



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 7, 2012
7:00 P.M.**

1. **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.
2. **Workshop - Rezoning Request:** The Planning Board will review 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.
3. **Workshop - Zoning Ordinance Review:** The Planning Board will review Chapters 4 and 5 of the Zoning Ordinance.
4. Other Business
5. Minutes

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 2, 2012
Subject: Planning Board Meeting: February 7, 2012

This memo provides information about the agenda in advance of the Board's February 7, 2012.

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.

This is the required public hearing for zoning ordinance amendments before the Board makes a recommendation to the Town Council. Staff's proposal has not changed since the Board reviewed the changes at a workshop on January 24. The proposal seeks to make warehousing and storage a permitted use in the Industrial 1 and Mixed Use 5 Zoning Districts and add warehousing and storage to the definition of Industry Class I and II. Currently, warehousing and storage is not allowed in the Industrial 1 zone and requires a special permit in the Mixed Use 5 district.

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.

Elaine Salch submitted a rezoning request for property she owns at 10 Mason Street. The reason for the request is to accommodate a retail use on the property. An antique shop is planned for the lot. Currently the parcel is zoned Town Residential 2 (TR2) even though a portion of the lot is in the Town Center 1 (TC1) district and retail uses are not allowed in the TR2 zone. Section 303.B in the Zoning Ordinance states that if a lot is divided by a district boundary, "the provisions of the zoning district in which the larger portion of the lot lies govern use, density, lot area and dimensional requirements of the lot." A majority of the lot is within the Town Residential 2 zone. Please see the attached map showing the parcel divided by the TR2 and TC1 districts. To accommodate the request the Board could adjust the TC1 district boundary to include Ms. Salch's lot. If the Board decides to move forward with the request a public hearing could be scheduled for February 28.

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

Changes were made to Chapter 4 to improve its readability and user-friendliness. Staff will present those changes to the Board for review and comment. Please see the attached documents for more information.

Minutes

The Board has two sets of minutes to review and they are part of the packet.

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

It is recommended by staff to include warehousing and storage in the current definitions of Industry Class I and II as follows:

Industry, Class I: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, **warehousing and storage**, testing or repair of materials, goods or products in a space not to exceed 20,000 square feet and where no more than 25 employees typically occupy the space at any given time.

Industry, Class II: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, **warehousing and storage**, testing or repair of materials, goods or products in a space exceeding 20,000 square feet or where more than 25 employees typically occupy the space at any given time.

It is also recommended by staff to make warehousing and storage a permitted use in the Mixed Use 5 and Industry 1 Zoning Districts. Please see the attached table.

Industry and Warehousing/Storage Uses by Selected Zoning Districts (1.24.12)

Standard/District	FFI	CP1&2	R5	TC1	TC2	TR1	MU1	MU2	MU4	MU5	MU6	I1	I2, I3, I4	CC	HCI	HC2
Industry Class I	X	X	X	X	P	X	SP	P	SP	P	SP	P	P	SP	SP	X
Industry Class II	X	X	X	X	P	X	SP	SP	X	SP	SP	P	P	SP	X	X
Warehousing/ Storage	SP	SP	SP	Acc	P	Acc	SP	P	SP	*SP to P	SP	*X to P	P	SP	SP	SP

* Amend to Permitted Uses

2/17 WS
2/28 PH



Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6660

FAX 207-725-6663

Kris Hultgren

**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: Glen 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 - 2nd move 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 zoned commercial the other residential
this making a hardship on opening a business. This has
cause a financial hardship.

Owner Signature:

Elaine B. Saleh

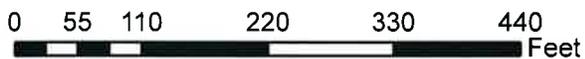
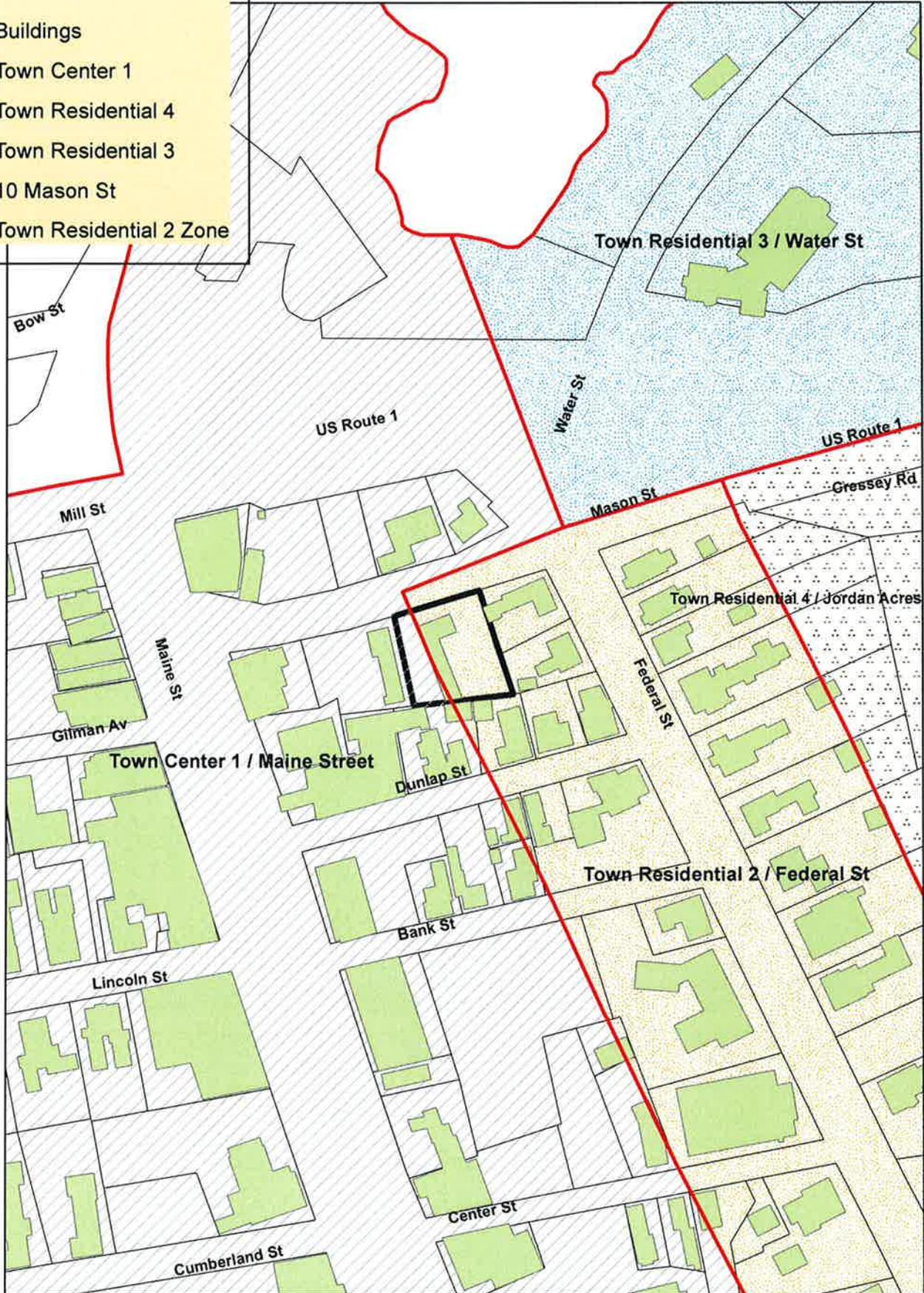
Applicant Signature (if different):

Elaine B. Saleh

10 Mason St

Legend

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





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

February 3, 2012

Memo to: Planning Board
From: Anna Breinich, AICP
Subject: Chapter 4 Revisions

Please find attached a revised copy of Chapter Four: Development Review, of the Brunswick Zoning Ordinance. A number of editorial revisions were made throughout the document to improve readability and understanding of the provisions without changing the substance of the provision itself. In addition, I offer the following substantive revisions and areas for discussion for your consideration based on the types of review applications the Planning Board has acted upon over the past year. Basically, the suggested changes will further simplify the current ordinance provisions. I will review the suggested substantive changes at the Planning Board meeting. Those suggestions include:

- Deletions in Section 402, no longer needed due to more specificity in thresholds;
- Addition in Section 404.1.A.v. providing for public comment at all Staff Review Committee meetings;
- Incorporating references to "Streamlined Development Review applications" throughout Section 404.2 and other sections as shown; and
- Reference to availability for appealing a Planning Board denial of a major development plan (Section 404.2).

Areas for further discussion include thresholds related to change of use, cumulative totals of new floor area and impervious coverage and traffic. I have asked Jeff Hutchinson, to review the thresholds from a code enforcement perspective, as well as to provide examples to illustrate the types of proposals the Planning Board may be asked to review. Lastly, plan requirements will be finalized after Kris and I do final revisions to Chapter 5 to ensure the two areas are compatible with each other.

I look forward to our discussion Tuesday evening.

CHAPTER FOUR: DEVELOPMENT REVIEW

Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 402. No development shall be approved unless it complies with all review criteria and findings indicated in Chapter 5.

All time frames for development review expressed in this chapter are maximums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

401 Planning Board Responsibilities and Delegation of Planning Board Review Authority

401.1 Planning Board Responsibilities

- A. The Planning Board shall review all major projects and any minor project for which Planning Board review is requested by the applicant. The Planning Board may conduct Minor Project review if recommended by either the Director of Planning and Development or the Staff Review Committee.
- B. The authority of the Planning Board to review certain minor development projects is hereby delegated to the Staff Review Committee in accordance with the provisions of Section 401.2. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

401.2 Staff Review Committee Responsibilities

- A. The Staff Review Committee shall consist of the Director of Planning and Development, the Public Works Director, Codes Enforcement Officer, Town Planner, Recreation Director, Fire Chief, Police Chief, Assessor, Natural Resources Planner, Superintendent of the Brunswick-Topsham Water District, and the Superintendent of the Brunswick Sewer District, or their official designees. For the review of projects in the BNAS Reuse District, the Staff Review Committee shall be expanded to include one non-voting staff representative from the Midcoast Regional Redevelopment Authority (MRRRA). The MRRRA representative shall be designated in writing by the Executive Director of MRRRA.
- B. The Staff Review Committee, in its development review capacity, shall exercise all of the powers exercised by the Planning Board including the power to grant waivers, and the power to approve, approve with conditions, or deny applications for Site Plan approval.
- C. Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of a majority of those members present and voting. A quorum shall consist of three members.
- D. The Staff Review Committee may waive provisions of this Chapter in accordance with Section 410.
- E. The Staff Review Committee shall set forth the reasons for its decisions and make Findings of Fact, in writing, within seven (7) days of the meeting. Such findings of fact shall be sufficient to apprise the applicant and any interested member of the public of the basis for the decision.
- F. All appeals from a Staff Review Committee decision shall be heard by the Planning Board.
- G. The Staff Review Committee shall provide recommendations to the Planning Board for any project undergoing major development review. Individual members of the Committee may in addition submit letters of recommendation to the Planning Board.

