



TOWN OF BRUNSWICK

PLANNING BOARD

28 FEDERAL STREET, BRUNSWICK, ME 04011-1583

**TOWN OF BRUNSWICK
PLANNING BOARD AGENDA
BRUNSWICK STATION
16 STATION AVENUE, BRUNSWICK, ME
ROOM 217
Tuesday, February 28, 2012
7:00 P.M.**

1. **Public Hearing - Rezoning Request:** The Planning Board will hold a public hearing on a rezoning request from Elaine Salch to change the zoning of the parcel at 10 Mason Street (Map U13, Lot 131) from Town Residential 2 to Town Center 1.
2. Other Business
 - a. Update on Zoning Ordinance Chapter 4 Revisions
3. Minutes

The agenda was amended on February 23, 2012 to remove the workshop on Chapters 4 and 5 of the Zoning Ordinance.

It is the practice of the Planning Board to allow public comment on development review applications and all are invited to attend and participate.

Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.

MEMO

To: Planning Board
From: Kris Hultgren, Town Planner
Date: February 23, 2012
Subject: Planning Board Meeting: February 28, 2012

This memo provides information about the agenda in advance of the Board's February 28, 2012.

Public Hearing - Rezoning Request: The Planning Board will hold a public hearing on a rezoning request from Elaine Salch to change the zoning of the parcel at 10 Mason Street (Map U13, Lot 131) from Town Residential 2 to Town Center 1.

The Planning Board held a workshop for this rezoning request at its February 7 meeting. No substantial issues were raised at the meeting about the request and the Board takes the next step in the amendment process with a required public hearing. At the conclusion of the public hearing the Board may issue a recommendation to the Town Council for further consideration. A map of the attached property is part of your packet.

Other Business

The scheduled workshop to review updates to Chapter 4 is postponed until the beginning of March. Staff is targeting March 6 or 13. Anna will provide an update on the progress of Chapter 4 revisions under 'other business' at Tuesday's meeting.

Minutes

The three sets of minutes in your packet include a set from March 2010. These minutes were never reviewed. The other two sets of minutes are from January 24 and February 7 of this year.

Thank you and please contact the Planning & Development Department with questions.
725-6660 x222 khultgren@brunswickme.org



Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

Kris Hullgren

2/7 WS
2/28 PH

TELEPHONE 207-725-6660

FAX 207-725-6663

TOWN OF BRUNSWICK ZONING AMENDMENT REQUEST

A request to amend the Zoning Ordinance may be made to the Department of Planning and Development. Once the application is received and the fee is paid, staff shall include the request on a Planning Board agenda for a workshop. The Planning Board may schedule a public hearing on the zoning amendment request. After a public hearing, the Planning Board may choose to forward a recommendation to the Town Council for consideration. The Town Council is the decision making authority with rezoning requests.

The application and any supporting documentation shall be submitted to the Department of Planning and Development and the fee paid at least two (2) weeks prior to it being scheduled on a Planning Board agenda.

Application Fee

A \$200.00 application fees shall be paid for requests to amend the Zoning Ordinance.

1. Applicant

Name: Elaine B. Salch
Address: 96 Maine St Suite 184
Brunswick, ME 04011
Phone Number: 678-793-0439

2. Authorized Representative

Name: Alex Hosmer
Address: 706 Middle St
Bath, Me 04530
Phone Number: _____

3. Physical location of applicant's property being affected: 10 Mason Street, Brunswick, Me 04011

4. Lot Size: .31 acres

5. Zoning District: Town Residential TR - 2 more ^{to} Town Center-1

6. Assessor's Tax Map U-13 Lot Number 131 of subject property.

7. Summarize the reason for the rezoning request

1/3 of the lot is slated commercial the other residential
this making a hardship on opening a business. This has
cause a financial hardship.

Owner Signature:

Elaine B. Saleh

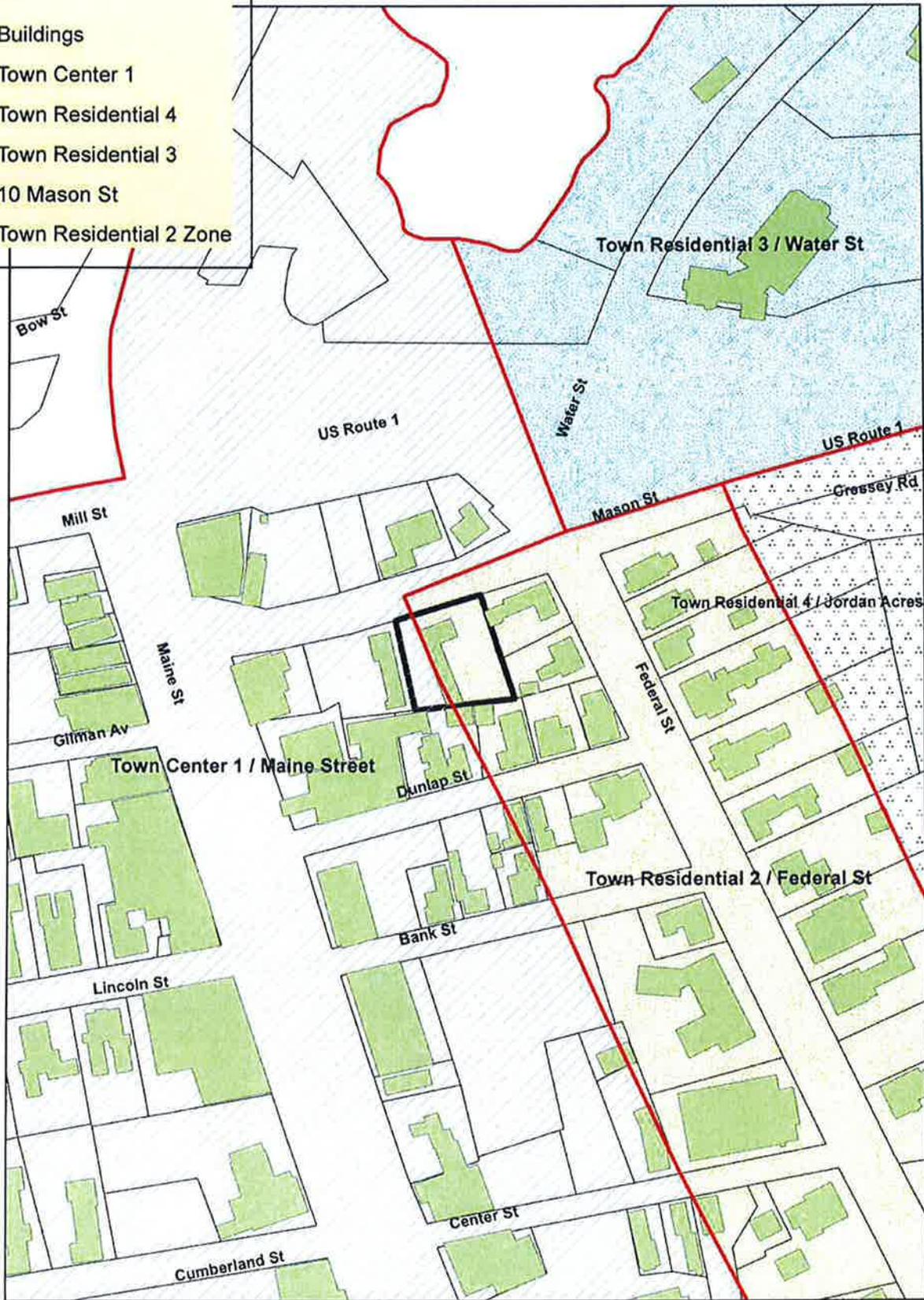
Applicant Signature (if different):

Elaine B. Saleh

10 Mason St

Legend

- Buildings
- Town Center 1
- Town Residential 4
- Town Residential 3
- 10 Mason St
- Town Residential 2 Zone



**BRUNSWICK PLANNING BOARD
TUESDAY, MARCH 23, 2010**

MEMBERS PRESENT: Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Jason Bergquist, Jeff Peters, Steve Walker, and Richard Visser

STAFF PRESENT: Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday, March 23, 2010 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chairman Charlie Frizzle called the meeting to order at 7:00 P.M.

Case No. 10-011, Oak Hill Subdivision Amendment. The Planning Board will review and take action on a joint **Sketch and Final Subdivision Plan Amendment** application submitted by Jeffrey Welt to subdivide 6.45 acres into two (2) lots on Hillside Road (**Assessor's Map 13, Lot 5A**) in the **Coastal Protection 2 (CP2) District**.

Note: The Staff Review Committee will review the proposed subdivision plan amendment on March 15, 2010.

Kris Hultgren stated that this is a revision to the Oak Hill subdivision which was first approved by the Planning Board in 1982. Mr. Welt, the applicant, is looking to split his 6.45 acre lot into two lots. Kris stated that in the Coastal Protection Zone, housing density is 3.5 acres; he noted that there is a provision that allows lots greater than 3.5 acres but less than 7 acres to be split one time if they were created prior to 2001. Mr. Welt will retain one of the lots where he has a single family home and the other will remain undeveloped in the short term.

MOTION BY MARGARET WILSON TO DEEM THE APPLICATION COMPLETE. SECONDED BY JASON BERGQUIST, APPROVED UNANIMOUS.

The applicant, Mr. Welt, asked about the recreation fee. Mr. Welt requests that the fee be reviewed. Charlie Frizzle stated that the fee is built into the ordinance and the amount cannot be changed; it is a standard fee to anyone building family units.

Charlie Frizzle asked about the large number of waivers being requested; Kris Hultgren replied that many of the waivers are not applicable based on the small scale of the project. Charlie asked about the restriction on the location of the driveway and noted that the only access will be through non consequential wetlands; Kris replied that this was talked about at the Staff Review meeting on March 15, 2010. Kris stated that per John Foster's request, Jim Higgins conducted a site assessment and came up with the 100 feet from the eastern boundary line; wetland impact was discussed and it was felt that there would need to be some wetlands fill to reach a buildable portion of the lot and was not of concern with the Natural Resource Planner. Steve Walker stated that this would be an inconsequential impact as a driveway crossing and added that given the coastal protection, would urge consideration of a building envelope that would not include the wetlands other than for a driveway crossing and maybe restriction to future wetland

disturbance via approval of the Planning Department. John Schwanda from Owen Haskell Surveyors stated that the building envelope is just outside the wetland. Charlie replied that since the building envelope is outside the wetlands, they could limit the condition to the driveway crossing without further Planning Department review and approval.

MOTION BY JASON BERGQUIST TO APPROVE THE SKETCH AND FINAL PLAN. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY MARGARET WILSON THAT THE BOARD WAIVES THE FOLLOWING REQUIREMENTS:

1. 412.2.B.8 – Name, location, width of paving and rights-of-way, etc.
2. 412.2.B.9 – Road plan
3. 412.2.B.10 – Existing and proposed easements
4. 412.2.B.11 – Kind, location, cross section of all drainage facilities, etc.
5. 412.2.B.16 – Class A Soil Survey
6. 412.2.B.17 – Location of trees over 10 inches in diameter
7. 412.2.B.18 – Lighting Plan
8. 412.2.B.19 – Proposed sidewalk locations
9. 412.2.B.21 – Location of proposed parking areas
10. 412.2.B. 22 – Proposed location and ownership of open space for recreation
11. 412.2.B.23 – Grading, erosion and landscaping plan
12. 412.2.B.26 – Dedicated public open spaces
13. 412.2.B.27 – Open space development requirements
14. 412.2.B.28 – Building envelopes
15. 412.2.C.3 – Draft performance guarantee
16. 412.2.C.5 – Additional studies required by the Planning Board
17. 412.2.C.6 – Stormwater management program
18. 412.2.C.7 – A statement from the Brunswick/Topsham Water District
19. 412.2.C.8 – A statement from Water District if proposal is within Aquifer Protection Zone
20. 412.2.C.9 – A statement from the Fire Chief recommending hydrant locations, etc
21. 412.2.C.10 – A statement from the Brunswick Sewer District
22. 412.2.C.13 – A plan of all new buildings, etc
23. 412.2.C.14 – Elevation drawings
24. 412.2.C.15 – A circulation plan for pedestrian and traffic flow
25. 412.2.C.16 – Size and location of water and sewer systems
26. 412.2.C.17 – Landscaping Plan

SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.

MOTION BY STEVE WALKER THAT THE FINAL PLAN IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members

of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

2. The applicant shall pay a solid waste impact fee in the amount of \$258.56 prior to recording the subdivision with the Cumberland County Registry of Deeds.
3. The applicant shall pay a recreation impact fee in the amount of \$934.50 prior to recording the subdivision with the Cumberland County Registry of Deeds.
4. The applicant shall add a note to the plan describing the area within 100 feet of the eastern boundary where a driveway is allowed to be located prior to recording the subdivision with the Cumberland County Registry of Deeds.
5. That the wetlands disturbance be limited to the driveway impact unless there is additional approval by the Planning Department.

SECONDED BY JEFF PETERS, APPROVED UNANIMOUSLY.

Other Business

No other business discussed.

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF FEBRUARY 2, 2010. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF FEBRUARY 9, 2010. SECONDED BY JEFF PETERS, APPROVED UNANIMOUSLY.

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF FEBRUARY 2, 2010. SECONDED BY JEFF PETERS, APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 7:19 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
THURSDAY, JANUARY 24, 2012**

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

STAFF PRESENT: Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday, January 24, 2012 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: Case Number 11-031 – Walsh Preschool - The Board will hold a public hearing on a **Special Permit** application submitted by Lindi Walsh to add an educational facility and daycare use to the building at 115 River Road. (**Assessor's Map U25 Lot 4**) in the **Residential 5 (R5) Zoning District**.

Kris Hultgren began by reviewing his memo dated January 20, 2012 and stated that the applicant, Lindi Walsh is requesting a Special Permit to create a preschool in the in the Residential 5 Zoning District (R5). Lindi is also requesting a daycare use of more than six children in the same district. Kris stated that this facility would be located at 115 Ricer Road and the proposal includes the use of an existing building; the applicant has met with the Fire Marshalls Office and is in the process of meeting their requirements.

Lindi Walsh, applicant, stated that the proposed building was a former convenience store which closed in 2007. She stated that in 2008 she started a daycare and she has been approached by a former client to open a preschool.

Meghan Payton, client of Lindi Walsh, stated that she wishes to open a preschool to meet the growing demands within the community. She stated that she taught preschool for eleven years and wants to provide development space for children as well as those who may have special needs. Meghan stated that children past the age of three need to be enrolled in a program, not a home, to receive their services; she would like to assist those children in being able to get early intervention and stated that it is important for children to age appropriate peers to help each other.

Richard Visser asked if there was going to be any major changes; Lindi Walsh stated that they need to add an additional exit and add a few windows in the space that once was a walk in cooler. Lindi stated that there is an existing parking lot, water and sewer connections.

Chairman Charlie Frizzle opened the meeting to public hearing; hearing none, the public hearing was closed.

MOTION BY MARGARET WILSON THAT THE SPECIAL PERMIT IS DEEMED COMPLETE. SECONDED BY DANA TOTMAN, APPROVED UNANIMOUSLY.

MOTION BY STEVE WALKER THAT THE SPECIAL PERMIT IS APPROVED WITH THE STANDARD CONDITION. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY DANA TOTMAN THAT THE DEVELOPMENT REVIEW APPLICATION IS DEEMED COMPLETE. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

MOTION BY MARGARET WILSON THAT THE DEVELOPMENT REVIEW APPLICATION IS APPROVED WITH THE STANDARD CONDITION. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Request for Site Plan Approval Extension. Case No. 07-105, The Ledges, Congregate Care Facility: Briarwood Partners is requesting the Board extend its Site Plan approval per Section 407.4.A of the Zoning Ordinance for the development of a congregate care facility at 349 Bath Road (**Assessor's Map 45, Lot 40**) in the **Industrial 3 (I3) Zone**.

Kris Hultgren began by reviewing his memo dated January 20, 2012 and stated that the applicant for The Ledges is requesting a two year site plan extension; the original plan was approved in February 2008 and a site plan extension was granted in January 2010. Kris stated that there have been no changes to the site plan or applicable changes to the Zoning Ordinance. Kris stated that the applicant is here to keep the clock going.

Kevin Clark from Sitelines stated that they are requesting the extension for Phase II of this project due to the current economic conditions. Charlie Frizzle noted that there are wetlands that abut this site and asked staff if there were any changes that may impact this reapproval; Kris stated that he did not know of any changes and Steve Walker stated that the State parallels the Town.

MOTION BY DANA TOTMAN TO GRANT TWO YEAR EXTENSION TO THE LEDGES CONGREGATE CARE FACILITY SITE PLAN. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Workshop: The Town Council requests the Planning Board to discuss amending the zoning ordinance to list warehousing and storage uses within the definitions of Class 1 and Class 2 Industry uses, and make appropriate use table changes per district as needed.

Kris Hultgren began by reviewing Anna Breinich's memo dated January 19, 2012 and stated that staff has settled on the proposal outlined in Anna's memo and the table provided to the Board. Kris reminded the Board that this is a request by Town Council on behalf of a constituent. Kris stated that in Mixed Use 5 (MU5), warehousing and

storage is listed as Special Permit Required; staff proposes changing this to permitted. In the Industry1 (I1), warehousing and storage is not allowed; staff proposes changing this to permitted. The only other change staff proposes to make is to add warehousing and storage to the Industry Class 1 and the Industry Class 2 definitions.

Charlie Frizzle asked if staff had any thoughts as to why warehousing and storage use was not originally permitted in the I1 District and Kris Hultgren replied that he would guess that it required a Special Permit because it is surrounded by residential zoning districts. Charlie asked why staff proposed to add warehousing and storage use to MU5 and Kris replied that it is at the request of the constituent; staff is making these changes in the short term knowing that review of uses in all districts is on its way. Dana Totman stated that this request enforces the need to finish rewriting the Zoning Ordinance. He asked Margaret Wilson if this particular use was ever discussed when discussing the new Comprehensive Plan; Margaret replied that they did not make any recommendations to any specific use in any of the districts.

It was decided by the Board that they would leave the ordinance as is and schedule a Public Hearing.

Other

No other business discussed at this meeting.

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF NOVEMBER 14, 2011. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF NOVEMBER 22, 2011. SECONDED BY JEFF PETERS, APPROVED UNANIMOUSLY.

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF DECEMBER 13, 2011. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 7:30 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
TUESDAY, FEBRUARY 7, 2012**

MEMBERS PRESENT: Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis, Jeff Peters, Dana Totman, and Richard Visser

STAFF PRESENT: Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday, February 7, 2012 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 Planning Board will hold a public hearing to discuss amending the zoning ordinance to list warehousing and storage uses within the definitions of Class 1 and Class 2 Industry uses, and make warehousing and storage a permitted use in the Mixed Use 5 and Industry 1 Zoning Districts.

Anna Breinich reviewed Kris Hultgren's Memo to the Board dated February 2, 2012 and stated that at the last workshop of January 24, 2011, a request was made by Town Council on behalf of a constituent (made to Council King) to allow warehousing and storage in the Industrial 1 (I1) Zoning District and the Mixed Use 5 (MU5) Zoning District. Staff additionally recommended at this time to include warehousing and storage into the definitions of Industry Class I and Industry Class II. Anna stated that currently warehousing and storage is not allowed in Industry 1 and requires a special permit in the Mixed Use 5 district.

Chairman Charlie Frizzle opened the meeting to public hearing; hearing none, the public hearing was closed.

Charlie Frizzle reviewed the overall feeling of the Board from the last meeting and stated that most felt comfortable including the definition of warehousing and storage into the definition of Industry Class 1 and Industry Class 2 as well as permitting warehousing and storage in the Industrial 1 zone; most did not feel comfortable going from a special permit to permitted for warehousing and storage in the Mixed Use 5 district. Charlie stated that he is still in agreement with this feeling. Margaret Wilson agreed, but noted that if they changed the definition of Industry Class 1 and Class 2 to add warehousing and storage then they would automatically become permitted in the Mixed Use 5 district as Industry Class 1 is a permitted use throughout this district; she suggested not changing the definitions at this time. Charlie agreed and stated that he did not notice that Industry Class 1 was already a permitted use in the Mixed Use 5 district. Richard Visser agreed with Margaret. Jeff Peters asked staff what the logic was in Mixed Use 1 through 6 as they are all different; some require a special permit and other do not. Charlie replied that this ordinance was put together 20 years ago and it was based on what was already in each zone at that time. Anna Breinich replied that in addition, some were added in revisions of the ordinance.

MOTION BY MARGARET WILSON TO MAKE WAREHOUSING AND STORAGE A PERMITTED USE IN THE INDUSTRIAL 1 ZONE AND THE MIXED USE 5 ZONE. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Workshop - Rezoning Request: The Planning Board will review a rezoning request from Elaine Hosmer to change the zoning of the parcel at 10 Mason Street (Map U13, Lot 131) from Town Residential 2 to Town Center 1.

Anna Breinich reviewed Kris Hultgren's Memo to the Board dated February 2, 2012 and stated that this is a request to rezone a parcel at 10 Mason Street from Town Residential 2 to Town Center 1 as the building rests in both zones at this time. She stated that the applicant, Elaine Hosmer, wishes to allow a retail store in the property. Anna stated that in looking at the boundary line, it appears that it was zoned following a straight line and not property boundaries; staff has no issue with this rezoning request.

Glen Hosmer, representative for the applicant, stated that they would like to use this location as a business due to the location and what is surrounds. He stated that they would like to put in an antique or repair shop. He stated that the applicant has had a difficult time in using this as a residence; they do not plan on altering the outside in any way as it is one of the oldest buildings in the area. Dana Totman asked if there was a space between the buildings on the adjacent lot or it was one building. Mr. Hosmer replied that there is a small space between the buildings but that many come right up to the fence; they are separate buildings owned by separate people. Margaret Wilson stated that in her opinion Mason Street is a commercial street and this seems like an appropriate request. Mr. Hosmer stated that his neighbors, the eye doctors, and Blessings, are all in the TC1 Zone and are commercial which enforces this request.

MOTION BY MARGARET WILSON TO DIRECT STAFF TO FORWARD REQUEST TO PUBLIC HEARING. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

No public hearing as the only public was the applicant.

Workshop - Zoning Ordinance Review: The Planning Board will review Chapters 4 and 5 of the Zoning Ordinance.

Anna Breinich stated that in reviewing Chapter 4, staff felt as though things were not structured as well as planned. Anna stated that there is a lot of great information, but that formatting and structure needs to be more understandable; Anna, Margaret Wilson and Charlie Frizzle are planning on meeting on Friday, February 10th to hone in on a few specific areas in Chapter 4. Anna stated that one area of focus will be incorporating more of the language into the table and how the BNAS (former Brunswick Naval Air Station) reuse districts will fit into the development table. Charlie stated that he and Margaret agreed that Chapter 4 was not ready for final review, but that there are high hopes to

finish it as quickly as possible. Anna noted that this is the first time that the ordinance is being written in-house and noted that it has been difficult.

Other

- Town Council approved the increase of MDOT (Maine Department of Transportation) signs from two to four at their meeting on February 6, 2012.

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF DECEMBER 6, 2011. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUS AMONG THOSE PRESENT.

MOTION BY DANN LEWIS TO APPROVE THE MINUTES OF JANUARY 5, 2012. SECONDED BY DANA TOTMAN, APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 7:50 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary