 04011, with Quitclaim Covenants, the right perpetually to enter at any and all times upon property situated in the Town of Brunswick, in said County of Cumberland and State of Maine, referred to in this instrument as the "Easement Area," said property being described as follows:

A strip of land, twenty (20) feet in width, the centerline of which runs parallel to and ten (10) feet westerly of the westerly line of the parcel of land that the Inhabitants of the Town of Brunswick, Maine conveyed to Saul J. Copellman by deed dated January 31, 1961, and recorded in the Cumberland County Registry of Deeds in Book 2587, Page 17, said strip extending from the southerly line of the property of AMS Title Company at the north to Town Hall Place at the south.

And to construct and perpetually maintain through, under and across the Easement Area a pipeline, with all necessary fixtures and appurtenances, for conveying storm water, and to lay, relay, repair, maintain and remove a pipe or pipes upon or under said strip, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said strip by means of pipes or services; to trim, cut down and remove bushes to such extent as in the judgment of the Grantee is necessary for any of the above purposes, and to enter upon said strip and other adjacent land of Grantor at any and all times as necessary for any of the foregoing purposes, reserving to the Grantor, its successors and assigns, the use and enjoyment of said strip for such purposes only as will in no way interfere with the perpetual use thereof by the Grantee, its successors and assigns, for the purposes above mentioned, provided that no building or any kind of permanent structure shall be erected on said strip by the Grantor, its successors and assigns; and provided further that no conduits, pipelines or facilities shall be laid or maintained within five (5) feet of or above any conduit or pipeline laid or relaid by the Grantee pursuant to the rights granted herein, except that pipelines and conduits may cross normal to the Grantee's lines with a minimum clearance of one (1) foot.

This easement shall be appurtenant to the land of AMS Title Company described in the deed from Osprey & Company to AMS Title Company, which deed is dated December 28, 2004, and recorded in said Registry of Deeds in Book 22177, Page 184, as affected by a corrective deed from Wacubu Intermediaries, PA, LLC, to AMS Title Company, which deed is dated April 28, 2011, and recorded in said Registry of Deeds in Book 28666, Page 261.

IN WITNESS WHEREOF, the said TOWN OF BRUNSWICK has caused this instrument to be signed and sealed by a duly authorized officer this \_\_\_\_ day of \_\_\_\_\_, 2011.

Town of Brunswick

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Its

State of Maine

County of Cumberland, ss

\_\_\_\_\_, 2011

Personally appeared the above named \_\_\_\_\_, duly authorized \_\_\_\_\_ of the Town of Brunswick, and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of said municipal corporation.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

[Signature and Acknowledgement for Easement Deed from Town of Brunswick to]  
[AMS Title Company]

## RELEASE DEED

WHEREAS, the Inhabitants of the Town of Brunswick, Maine, a municipal corporation organized and existing under the laws of the State of Maine and located at Brunswick, in the County of Cumberland and State of Maine, by deed dated January 31, 1961, and recorded with the Cumberland County Registry of Deeds in Book 2587, Page 17, conveyed to Saul J. Copellman a certain parcel of land (the "Caam Property") situated on the northwesterly corner of Maine Street and Town Hall Place in said Brunswick, being shown on a plan (the "Plan") prepared by Wright and Pierce, Civil Engineers, entitled "Property Plan of Maine Street Town Hall Lot, Brunswick, Maine," dated January 11, 1960, recorded in said Registry of Deeds in Plan Book \_\_\_\_, Page \_\_\_\_; and

WHEREAS, that deed also conveyed to Saul J. Copellman, as appurtenant to the Caam Property, the free and unlimited access across, over and through an easement area (the "Easement Area") shown on the Plan, together with certain other rights in the Easement Area;

WHEREAS, the Easement Area is bounded and described as follows:

Beginning at a point marked by a brass pin which is the southwesterly corner of the land conveyed by the Inhabitants of the Town of Brunswick, Maine to Saul J. Copellman by deed dated January 31, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2587, Page 17;

Thence North 83° 57' West a distance of twenty (20) feet to a point;

Thence North 5° 00' East and parallel to the westerly line of said land conveyed to Copellman a distance of eighty-nine and seventy-five one-hundredths (89.75) feet to a point;

Thence South 84° 43' 40" East a distance of twenty (20) feet to a point;

Thence South 5° 00' West to a brass pin and continuing in the same course along the westerly line of said land conveyed to Copellman a distance of ninety and two one-hundredths (90.02) feet to the point of beginning; and

WHEREAS, Caam Bar Harbor LLC ("Grantor"), a Maine limited liability company, is the successor-in-interest to said Saul J. Copellman as owner of the Caam Property, by virtue of a deed from Sandra Cummings, Trustee of the Brunswick Trust, to Grantor, which deed is dated February 12, 2010, and recorded in said Registry of Deeds in Book 27603, Page 73; and

WHEREAS, the Town of Brunswick desires to grant unto AMS Title Company, a Maine nonprofit corporation, its successors and assigns, the present owner of the land lying northerly of the Caam Property, the right to enter onto the Easement Area in order to

maintain a storm water sewer line on and under the Easement Area, and to lay, relay, repair, maintain and remove a pipe or pipes, with all necessary fixtures and appurtenances, on and under the Easement Area for that purpose; and

WHEREAS, Grantor is willing to release its rights in the Easement Area to the extent necessary to enable said AMS Title Company, its successors and assigns, to use the Easement Area for said purposes in common with Grantor;

NOW, THEREFORE, **CAAM BAR HARBOR LLC**, a Maine limited liability company with a mailing address of 118 Main Street, Bar Harbor, ME 04609, for consideration paid, does hereby **RELEASE** unto **TOWN OF BRUNSWICK**, a Maine municipal corporation with a mailing address of 28 Federal Street, Brunswick, ME 04011, the right (a) to grant unto AMS Title Company, its successors and assigns, the right to install, maintain, repair and replace a storm water sewer line under the Easement Area pursuant to an Easement Deed, to be recorded herewith, the form of which has been reviewed and approved by Grantor; and (b) to permit AMS Title Company to use the Easement Area for that purpose.

IN WITNESS WHEREOF, the said CAAM BAR HARBOR LLC has caused this instrument to be signed and sealed by its duly authorized representative this \_\_\_\_ day of \_\_\_\_\_, 2011.

CAAM BAR HARBOR LLC

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Its

State of Maine

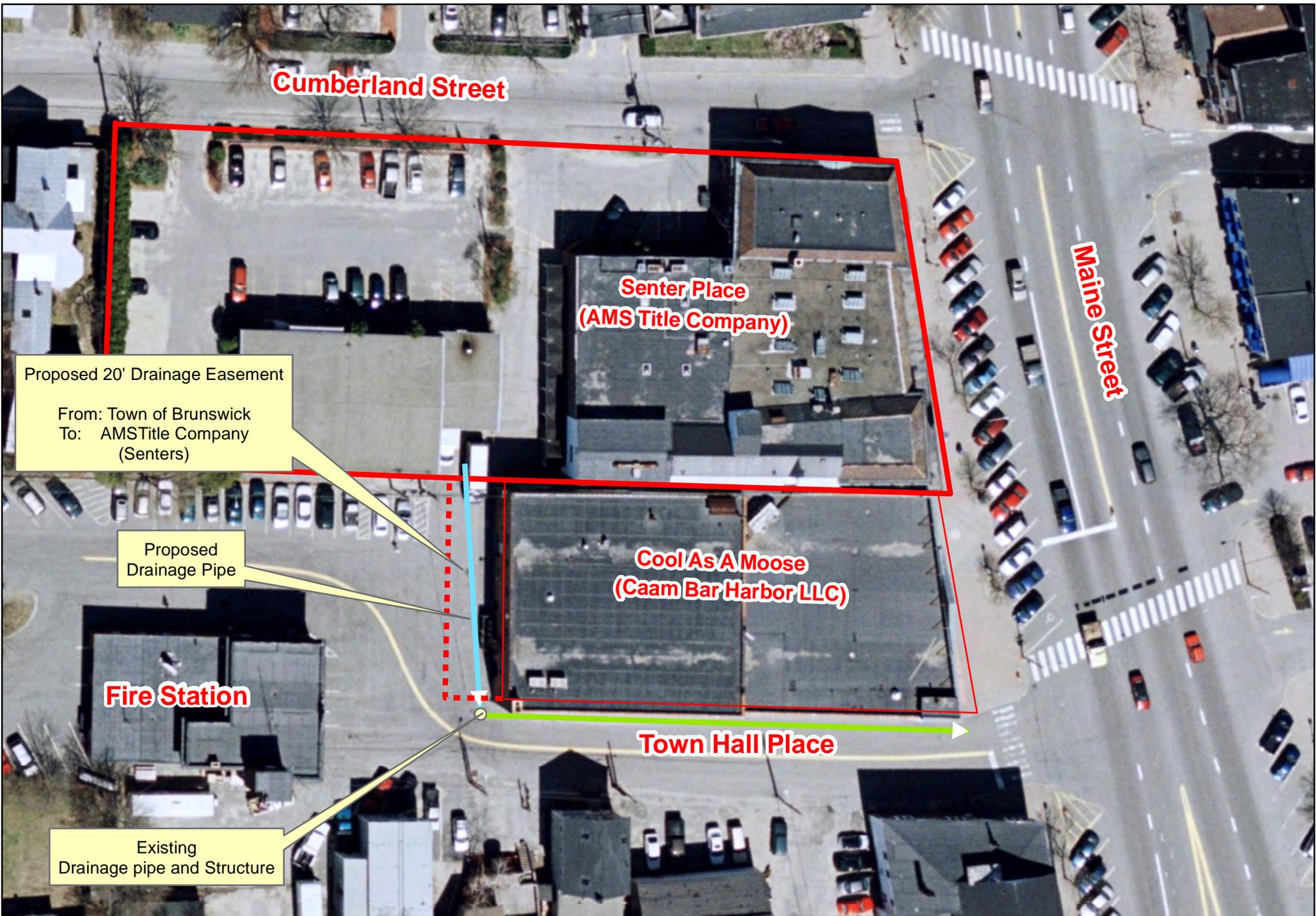
County of \_\_\_\_\_, ss

\_\_\_\_\_, 2011

Personally appeared the above named \_\_\_\_\_, duly authorized \_\_\_\_\_ of the CAAM BAR HARBOR LLC, and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of said limited liability company.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law



Proposed 20' Drainage Easement  
From: Town of Brunswick  
To: AMSTitle Company  
(Senters)

Proposed  
Drainage Pipe

Existing  
Drainage pipe and Structure

  
N  
Not to Scale

Sketch  
Showing Proposed Drainage Easement  
To be Granted by: The Town of Brunswick  
To: AMS Title Company (Senters)

July 25, 2011