401.3 Planning and Development Department Staff Responsibilities

- A. Minor modifications to approved site plans, subdivisions, and special permits may be granted by the Director of Development and Planning, in consultation with the Town

Planner, Codes Enforcement Officer, and the Public Works Director, within 30 days after submittal, provided that the modification does not materially alter the layout or scale of the development or its impact on its surroundings, nor:

- (1) Increase the number of lots or dwelling units;
- (2) Violate provisions of any Town ordinance;
- (3) Reduce the effectiveness of the approved landscaping, screening or buffering of the site;
- (4) Reduce the number of parking spaces or significantly alter on-site vehicular circulation; or
- (5) Significantly alter drainage patterns.

- B. The procedure for processing requests for minor modifications shall be as follows:
- (1) The applicant shall submit 5 copies of the plan showing the proposed revisions and shall pay the established fee.
 - (2) Within 10 days, the Director of Planning and Development shall determine if the application constitutes a minor modification as defined in Section 401.3.A above.
 - (3) If the application is a minor modification, written notification of the proposed modification shall be provided to all adjoining property owners at least 10 days prior to a decision being rendered by the Director of Planning and Development.
 - (4) If the application is found not to be a minor modification, the applicant's request shall be forwarded to the Staff Review Committee or Planning Board for review.

402 Applicability

The following activities shall be subject to Development Review. Development Review projects are classified as either Major or Minor based on the thresholds below. Activities that do not meet the following thresholds may require permits from the Codes Enforcement Office and/or a Certificate of Appropriateness from the Village Review Board if the proposed development is within the Village Review Overlay Zone.

Development Review Impact Table

Impact Criteria	Threshold	Level of Review	Reviewing Authority	Zoning District
Construction of New Floor Area	Less than 2,000 square feet	Building Permit	Codes Enforcement Office	All Zoning Districts
Construction of New Floor Area	2,000 - 9,999 square feet	Minor Development Review	Staff Review Committee	All Zoning Districts
Construction of New Floor Area	10,000 square feet or more	Major Development Review	Planning Board	All Zoning Districts
Change of Use	10,000 square feet or more/Less than 10,000 square feet	Major Development Review/Building Permit	Planning Board/Codes Enforcement Officer	All Zoning Districts
New Impervious Surface	Less than 2,000 square feet	Building Permit	Codes Enforcement Office	All Zoning Districts
New Impervious Surface	2,000 - 9,999 square feet	Minor Development Review	Staff Review Committee	All Zoning Districts

Threshold Table Continued				
New Impervious Surface	10,000 square feet or more	Major Development Review	Planning Board	All Zoning Districts
Cumulative Total of New Floor Area and New Impervious Surface	Less than 3,000 square feet	Building Permit	Codes Enforcement Office	All Zoning Districts
Cumulative Total of New Floor Area and New Impervious Surface	3,000 - 19,999 square feet	Minor Development Review	Staff Review Committee	All Zoning Districts
Cumulative Total of New Floor Area and New Impervious Surface	20,000 square feet or more	Major Development Review	Planning Board	All Zoning Districts
Traffic	Town Engineer requires a traffic study to assess traffic impact of proposed development	Major Development Review	Planning Board	All Zoning Districts
Development on a Road with a Level of Service of "F"	Construction of New Floor Area of 2,000 square feet or more, creation of new impervious surface of 2,000 square feet or more or cumulative total of new floor area and impervious surface of 3,000 square feet or more	Major Development Review	Planning Board	All Zoning Districts
New Road Construction	New Private or Public Road proposed as part of development application	Major Development Review	Planning Board	All Zoning Districts
Subdivision	Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended	Major Development Review	Planning Board	All Zoning Districts

Natural Resource Protection Zone	Any New Construction or Creation of Impervious Surface	Minor Development Review	Staff Review Committee	NRPZ
Hours of Operation	Commercial Use with operating hours between 12am and 5am	Major Development Review	Planning Board	Residential Districts

The following activities shall be subject to Minor Development Review by the Staff Review Committee

- ~~B. Any use that involves the construction of one drive-up window.~~
- D. Construction of a multi-family dwelling unit in all zoning districts except the BNAS Reuse District, containing between 3 and 5 units that does not create a subdivision. In the BNAS Reuse District, activities involving the construction of multi-family dwellings with up to ten (10) units that do not create a subdivision are classified as Minor Projects.
- E. Development subject to Special Permit (Section 701) that results in the creation of less than 5,000 square feet of new impervious surface.
- ~~D. Establishment or expansion of a Neighborhood Store.~~
- F. Change of use of a building within the BNAS Reuse District that affects 10,000 to 19,999 square feet of floor area, pursuant to Section 702.

The following activities shall be subject to Major Development Review by the Planning Board:

- ~~C. Any use that involves the construction of 2 or more drive-up windows.~~
- D. Changes of use that affect 20,000 square feet or more of floor area in the BNAS Reuse District.
- E. Changes of use that involves conversion of a single or two-family home to any other use in Town Residential and Residential Districts.
- F. The development or expansion of a Mobile Home Park, pursuant to Section 212.
- ~~G. Development subject to Special Permit (Section 701) that involves creation of 5,000 square feet or more of new impervious surface.~~
- H. Mineral Extraction, pursuant to Section 306.6.
- J. Any activity in the BNAS Reuse District that is located within two hundred (200) feet of the district boundary that would otherwise be classified as a minor project.
- K. Any activity in the BNAS Reuse District that generates more than one hundred (100) peak hour vehicle trips, based upon the current edition of the ITE Trip Generation Manual, as amended, unless the activity is part of an approved subdivision or common development plan in which traffic was addressed as part of the approved plan.

402.1 Activities not Subject to Development Review:

- A.
 - 1) a single or two family dwelling.
 - 2) uses or structures that are accessory to a single or two family dwelling.

- 3) agricultural land management practices, including farm and woods roads developed in accordance with “Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices”, as amended
 - 4) unpaved trails and paths developed in accordance with Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, as amended. (Groups or individuals planning such trails and paths are encouraged to consult with the Planning and Development Department prior to construction)
 - 5) The *initial* non-military re-occupancy of a building in the BNAS Reuse District existing as of the July 20, 2009 adoption of this provision provided all of the following are met:
 - a) The new use is a permitted use in the Reuse Land/ Use District in which it is located, per the BNAS Reuse Master Plan, approved December 2007,
 - b) The re-occupancy maintains the pre-existing pattern of use of the site including the general location of the building and parking and service areas,
 - c) The usable floor area of the building is not increased by more than two thousand (2,000) square feet, within the existing building footprint,
 - d) The amount of impervious surface on the project site is not increased by more than two thousand (2,000) square feet,
 - e) There is adequate parking available for the new use in accordance with Section 512,
 - f) The re-occupancy of the building will not change the primary use of the building from residential to non-residential or from non-residential to residential,
 - g) The *initial* non-military re-occupancy of a building shall not be considered a change of use even if it does not meet the vacancy time limits of Section 702.1. All subsequent re-occupancy of buildings in the BNAS Reuse District shall be subject to the change of use review requirements of Sections 402 and 702 of this ordinance as applicable,
 - 6) The change of use of a building in the BNAS Reuse District with less than 10,000 square feet of floor area following its initial non-military occupancy provided that the new use does not significantly intensify the use of the property compared to its previous use. A new use that increases the required off-street parking in accordance with Sections 512.1 or 512.2 by more than twenty percent (20%) or that increases the number of peak hour vehicle trips based upon the current edition of the ITE Trip Generation Manual, as amended, by more than twenty percent (20%) or that meets any of the review thresholds of Section 702.3 shall be considered to significantly intensify the use. If the Codes Enforcement Officer determines that there will be a significant intensification of the use, the activity shall be deemed to be a minor development subject to development review in accordance with Section 402.1.
- E. Thresholds for development review apply only to new, or “addon” construction, except as indicated in Section 402. ~~Floor area and impervious surface area are calculated on a net basis. The floor area and the impervious surface area (roof) of a building each contribute separately to the cumulative total of the two.~~
- F. If development is proposed on two or more lots and the Director of Planning and Development finds that the development functions as a single project, thresholds for development review shall

be applied to the project as though the lots on which it is located were single lots.

402.2 Cumulative Development and Amendments

- A. Development Review Thresholds shall be based upon cumulative development totals over a five year period. If any threshold is exceeded during any five year period, all development within that time period shall be subject to review.
- B. Project amendments shall be subject to the appropriate level of review.

403 Restrictions on Activities During Review

403.1 Pending Application

An application for development review approval shall be considered to be pending from the submittal date of a Sketch Plan through the date of Final Plan denial, approval, or conditional approval. An application shall not be considered to be pending upon the following:

- A. the expiration of Sketch Plan approval, which shall be one year from the date of approval;
- B. the receipt of the applicant's written statement withdrawing the application submitted to the Director of Planning and Development; or
- C. the failure of the applicant to respond to requests for additional information, appear at Board hearings, or otherwise maintain the application in an active state for a period of 4 months or more.

403.2 Activities While Application is Pending:

- A. The following activities are prohibited while an application is pending: Demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation on any portion of a property that is subject to a pending application for development review. Failure of the applicant to comply with these activity prohibitions, as determined by the Codes Enforcement Officer, may cause the application to be denied. If an application is denied pursuant to this Section 403.2, the application process shall be terminated. If the applicant chooses to reapply for the same project or submit a new application for a different project, the applicant must submit a detailed plan for remediation of any adverse impacts of the prohibited activity.
- B. The following activities are permitted while an application is pending.
 - 1. Activities related to the development of a lot not included in a subdivision or proposed subdivision unless such lot is subject to a pending Site Plan or Special Permit application;
 - 2. Activities required for the routine maintenance of existing structures or uses or to remedy a safety hazard;
 - 3. Activities incidental to the gathering of information needed for the pending application for development review (i.e. land surveying, soils testing and mapping, etc.), provided that such activities be undertaken in a manner that minimizes the disruption of the site;
 - 4. Activities that are unrelated to the pending application, as determined by the Codes Enforcement Officer.

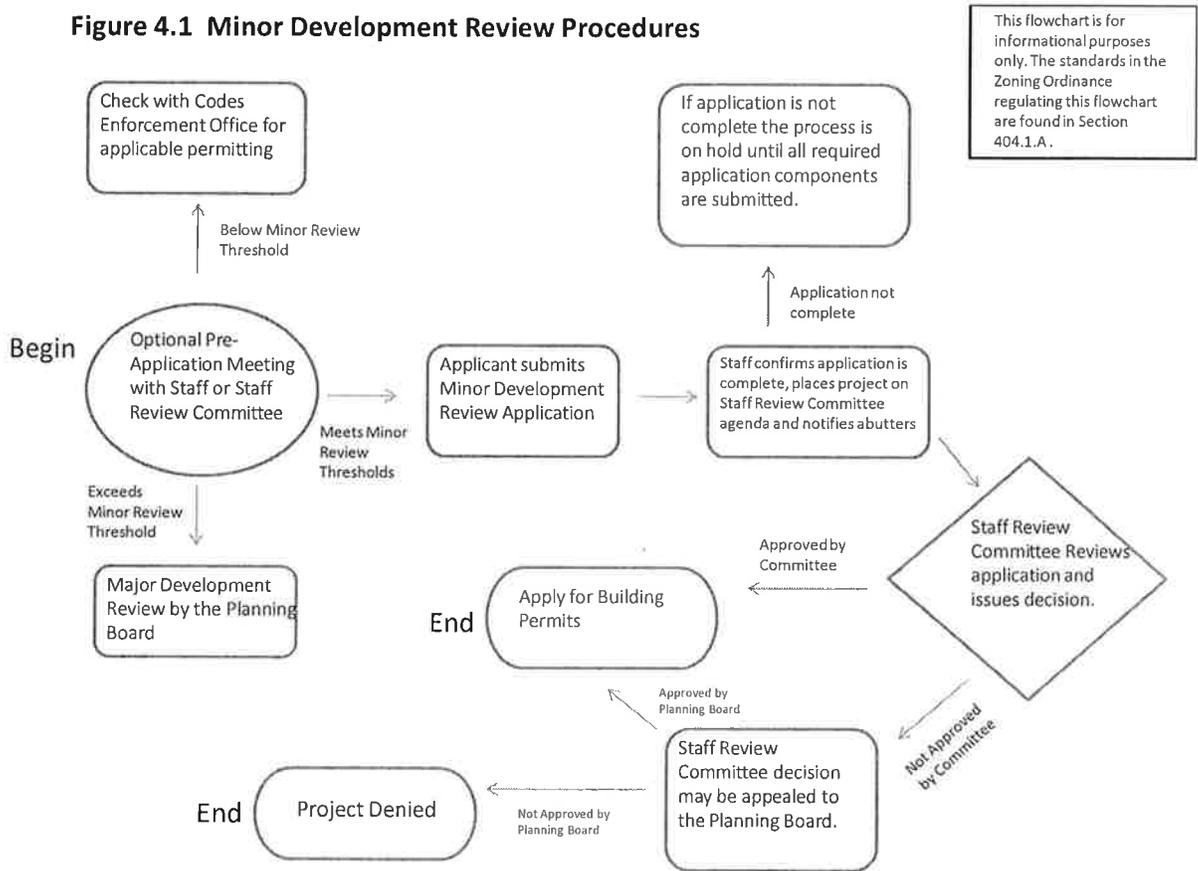
403.3 Issuance of Permits When Application for Development Review is Pending

The Codes Enforcement Officer shall not issue any permits for construction or demolition on any portion of a property that is subject to a pending application for development review except as permitted in Subsection 403.2.B.

404 Major, Minor and Streamlined Development Review Procedures

The following outlines the review procedures for Major and Minor Development Review Applications and the Streamlined Development Review process requiring Subdivision or Site Plan approval.

Figure 4.1 Minor Development Review Procedures



404.1 Minor Development Review Procedures (Illustrated by Figure 4.1 above)

The following outlines the review procedures for Minor Development Review Applications.

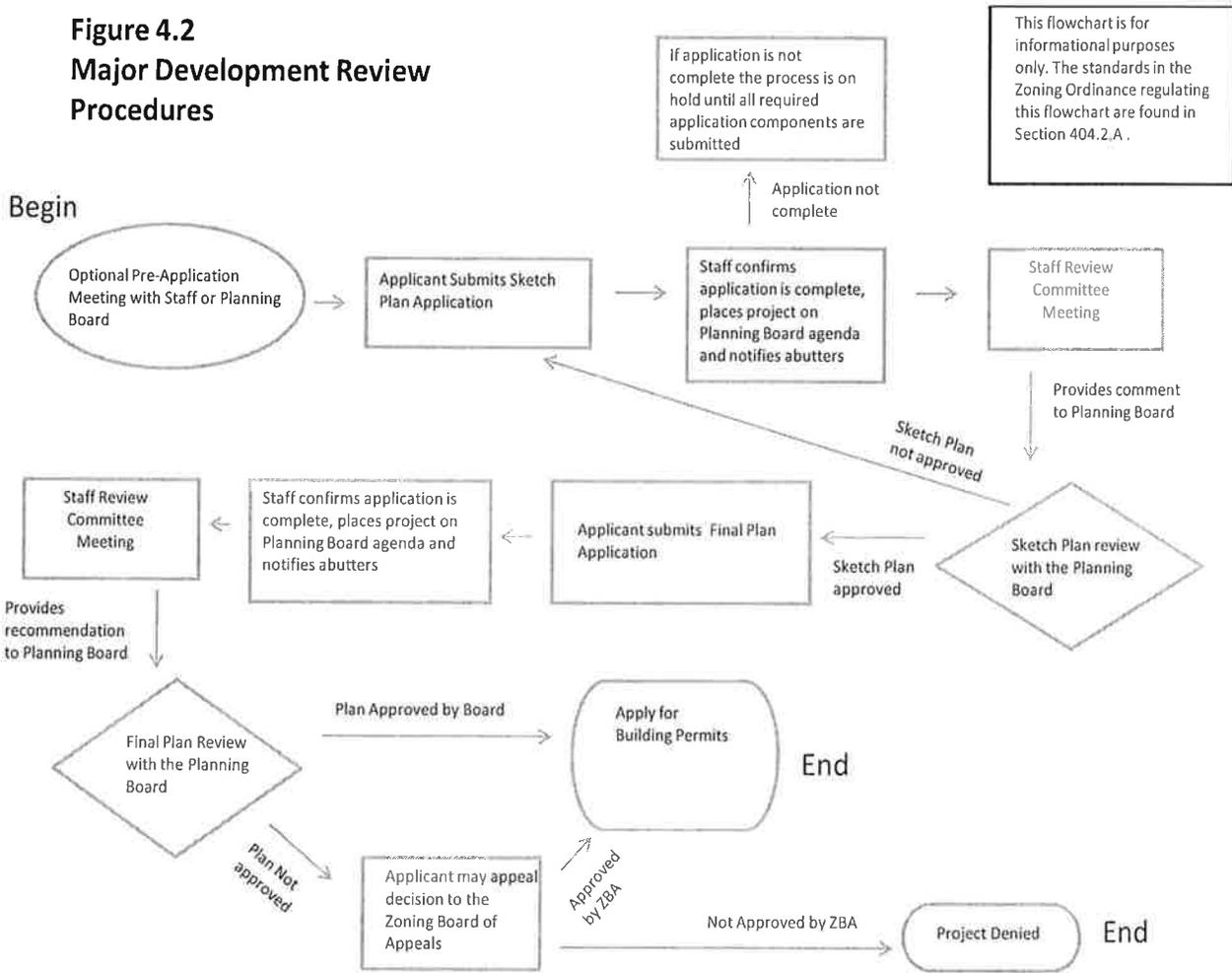
404.1.A Procedure for Minor Project Development Review

- i. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant the requested submission waivers, based upon criteria set forth in Section 410. The Director of Planning and Development shall make recommendations concerning any requested waiver. If a waiver request is denied, the application shall be deemed incomplete at which time the applicant may either revise or withdraw the pending application.
- ii. When an application for a minor project is determined to be complete, the Director of Planning and Development shall so notify the applicant. The Director of Planning and Development shall also request the applicant to submit ten additional copies of the

complete application materials to the Department of Planning and Development for distribution to Staff Review Committee members. Such materials shall be received at least 10 working days prior to the Staff Review Committee meeting.

- iii. Unless postponement of the decision is agreed to by the applicant, the Staff Review Committee shall issue a decision within 30 days after the Director of Planning & Development has determined that the application is complete.
- iv. In issuing its decision to deny or approve the submittal, the Staff Review Committee shall make written findings of fact in accordance with the standards or criteria set forth in Chapter 5. **The date of plan approval, denial or conditional approval shall be the date of Staff Review Committee action.**
- v. **The Staff Review Committee shall take public comment at its meetings for all development review applications under its consideration.**
- vi. A written record of the Staff Review Committee decision shall be maintained and shall be submitted to the Planning Board members and made available for public inspection. The Committee's written decision shall be mailed to the applicant within seven days of the meeting at which it is made.
- vii. The applicant or an abutter may appeal the decision of the Staff Review Committee to the Planning Board by submitting an appeal application to the Director of Planning and Development within 30 days of the date of the action. The Planning Board may hold a public hearing and shall render its decision following the procedures in Subsection 404.2.
- viii. All references to the Staff Review Committee in Section 404.1.A above shall be construed to be same as references to the Planning Board if the Planning Board conducts the minor development review.

**Figure 4.2
Major Development Review
Procedures**



404.2 Major Development Review Procedures (Illustrated by Figure 4.2 above)

The following outlines the review procedures for Major Development Review Applications requiring Subdivision or Site Plan approval. Major project review shall be conducted in two steps: Sketch Plan and Final Plan. See Section 412 for submission requirements. An applicant may ~~apply to have a project reviewed for Sketch and Final Plan approval concurrently; submit a site plan application using the streamlined major development review procedures (Section 404.3);~~ however, for larger projects, it is strongly encouraged that two separate processes be undertaken.

i. Sketch Plan

When a Town application form is submitted to the Planning Board, that application will have formal standing before the Planning Board. The Planning Board shall consider the sketch plan and provide direction to the applicant in accordance with all pertinent provisions of the zoning ordinance. After completing its review of the application, the Planning Board shall vote to deny, approve, or approve with conditions. The date of Sketch Plan approval, denial or conditional approval shall be the date that the Planning Board takes action on the application.

ii. Final Plan ~~may be~~ Under Review

Once the Planning Board votes to deem a Final Plan application to be complete, the Board shall undertake the review of the application. Once review is complete, the Planning Board shall take

action to deny, approve or approve the application with conditions. For site plan applications, the date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final application. In the case of subdivisions, the date of approval and the date of approval with conditions shall be the date that the Chair of the Planning Board signs the recordable subdivision plan; if a subdivision application is denied, the date of denial shall be the date in which the Planning Board votes to deny the application.

1. **If an application for Major Development Review is denied, the Planning Board's decision may be appealed in accordance with Section 703.**

iii. **Public Hearings**

The Planning Board shall conduct a public hearing for any residential development containing more than 20 units, and for any non-residential development resulting in the new development of 30,000 or more square feet of **impervious coverage**.

1. When a public hearing is to be conducted, the Director of Planning and Development shall prepare a notice of the date, time and place of the hearing with a brief description of the application and its location.
2. This notice shall be distributed to the applicant and the owners of all property located within a 200 foot radius of the boundaries of the parcel containing the proposed development.
3. This notice shall be published at least two (2) times in a newspaper having general circulation in Town. The date of the first publication must be at least seven (7) days before the hearing.

iv. **Public Comment**

The Planning Board shall take public comment at its meetings for all development review applications under its considered.

v. **Decision Time Limits**

The Planning Board shall, within 30 days of the public hearing or, if no hearing is held, within 60 days of the date on which a complete plan is submitted, or within any other time limit that is otherwise mutually agreed to, issue an order:

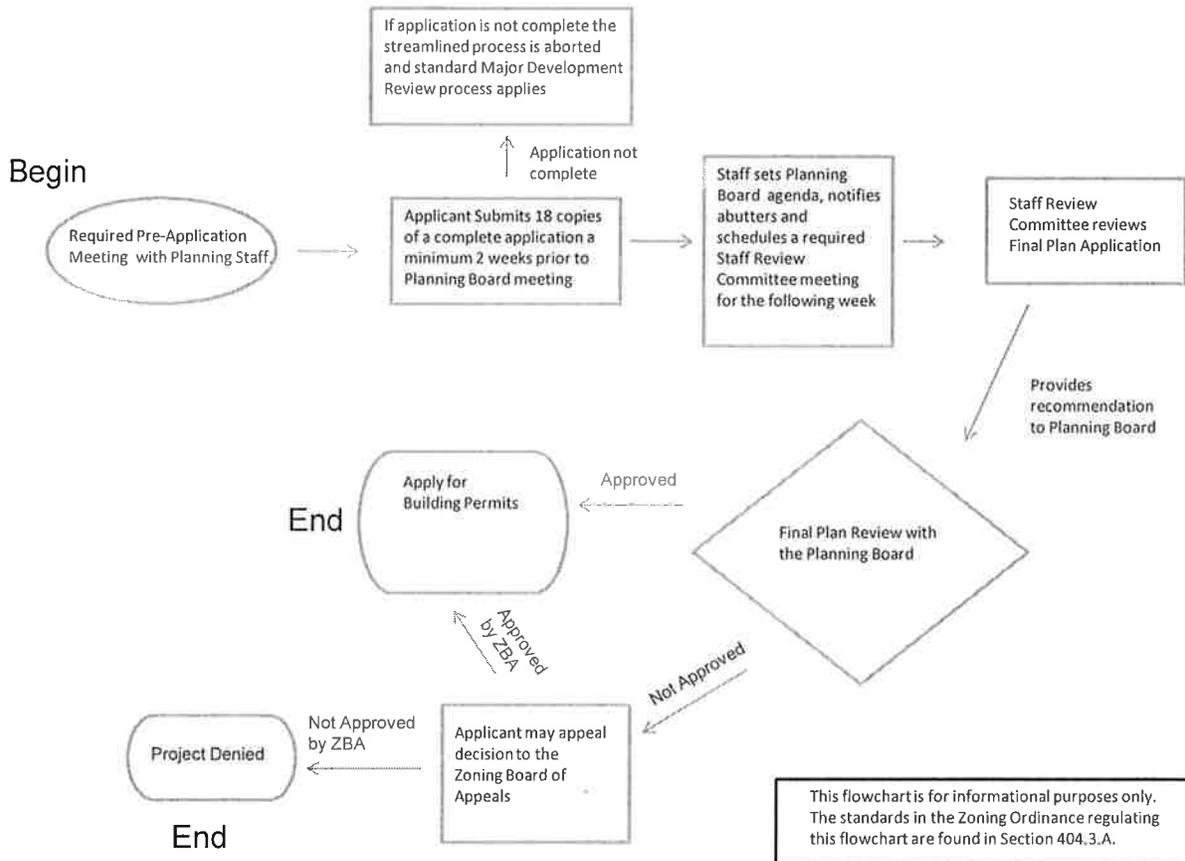
1. Denying the proposed subdivision or site plan;
2. Granting approval of the proposed subdivision or site plan;
3. Granting approval with conditions that it considers advisable to satisfy the criteria of this ordinance and Title 30-A M.S.R.A Section 4404, as amended from time to time.

vi. **Time Frames for Submission of Application and Review of Applications**

The following Table details the required time frames for submission requirements to the Planning Board for both Sketch and Final applications, and all submission requirements. All time frames are expressed in calendar days. This table shall be considered to be a part of this zoning ordinance. In cases where the date prescribed in this table is a legal holiday, all deadlines shall apply to the previous working day.

Table 404.2.A Time Frames for Major Project Development Review	
3 Weeks Prior to Planning Board Meeting	Deadline for filing application for Planning Board consideration
2 Weeks Prior to Planning Board Meeting	Staff confirms that application is complete and all persons within 200' of the proposed development are notified. The applicant supplies 18 copies of all application materials.
1 Week Prior to Planning Board Meeting	The Application shall be brought before the Staff Review Committee for comments and recommendation. If a Public Hearing is required, the first of two required notices shall appear in a newspaper of general circulation no less than 7 days prior to the hearing.
4 Days Prior to Planning Board Meeting	The Director of Planning and Development shall issue preliminary Findings of Fact which shall review the application based on Chapter 5 and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed or hand delivered to the Planning Board and the applicant.

Figure 4.3 Streamlined Major Development Review Procedures



404.3.A Procedure for Streamlined Major Project Development Review

Streamlined Major Development Review shall be conducted in one step: Final Plan. However, a pre-application meeting with Planning Staff is required prior to submitting an application for a streamlined review. See Section 412 for submission requirements.

- i. For a proposed development to qualify for Streamlined Major Development Review it must be within the town’s designated Growth Area as defined by the Comprehensive Plan and comply with one of the following:
 - a. The proposed development is part of an area with an adopted Master Plan **as defined herein**. ~~These areas include but are not limited to Brunswick Station, Cook’s Corner or the Base Redevelopment Area.~~
 - b. The development is proposed on a lot(s) in a non-residential subdivision approved within the previous 5 years.
- ii. The applicant shall meet with Planning Staff prior to submitting an application.
- iii. The applicant shall submit 18 copies of the required submissions listed in Section 412 at least 2 weeks prior to a scheduled Planning Board meeting. If all submission requirements are not included with the application a minimum 2 weeks before a scheduled Planning Board meeting, the Streamlined Development Review process is aborted and the standard

Major Development Review process outlined in Section 404.2.A applies.

- iv. The Director of Planning and Development reviews the application for completeness. If application is found complete, Staff schedules the application for Planning Board consideration and notifies the applicant and abutters. A Staff Review Committee meeting is scheduled to review the application. The Staff Review Committee reviews the application and offers comments to the Planning Board.
- v. The Planning Board reviews the application after deeming the application complete. Once the review is complete, the Board takes action on the application to deny, approve or approve with conditions. Findings of Fact shall be prepared and issued in accordance with Chapter 5. The date of plan approval, denial, or approval with conditions shall be the date that the Planning Board takes action on the application.
- vi. If an application for Streamlined Major Development Review is denied the Planning Board's decision may be appealed in accordance with Section 703.

405 Development Review Pre-Application Meetings

Pre-application meetings with the Staff, Staff Review Committee, or Planning Board prior to submitting a formal application are optional, except as required with Streamlined Development Review applications. Pre-Applications Meetings are strongly recommended prior to the expenditure of funds toward the design of a development proposal.

1. Staff Pre-Application Meeting

Prior to submitting an application for development review, the applicant is advised to meet with Staff to discuss applicable zoning standards and submission requirements. At this meeting, staff can detail the process for development review and answer any questions of the applicant.

2. Staff Review Committee Pre-Application Meeting

Prior to submitting an application for development review, the applicant is advised to meet with the Staff Review Committee to discuss application requirements, waivers of information requirements, and applicable development criteria. At this meeting, the Staff Review Committee and the applicant can discuss common goals for the proposed project and discuss any other relevant issues before a formal application is submitted.

3. Planning Board Pre-Application Meeting

Prior to filing an application to be reviewed by the Planning Board, the applicant may appear before the Planning Board for an informational discussion of the proposed development. The applicant is encouraged to present information relevant to the property that may assist the Planning Board and Department of Planning & Development in providing input to the applicant like U.S.G.S. topographic maps showing the property's boundaries and the surrounding area, tax assessor's maps of the proposed application, a plot plan or survey showing the property's area, shape, and existing features (natural and human-made), and the purpose and proposed configuration of the development. If possible, materials should be informally submitted to the Planning Department to allow staff review prior to the meeting. At this meeting the Planning Board may discuss which information may be waived in the formal application.

405.1 Application Submission

- A. Proposed development applications shall be submitted to the Director of Planning and Development. For each item listed in Section 412 the applicant shall either submit the

requested information or request a waiver from the information requirement, pursuant to Section 410.

405.2 Required Notification

- A. Upon receipt of an application, the town shall provide the applicant a dated receipt. The town shall notify the owners of all property located within a 200 foot radius of the boundaries of the proposed development, giving a general description of the project and specifying its location. The town shall mail notifications via first class mail between 15 and 10 days prior to a scheduled review for which it is required.

405.3 Determination of Completeness of Application

- A. An application is complete when an application form and all plan requirements or waiver requests have been submitted to the Director of Planning and Development. Within five working days of receiving an application, the Director of Planning and Development shall determine whether the application is complete. If an item is missing from the application and no applicable waiver request has been submitted, the Director of Planning and Development shall notify the applicant in writing that the application is considered incomplete and request the additional required information. The applicant shall submit the additional information and the procedure in this paragraph shall be repeated until the application is complete.
- B. With the exception of pre-application meetings, no application shall be placed on the Planning Board or Staff Review Committee agenda until the application is deemed complete.
- C. As used in this Section 405.3, "complete" shall mean that:
 - 1. All submission requirements established by this ordinance have either been complied with or a waiver has been requested;
 - 2. Any additional information requested by the Planning Board or Staff Review Committee at any prior meeting has been provided; and
 - 3. All conditions of any relevant prior approval for the property have been fulfilled unless the application describes the manner in which unfulfilled conditions will be addressed.

406 Review Process, Additional Provisions

406.1 Additional Studies

The Planning Board may undertake or require the applicant to undertake any study which it reasonably deems essential to ensure that the development can satisfy the Review Standards and Criteria set forth in Chapter 5. The reasonable cost of any such study shall be paid by the applicant.

406.2 Peer Review

Peer Review is a professional evaluation conducted by a consultant of the reviewing entity to assist in determining whether an application submission satisfies the Review Standards and Criteria set forth in Chapter 5. The reviewing entity may, by majority vote, select a consultant to perform a peer review for the reviewing entity at the applicant's expense. Peer review shall not be undertaken unless it is necessary for an informed review of the application materials and its costs are reasonable, considering the nature and the scope of the application. Estimated costs for peer review shall be disclosed to the applicant prior to undertaking such review. The Town shall require

an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing the peer review costs. The applicant shall be entitled to an accounting of the use of all funds and shall be entitled to a refund of all funds not expended upon final approval, denial or withdrawal of an application. The reviewing entity reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with Chapter 5.

406.3 Contract Consulting Services

The Town of Brunswick may employ independent professional consultants to assist staff in the review of applications for development review, special permits, village review zone, or natural resource related determinations to evaluate if the proposal meets all applicable provisions of the Zoning Ordinance and other related codes and ordinances as part of the application review process. Fees associated with the use of such consultant(s) shall be borne entirely by the applicant. The costs shall be paid in full prior to an application being approved, denied, or approved with conditions. If consultant services are needed after an application is approved to verify conditions, review modification requests or any other work to confirm the Zoning Ordinance standards are met, all costs shall be paid by the developer prior to receiving the building permit for the development. The estimated cost of the consultant's services shall be disclosed to the applicant prior to review and the Planning and Development Department shall oversee work of said consultant. (Amended 9/20/10 R)

406.4 Application Fees and Costs

Applications shall be accompanied by fees and costs established by the Town Council.

406.5 Joint Meeting, Hearing, and Application

If a proposed development requires both Subdivision and Site Plan review, the Board shall consider the Subdivision and Site Plans together and hold a joint meeting or hearing. A single application may be filed, provided that it contains all necessary information for both approvals.

407 Development Plans, Additional Provisions

407.1 Plan Approval Not To Be Deemed Acceptance of Proposed Dedications

The approval by the Board of a development plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, conservation easement, or other open space shown on such plan. When a park, playground, or other recreation area is shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement covering future deed and title dedication, and provision for the cost of grading, development, equipment and maintenance of any such dedicated area.

407.2 Recording

All Subdivisions for which Final Plan approval has been granted, and any conditions that have been imposed by the Planning Board for the subdivision or final plan shall be filed in the Cumberland County Registry of Deeds by the applicant. If the applicant fails to record the subdivision plan within 60 days after subdivision approval by the Planning Board, the approval shall expire. No building permits associated with a subdivision shall be issued unless evidence of all recording requirements is provided by the applicant to the Codes Enforcement Officer. Any deeds issued after the granting of subdivision approval must reference the plan and any conditions imposed upon it.

407.3 Phasing of Development

If an applicant wishes to phase the development of a Site Plan or Subdivision, the approved plans shall reflect the intended phasing plan. The Planning Board shall review such phasing proposals as an integral part of the plan submittal. The applicant shall establish that all phased infrastructure

shall be functional for the specific phase under development, independent of future phases. The Board may accept, as part of a phasing plan, temporary structures, such as turnarounds, that may be required to permit infrastructure within a particular phase to function properly. In the case of a subdivision, the applicant shall provide a separate performance guarantee, in a form and amount acceptable to the Town Manager and Town Engineer, for the completion of the infrastructure of each phase.

SECTIONS TO BE CONFIRM..PRESENTLY CONFLICTS EXIST WITH EARLIER PROVISIONS

407.4 Expiration of Approval

The date of approval for a development review application shall be the date the reviewing entity votes to approve the application. The town shall notify the applicant, in writing, that a subdivision is to expire on or about the fifth anniversary of the Planning Board's approval.

A. General

1. Where construction and completion of improvements or fulfillment of conditions required in an approved plan is not pursued within the time limits stated below, the Site Plan, Subdivisions or Special Permit approval shall expire according to the provisions of this Section.
2. The applicant may, at any time before the date of expiration, make a written request to the Planning Board for a time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if a time extension is granted by the Board.
3. The Planning Board may consider any zoning changes affecting the site when considering a request to extend any approval.

B. Site Plan Approval Expiration

Except when otherwise stipulated in an approved phasing plan, Site Plan approval expires three years after the date the reviewing entity votes to approve the application unless construction of the approved project has been completed by that date or the applicant has submitted a written request for an approval extension. The Planning Board may extend the expiration of an approved site plan.

C. Subdivision Approval Expiration

1. Subdivision approval shall expire at the end of five years after the date the Planning Board votes to approve the project application unless either the Town Engineer certifies that construction of all approved infrastructure systems throughout the Subdivision has been completed or the applicant has submitted an extension request or the Town Manager executes the terms of the performance guarantee to complete all approved infrastructure systems throughout the Subdivision. This expiration provision, together with the extension and notice provisions of this Section shall be noted on the recorded Final Plan.
2. Expiration of Subdivision approval shall not affect the validity of any lot which has been properly subdivided and legally conveyed to another owner.

- D. Special Permit Approval Expiration:** A special permit shall expire three years after it is ratified or deemed ratified by the Town Council according to the approval provisions in Section 701.1 if no Certificate of Occupancy is granted for the use.

E. Site Plan and Subdivision Reapproval Process: If a site plan or subdivision project expires based on the timeframes outlined in Section 407.4 without submitting a written request to the Planning Board for an approval extension the following process shall be followed to obtain reapproval:

1. The applicant shall submit an application and 8 copies of the approved plan to the Planning & Development Director along with a letter explaining the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if reapproval is granted by the reviewing entity.
2. The reviewing entity may reapprove the original approval, reapprove the original approval with additional conditions or deny the reapproval. The Planning & Development Director shall provide the applicant with a decision in the form of Findings of Fact within 7 days of the meeting in which the application is heard. A site plan reapproval shall expire three (3) years after the date of reapproval. A subdivision reapproval shall expire five (5) years after the date of reapproval.
3. The Planning Board shall consider any zoning changes affecting the site when considering a request for reapproval.

407.5 Subdivision Lot Sales Prohibited Until Plan is Recorded

There shall be no sale of lots of a proposed or amended Subdivision until the following have occurred:

- A. The Final Plan or Amended Final Plan has been approved and signed by the Chair of the Planning Board; and
- B. The Final Plan has been duly recorded in the Registry of Deeds by the applicant.

407.6 Vesting Provisions

A. Vesting of Governing Law

Applications for development approval shall be reviewed under the ordinance provisions in effect at the time the application was submitted to the Director of Planning and Development.

B. Vesting of Plan Approval

Development approvals shall be fully vested from the date of the submission of a complete application until the expiration of such approval. After such expiration, the applicant shall have no rights to develop according to the expired Final Plan and shall be subject to any changes in this Ordinance that have been adopted since the first submission of a plan to the Director of Planning & Development.

C. Phased Projects

In any partially completed phased project, if the commencement of any phase is delayed by three years or more, the Planning Board may declare the project approval expired as to all uncompleted phases, upon 60 days notice to the owner of the property. The owner may request an extension of the phasing plan at any time, which shall be granted if the owner can show good cause for the delay and if the Planning Board determines that continuing the project as approved is consistent with this Ordinance as amended.

407.7 Revisions to Approved Plans

- A. An application to revise a previously approved Site Plan or Subdivision shall follow the procedure required for a minor project, unless the revision is found not to require Site Plan approval pursuant to Section 702 of this Ordinance or is deemed to be a minor modification. If the Director of Planning and Development determines that the scope of the revisions will either increase the scale of a minor project to that of a major project or will be the functional equivalent of creating another major project, the procedure for a major project shall be followed. Any amendment to a subdivision plan, with the exception of minor modifications that qualify under Section 401.3, shall be reviewed as Major Projects by the Planning Board.
- B. The applicant shall submit a copy of the approved plan, as well as copies of the proposed revision and other information required to process the application. The proposed changes to the approved plan shall be clearly indicated on the revised plan. The application shall include information sufficient to allow the Board to make a determination as to whether or not the revisions meet the standards of this Ordinance. No plan revision shall be approved if the applicant is not in full compliance with all relevant terms and conditions of previously approved plans.
- C. If zoning requirements have changed since the approval of an original Site Plan or Subdivision Plan, the applicant's revisions shall comply with all such changes. The Planning Board or Staff Review Committee may, as a condition of approval of a revision of a Site Plan, require modifications to the original Site Plan in order to comply with such zoning changes, provided that such modifications do not cause undue hardship to the applicant and are reasonable and proportionate in scope and cost to the requested plan revision.
- D. No changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, except in accordance with this Section.

407.8 Street Names

All street names are subject to the approval of the Assessor, to ensure that the proposed name is not currently in use. Street names shall be proposed with the sketch plan or **streamlined development plan** application.

407.9 Submission of digital data

Digital data produced for any approved subdivision shall be submitted to the Town in DWG file format prior to issuance of the first certificate of occupancy for a project. Such digital submission shall include: project name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of all existing and proposed streets; profiles of centerlines of proposed streets, of a horizontal scale of 1" = 50' and a vertical scale of 1" = 5', with all elevations referred to U.S.G.S. datum and appropriate GIS reference. Digital transfer of any subdivision data in GIS format on the Town's Horizontal Datum: Maine State plane Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet; Vertical Datum: ~~National Geodetic Vertical Datum, 1929.~~ **North American Vertical Datum of 1988 (NAVD 1988)**. The requirement of submission of digital data may be waived, upon the recommendation of the Town Engineer, for subdivisions of limited scope. Subdivision plans drawn by hand do not need to meet this requirement.

408 Effect of Violations on Applications

No application shall be approved by the Planning Board as long as the property is in violation of any requirements of this Ordinance or of any previous Planning Board conditions imposed upon the property. This provision does not apply if the application is made in whole or in part for the purpose of bringing the project into compliance with such requirements or conditions.

409 Findings of Fact and Conclusions

The Planning Board may approve, deny, or approve with conditions an application for Development Review after it has reviewed the application and has made determinations in the form of Findings of Fact and Conclusions based on the Review Standards and Criteria set forth in Chapter 5.

409.1 Contents

Findings of Fact and Conclusions shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. Attached to it shall be the following:

- A. A report prepared by the Director of Planning and Development evaluating the application proposal based upon the Review Standards and Criteria set forth in Chapter 5.
- B. Any documents submitted to the Planning Board from the Town Engineer or other member of the Staff Review Committee;
- C. Any conditions imposed on the application; and

410 Waiver Provisions

The reviewing entity may waive requirements of the Development Review Process or of Review Standards and Criteria set forth in Chapter 5. The applicant shall meet with the Director of Planning and Development to discuss potential waivers. The Director of Planning and Development shall make recommendations in writing to the reviewing entity concerning any requested waiver.

410.1 Waiver Criteria.

The reviewing entity may grant waivers prior to taking action upon the Final Plan, in accordance with the following:

- A. The waiver shall be consistent with the review standards and criteria set forth in Chapter 5.
- B. A waiver may be granted if the requested information or submission requirement(s) is deemed by the reviewing entity to be either not relevant to the application or otherwise not necessary to determine compliance with the review standards and criteria of Chapter 5.
- C. ~~Submission requirements may be waived if the reviewing entity finds that the submission of that information is not necessary to make a determination that the proposal will satisfy the development review requirements of Chapter 5.~~ **DUPLICATES B. ABOVE.**
- D. A waiver may be granted if the reviewing entity finds that by doing so, the application will be brought closer into compliance with the goals of the Planning District, as indicated in Appendix I.

411 Submission Requirements

The following submission requirements apply to all major development review and **streamlined development review** applications, unless a waiver is granted. Minor development review applications shall comply with

applicable sketch plan submission requirements as well as such information required for **final or streamlined plan submission as the Planning Board or Staff Review Committee may require.**

411.1 Sketch Plan Submission Requirements

The following is required for Sketch Plan review unless a waiver is granted. All information provided or shown shall conform to the requirements of this Ordinance.

- A. Name, address, email address and telephone numbers of applicant, owner, and authorized representative.
- B. Name, registration number, address, phone number of engineer, surveyor, architect, landscape architect or planner.
- C. Interest of the applicant in property and abutting property.
- D. Tax map and lot numbers.
- E. Variances granted by the Zoning Board of Appeals, if any.
- F. Special Permits, if any.
- G. Special Exceptions, if any.
- H. Date, north point, scale, name of project, if any.
- I. Land area, existing use of the property, location of proposed development, locations reserved for future development, **conservation and/or recreation areas.**
- J. Tentative rights-of-way locations, lot lines, lot numbers, lot areas.
- K. Estimated soil boundary locations from the Soil Conservation Service Medium Intensity Soil Survey noting areas of severe and very severe soil limitations for the activities proposed.
- L. Existing natural, topographical, and cultural features including areas of steep slopes, bedrock outcrops, ponds, streams, aquifers, and other water bodies, wetlands, groundwater recharge areas, slumps, flood hazard areas, trees and other vegetation, excavation sites, stone walls, net site area pursuant to Chapter 5, historic and archaeological sites, structures, or districts, and any other pertinent features.
- M. If applicable, tentative location of proposed structures, owners of existing structures and neighboring land uses.
- N. Special conservation and recreation areas **abutting the property.**
- O. Location map.
- P. Zoning district(s) identification and standards in which the property is located, and the location of any overlay zones. Such information shall be depicted on all plans submitted.
- Q. Any conditions imposed by a previous **subdivision, site plan or special permit approval** for the site.

- R. Such other information as the Planning Board deems necessary to conduct an informed review.
- S. A letter of consent signed by property owner authorizing the development review application in cases where applicant is not owner of property.
- T. The application fee and costs established by the Town Council.

411.2 Final/Streamlined Plan Submission Requirements

A. Application Information

- 1. Perimeter survey for applications involving the subdivision of land and for major site plan proposals, covenants, deed restrictions, easements, or rights of way existing or planned.
- 2. Name, address, map and lot number of abutting landowners.
- 3. Construction schedule, costs, and performance guarantee agreement, proof of financial capability.
- 4. Solid waste generation estimate in the form of tons per year.
- 5. A list of all waivers requested.
- 6. Such other information as the Planning Board deems necessary to conduct an informed review.
- 7. The application fee and costs established by the Town Council.

B. Plan Requirements

Blueprint or black line prints of the Final/Streamlined Plan(s) shall be included with each submission package at a size not to exceed 24" x 36". All plans shall be drawn at a standard engineering scale. The plan(s) shall include:

- 1. Name of development.
- 2. Scale, date, north point, area, number of lots (if a subdivision).
- 3. Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments properly identified as existing or proposed.
- 4. A signed and stamped survey plan that meets the current Standards of Practice of the Maine Board of Licensure for Professional Land Surveyors.
- 5. Existing zoning district standards and overlay zone designation.
- 6. Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.
- 7. Names of current owner(s) of subject parcel and abutting parcels.

8. Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of all existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.
9. A general road plan noting circulation, direction, traffic control devices, street lighting, and type of lighting proposed.
10. Existing and proposed easements associated with the development.
11. Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning and Development Department.
12. Location of features, natural and artificial, affecting the development, such as water bodies, wetlands, streams, vegetation, rail-roads, ditches and buildings.
13. Location of existing and proposed utilities; water, sewer, ~~electrical~~ **overhead utility** lines, and profiles for all underground facilities. Where private well water is to be utilized, the tentative well location(s) shall be indicated.
14. Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.
15. Topography with contour intervals of not more than 2 feet.
16. A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.
17. Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing trees to be removed as a result of the development proposal.
18. Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.
19. Existing locations and proposed locations, widths and profiles of sidewalks.
20. Location map.
21. Approximate locations and dimensions of proposed parking areas.
22. Proposed ownership, **management** and approximate location and dimensions of for conservation and recreation areas.
23. Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swales, and ground cover or other means of stabilization.
24. Reference to special conditions stipulated by the Planning Board, with the conditions either set forth in full on the plan or identified as specific documents filed with the Board.

25. A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the U.S. Army Corps of Engineers at the time of the application.
26. Dedicated public open spaces, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.
27. For Open Space Developments, a note indicating the total permitted lot count of the entire land tract based upon the density standards in this Ordinance, the number of lots created by the Plan, and the number of lots permitted to be subdivided in the future, as well as a table showing setback requirements and impervious surface coverage limits for each lot.
28. Building envelopes showing acceptable locations for principal and accessory structures.

C. Supporting Documents

Where applicable, the Final Plan submission shall include the following information:

1. Documentation of ownership or contract.
2. Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners' association declaration and by-laws, and such other agreements or documents as are necessary to show the manner in which conservation land will be owned, maintained, and protected.
3. Draft performance guarantee or conditional agreement.
4. Disclosure of any required permits from the Department of Environmental Protection, Marine Resources, U.S. Army Corps of Engineers, Department of Inland Fisheries and Wildlife, or other agencies, as applicable; or, if a permit has already been granted, a copy of that permit.
5. Any additional statements or studies required by the Planning Board which are deemed necessary in accordance with this Ordinance.
6. Storm water management program for the proposed project prepared by a professional engineer.
7. A statement from the Brunswick-Topsham Water District of conditions under which water will be provided, in accordance with Section 508, or any private water system data.
8. A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.
9. A statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.
10. A statement by the Superintendent of the Brunswick Sewer District of the

conditions under which the Sewer District will provide sewage disposal service and approval of the sanitary sewers proposed within the development; or a statement relative to the capacity of the sewage treatment plant to treat septic waste from proposed on-site septic systems. In case the applicant proposes to manage septic without the involvement of the Brunswick Sewer District, the applicant shall submit a septic management plan for the Board's review.

11. Where a septic system is to be used, evidence of soil suitability is required, in accordance with Section 510.
12. All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of Chapter 5.
13. A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.
14. An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.
15. A circulation plan describing all pedestrian and vehicle traffic flow development's traffic on surrounding road systems.
16. The size and proposed location of water supply and sewage disposal systems and provision for future expansion of those systems.
17. A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening; the size, location, purpose and type of vegetation.
18. Any other exhibits or data deemed necessary by the Planning Board or Planning and Development Department to evaluate the proposed development for Site Plan review purposes.

412. Common Development Plan FOR FURTHER DISCUSSION AND POSSIBLE REVISION

The Planning Board may approve a proposal for a project to be designated as a common development plan if it meets the criteria of this section. A common development plan may involve a development proposal for multiple new buildings or structures on a single lot, a proposal for multiple new buildings or structures on multiple lots, or a proposal for the construction of a single new building or a redevelopment building on an individual lot or multiple lots. In the latter case, the Planning Board shall evaluate the proposal in terms of how the new building relates to existing and/or planned development on adjacent lots that about the same public or private street(s) as the subject property.

412.1 Criteria for Designation as a Common Development Plan

In reviewing a proposal for a project to be designated as a common development plan, the Planning Board shall find that all of the following criteria will be met:

- A. All buildings and structures shall be part of, and consistent with, a common pattern of development. In the case of a single building on an individual lot, the proposed building shall be consistent with the pattern of development on surrounding lots. The relationship of the buildings to public and private streets and to parking areas shall result in a unified pattern,

- B. The development shall incorporate private or public amenities that enhance the development's pedestrian friendly environment,
- C. There shall be common vehicular and pedestrian circulation systems that create a pedestrian friendly environment for the entire development and that integrate the individual buildings into an overall pattern,
- D. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping, and
- E. If the project is located in the CC District, the development will conform to the Cook's Corner Design Standards relating to common development plans.

412.2 Approval Process

The designation of a development as a common development plan shall be optional and voluntary, except in the case of village center type development as defined in the Cook's Corner Design Standards. Any property owner or applicant for development review may request that a development be designated as a common development plan in accordance with the following process:

- A. A request for a development to be designated as a common development plan shall be made in writing to the Planning Board on forms provided for that purpose and shall be accompanied by the materials set forth below in the submission requirements. An applicant may initiate development review in accordance with Article Four concurrently with seeking designation of the project as a common development plan.
- B. A request may be made by the owner of the property or by any party having valid right, title or interest in the property including an option to purchase or a purchase and sale agreement.
- C. The request to be designated as a common development plan shall be submitted prior to or concurrently with an application for development approval for the first building within the development.
- D. The timing of the submission and staff review of the request shall be in accordance with Section 405.5.E.
- E. Within sixty (60) days of the date on which a complete request is submitted, the Planning Board shall decide if the proposed development conforms to the criteria and shall be designated as a common development plan. If the Board finds that the criteria are met, it shall approve the designation. If not, the Board shall deny the designation and indicate the reasons for its denial.
- F. Once a development has been designated as a common development plan, all subsequent applications for development review for buildings or structures within the area covered by the designation shall be consistent with the common development plan reviewed by the Planning Board in making the determination.
- G. An owner or applicant may request that a project that has been designated as a common development plan be revised based upon new information using the same procedure as used for the initial designation. If a project is revised, the revised project must be consistent with any existing development approval.
- H. Prior to the start of construction of the first building or structure within a designated common development plan, the owner or applicant may request that the designation be vacated and no

longer apply to the project. Once construction is started on the first building under the designation of a common development plan, the designation may not be vacated but may be revised.

- I. In designating a project as a common development plan, the Planning Board may identify conditions of approval that shall be attached to future development approvals to assure that construction occurs in accordance with the representations made to the Board.

412.3 Submission Requirements

A request for a project to be designated as a common development plan shall be accompanied by the following submissions:

- A. A master site plan at a scale of not more than one inch equals fifty feet showing the location of all proposed buildings and structures, pedestrian network and facilities, road network, bicycle facilities, pedestrian amenity areas, parking areas, and similar site improvements. If the request is for a single building on an individual lot, the site plan shall also identify these features on the adjacent lots.
- B. A description (including drawings or sketches) and analysis of the common features of the development that contribute to the project being in conformance with the criteria set forth above and a statement of how these common features will be applied throughout the development.
- C. A description of the pedestrian and bicycle features of the development showing how the individual buildings and structures will be designed to be pedestrian and bicycle friendly.
- D. A master signage plan showing how graphics will be used in a coordinated manner to reinforce the concept of a single, coordinated development. The signage plan shall include information on the size, location, lighting, color, and materials for signs including directional and regulatory signs.
- E. A master lighting plan prepared by a qualified lighting professional showing how site lighting will be used to reinforce the concept of a single, coordinated development. The lighting plan shall include the following:
 1. a written description of how the lighting will be used to integrate the project as well as provide for safety and security,
 2. a site plan showing the general treatment of all proposed lighting ,
 3. a description of the proposed lighting fixtures including photometric data, Color Rendering Index (CRI) and other descriptive information about the fixtures, and
 4. the proposed mounting height of the fixtures.
- F. A master landscaping plan showing how landscaping will be used to reinforce the concept of a single, coordinated development including a written description of the landscape concept and the general locations and types of landscaping proposed.
- G. Evidence of how the project will conform to the Cook's Corner Design Standards for common development plans if the project is located in the CC District.
- H. A list of waivers requested from the Cook's Corner Design Standards and reasons for those requests."

**BRUNSWICK PLANNING BOARD
TUESDAY, DECEMBER 06, 2011**

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

STAFF PRESENT: Anna Breinich, Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday, December 06, 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.

Case Number: 11-028 – Heritage Place Reapproval: The Board will review and take action on an application submitted by Jan Vaganis to reapprove the Heritage Place Subdivision and Site Plan at Rita Way (**Assessor’s Map 45 Lot 60**) in the **Cooks Corner Zoning District**.

Kris Hultgren reviewed his Memo to the Planning Board dated December 2, 2011 and stated that the original project was approved by the Board in 2004; the original plan consisted of three buildings and 20 units. He stated that the reasons why the applicant was asking for an extension was due to housing issues and issues related to the closure of the former Brunswick Naval Air Station. Kris stated that per Brunswick standards, the applicant is asking that the site plan be reapproved for two years and the subdivision plan for five years. Kris stated that staff reviewed the previous plan and approval for any changes to the site and noted that one of the three buildings, eight units has been constructed.

The applicant, Jan Vaganis, stated that she is only asking that the site plan and the subdivision plan be reapproved with no changes to the conditions. Charlie Frizzed stated that in the re-approval letter the applicant discussed possibly using the reaming two units for commercial space; the original plan was approved for residential space. Charlie asked staff if it would need to come back to the Board for a change of use and Kris Hultgren replied that the applicant would need to go to the Codes Enforcement Office for a change of use and noted that the applicant did receive a change of use for office space in 2007. Margaret Wilson asked about the “future space” as noted on the site plan and should the Planning Board be looking at this space. Jan replied that it was put there to give an idea of what could possibly be put in this space but noted that at this time there are no plans to develop this area.

MOTION BY DANA TOTMAN TO REAPPROVE THE ORIGINAL SUBDIVISION PLAN FOR FIVE YEARS AND THE ORIGINAL SITE PLAN FOR TWO YEARS FOR HERITAGE PLACE WITH THE ORIGINAL CONDITIONS. SECONDED BY MARGARET WILSON; APPROVED UNANIMOUSLY.

CASE Number: 11-026, Select Physical Therapy: The Board will hold a public hearing on a **Special Permit** application submitted by Scott Mikuled to open a physical therapy business at 120 Harpswell Road (**Assessor's Map U36 Lot 38**) in the **Mixed Use 6 Zoning District**.

Kris Hultgren, in reviewing his Memo to the Board dated December 2, 2011, stated that the applicant, Scott Mikuled, is in need of a Special Permit for Business Service Class I in the Mixed Use 6 Zoning District. He stated that this location is within the Maine Pines Fitness Club racquet ball facility on Harpswell Road; the applicant wishes to turn the space of an existing racquet ball court into a physical therapy business.

Margaret Wilson disclosed that she is a member of Maine Pines Fitness and Racquet Facility and noted that she has a financial obligation to them but no conflicting obligations. The Board consented to Margaret's continued participation.

Erick Oslen, manager for Select Physical Therapy, stated that their plan is to move into an existing racquet ball court space into a build out to provide physical therapy and athletic training services. Charlie Frizzle clarified that there will be no exterior construction and Margaret Wilson attested that there is ample parking. Erick stated that they will be adding a window in the back.

Chairman Charlie Frizzle opened the meeting to the public hearing. No public comment was made and the public hearing was closed.

Margaret Wilson asked what the hours were going to be and Erick Oslen replied that they were going to be from 7:00am to 6:00pm with some Saturdays.

MOTION BY RICHARD VISSER THAT THE SPECIAL PERMIT IS DEEMED COMPLETE. SECONDED BY MARGARET WILSON; APPROVED UNANIMOUSLY.

MOTION BY MARGARET WILSON THAT THE SPECIAL PERMIT IS APPROVED WITH THE STANDARD CONDITION. SECONDED BY DANA TOTMAN; APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER THAT THE DEVELOPMENT REVIEW APPLICATION IS DEEMED COMPLETE. SECONDED BY DANA TOTMAN; APPROVED UNANIMOUSLY.

Dana Totman asked if there were any other plans for use of the building other than the physical therapy as another business combined with this use may create other issues such as parking. The owner for Maine Pines stated that there are no other plans and explained that one tennis court had already been taken out to allow for more parking space.

MOTION BY RICHARD VISSER THAT THE DEVELOPMENT REVIEW APPLICATION IS APPROVED WITH THE STANDARD CONDITION. SECONDED BY DANA TOTMAN; APPROVED UNANIMOUSLY.

Discussion with architectural team working on police station site plan about footprint and dimensional considerations.

Charlie Frizzle reminded Board members that this meeting was not advertised as a continuation of the discussion regarding zoning amendments that the town has requested. He stated that at a previous meeting a question arose as to how the town decided upon the sizing of the proposed police station and stated that the architects were present to explain and answer any questions the Board may ask. Charlie asked the Board members refrain from asking about any zoning requirements.

Brett Donham with Donham and Sweeney Architects stated that they have been hired by the town to design the new police station. He presented to the Board a slide show and explained the proposed sizing.

- Reviewed site plan options from the street/intersection and parking layout
- Reviewed options for arrangement of floors; locker room in basement and second floor. The committee and the Police Department have decided to place the locker room in the basement.
- Reviewed preferred site plan and explained that the mass of the building is back from the street with two smaller wings to assist in bringing down the scale of the building. Parking located on the side and rear of the building. Public entrance on Pleasant Street. Small wing on the back is the sally port.
- Reviewed footprint layout and options.
- Reviewed building elevation and use of hip roofs.
- Reviewed zoning analysis and the two areas of non-compliance: impervious surface and footprint of the building. If a bell tower copula is decided upon, the building will be non-compliant with height as well. The proposed footprint also allows for future expansion.

Richard Visser asked Mr. Donham to describe what has been done to make the building blend in with the neighborhood aside from the building height, hip roof and pushing the building back from the street. Mr. Donham replied that they have also placed the parking in the rear and to the side. He stated that on the Stanwood Street side, the mass of the building is broken up and narrower to fit the neighborhood characteristics and stated that the open space on the corner is a key element which also leaves flex room if needed in the future. Richard asked if Pleasant Street was turned into two way traffic would that change the layout and Mr. Donham replied that it would be prudent to make the entrance on Pleasant Street as far away from the intersection as possible. Dana Totman asked what the FAN room was on the second floor. Mr. Donham replied that the building will be centrally air conditioned and heated and meet all new fresh air requirements. There will be two machines one for the building and one for the Communications area; the Communications area will be on an emergency generator. This room will house all the

equipment. Dana asked if it was pivotal that this room be located on any particular floor and Mr. Donham replied that the room could be located in the basement but area ways for ventilation would need to be added as well as snow removal precautions; this would be more expensive and the area ways would probably end up in the front of the building. Dana asked where the Marine boats were currently stored and Deputy Chief Hagan stated that they are currently located at Public Works but noted that they have to negotiate spaces as they need to be covered over during the winter. Margaret Wilson stated that the garage is a big space and wonders about the efficiency of the garage layout. Mr. Donham stated that this area also includes the impound area and storage for 40 tires as they are spread throughout town. Margaret asked how large the space was that the Police Department currently occupies and Chief Rizzo stated that it is about 4,500 square feet which doesn't include the other 7,000 square feet that the department occupies in various other locations throughout town.

Other

- Anna Breinich stated that staff is checking the requirements for the public hearing on the zoning amendment change.
- Anna Breinich stated that the January schedule has not been made yet as Planning Board falls on two back to back holidays. More information forthcoming.

Minutes

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF SEPTEMBER 27 2011. SECONDED BY MARGARET WILSON APPROVED UNANIMOUS OF THOSE PRESENT.

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF OCTOBER 4, 2011. SECONDED BY DANA TOTMAN APPROVED UNANIMOUS OF THOSE PRESENT.

Adjourned

This meeting was adjourned at 8:13 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
THURSDAY, JANUARY 5, 2012**

MEMBERS PRESENT: Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis (arrived at 7:05), Jeff Peters, Dana Totman, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich, Kris Hultgren

A meeting of the Brunswick Planning Board was held on Thursday, January 5, 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 on increasing the allowable number of MDOT official business signs allowed through the sign ordinance.

Kris Hultgren reviewed his Memo to the Board dated 12/30/11 and stated that at the workshop on 12/13/11 the Board voted unanimously to set a public hearing to increase the amount of allowed MDOT signs in Brunswick. Kris stated that at the workshop the Board decided upon allowing up to four MDOT signs, an increase of two.

Chairman Charlie Frizzle opened the meeting to the public hearing.

John Perrault, District 4 Councilor, stated that he brought this issue to the Town Council as he had been approached by several businesses within his district. He stated that whatever can be done to keep business within the local community benefits the Town; allowing more signage will assist in locating businesses. John stated that he appreciated the Planning Board's willingness to discuss this matter and to increase the allowable signage.

Chairman Charlie Frizzle closed the public hearing.

MOTION BY MARGARET WILSON TO RECOMMEND TO TOWN COUNCIL THAT THE NUMBER OF ALLOWABLE MDOT DIRECTIONAL SIGNS PERMITTED IN THE TOWN ORDINANCE BE INCREASED FROM TWO TO FOUR. SECONDED BY JEFF PETERS, APPROVED UNANIMOUSLY.

Public Hearing: Case Number 11-030 – Costal Humane Society – The Board will hold a public hearing on a **Special Permit** application submitted by Tom McDonald to add a kennel use to the building at 190 Pleasant Street. (**Assessor's Map U33 Lot 14**) in the **Highway Corridor 1 (HC1) Zoning District.**

Kris Hultgren reviewed his Memo to the Board dated 12/30/11 and noted that if kennel use is approved, there are plans to expand this facility roughly 5,300 square feet. Kris stated that at this time, the applicant is only seeking kennel use to be allowed at the building at 190 Pleasant Street. Charlie Frizzle asked Board members to limit the conversation to change of use only at this time.

Tony McDonald, the applicant, stated that the building at 190 Pleasant Street was the former Thibeault building and before that Dexter Shoes. He stated that the Humane Society is currently located on Range Road but that the biggest challenge is that they need a more retail presence so people know where they are. Tony stated that this location would be a retail facility for healthy, adoptable cats and dogs. Sick and new animals will still be located at the facility on Range Road. Tony stated that this facility would not be a kennel but that they need the designation to allow them to keep the animals on site. Steve Walker asked at maximum, how many animals would be at this location and Tony replied that they would have more cats than dogs. Karen Stimpson stated that the maximum capacity would be 45 cats with a low number of dogs, approximately 6-10 at any given time. Steve stated that there is a stream behind this building that is in the Natural Resource Protection Zone and noted that future expansion would need to comply with these standards.

Margaret Wilson stated that kennel use could be inside or outside and asked if the applicant anticipated having any kennels outside. Tony McDonald replied that as it exists, all kennels are inside, but noted that you do have to let the dogs out sometimes. Tony stated that they have a few different areas where they are thinking about allowing the dogs out; one possibility is in the grassy area under the current Thibeault sign. Richard Visser asked how close this location was to the residences on Range Road and Tony replied that he guessed they were roughly 150 feet away from the closest neighbor. Dana Totman asked about any Town dog or noise ordinance that would apply to anyone who has animals within town. Kris replied that they would refer to Section 411.20, Noise and Dust during developmental review which is a finding that refers to Section 109.4 and lists decibel levels. This would be enforced through the Animal Control Officer; if the noise generated by the dog was persistent, long lasting and met standards in Section 109.4, the Codes Enforcement Officer would respond and measure the noise level.

Chairman Charlie Frizzle opened to the public hearing.

Clinton Thompson, resident of 3 Range Road, referenced his letter to the Planning Board dated 12/20/11 and stated that his family has lived on Range Road since 2000 and has spoken to the applicant, Mr. McDonald several times. Clinton stated that in his letter he expressed some of his concerns about traffic issues and stated that this proposal, without being able to discuss the specific plans of the facility, will adversely affect the enjoyment and the use of his property. He stated that barking dogs are a nuisance and he was a former police officer who went to many barking dog complaints. Clinton stated that without being able to have more of a sense of the scope and dynamics of what this facility will be, his family objects to this proposal.

John Perrault, Councilor District 4, stated that he has been a supporter the Costal Humane Society. John stated that his concerns for the Humane Society are development rules and restrictions and suggested that before completing the sale, the Humane Society should hear what the development rules and restrictions are. He stated that noise is already louder in this commercial area than in a residential area. John stated that he is confident

that if the applicant is willing to install sewer from Goodwins down to the facility then they would not object to keeping the noise inside the building minimal. John stated that if the outside dog kennel were located out front that there would be little noise increase due to the ambient motor vehicle noise already existing. Charlie Frizzle clarified that the Board was not being asked to change the zoning in this area as it is already in the highway commercial zone. Anna Breinich stated that John was correct and that noise is at a higher level within the commercial zone, but that if the location directly abuts a residential district then it cannot exceed 55 decibels instead of being able to go from 60 to 70 decibels. The 55 decibels would be what is allowed in the residential areas.

Tony McDonald, applicant, stated that the Humane Society currently complies with the residential noise restrictions. Margaret Wilson asked if Tony was aware of any noise complaints and Tony replied that there has only one individual who has complained repeatedly; complaints have been unfounded and within standards.

Janice Pendleton stated that she was the former tenant of 3 Range Road and that the most noise she would hear would come from the area on Pleasant Street when it becomes one way and everyone speeds up. She stated that she now lives almost directly across from the humane society and hears some barking dogs but does not consider it loud. Janice stated that she considers the proposed facility a benefit to the Town and supports making it a facility that everyone can see.

Chairman Charlie Frizzle closed the public hearing.

Charlie Frizzle stated that this special permit is unique because typically it is required for a business going into a residential area and would be unusual to the neighborhood. He stated that in this case the zone is already in the Highway Commercial and noted that he was not concerned that this would bring any significant increase in noise or traffic. Dana Totman agreed with Charlie and noted that there were already several dog grooming facilities along Pleasant Street and somewhat in line with the proposed use.

MOTION BY DANN LEWIS TO DEEM THE SPECIAL PERMIT COMPLETE. SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.

MOTION BY JEFF PETERS TO APPROVE THE SPECIAL PERMIT WITH THE STANDARD CONDITION. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Other

- Anna Breinich Stated that staff is fine tuning the final “draft” of the development review portion in the Zoning Ordinance and it is hoped that the draft will be ready to come back to the Board for review by the end of January.

Minutes

No minutes were reviewed at this meeting.

Adjourned
This meeting was adjourned at 7:40 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary