TOWN OF BRUNSWICK
PLANNING BOARD
28 FEDERAL STREET, BRUNSWICK, ME 04011-1583

TOWN OF BRUNSWICK
PLANNING BOARD AGENDA
HAWTHORNE SCHOOL
46 FEDERAL ST, BRUNSWICK, ME
CONFERENCE ROOM
Tuesday, March 27, 2012
7:00 P.M.

1. **Workshop:** The Board will review and comment on changes to Chapter 4 of the Zoning Ordinance.
2. Election of Planning Board Officers
3. Other Business
4. 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.

CHAPTER FOUR: DEVELOPMENT REVIEW (revised 3/23/12 w/PB and staff comments received to date)

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 Applicability

401.1 Activities not Subject to Development Review:

A. The following activities are not subject to Development Review:

(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 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 2007 BNAS Reuse Master Plan, as amended.

(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 416.2.

401.2 Activities Subject to Development Review:

A. The activities listed in Table 401.2 shall be subject to Development Review based on the applicable thresholds. Activities that do not meet the thresholds may still 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.

B. Thresholds for development review apply only to new, or "add-on" construction, except as indicated in Section 401.3. 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 is a single lot.

Table 401.2
Development Review Threshold Criteria

Impact Criteria	Threshold	Zoning District	Level of Review	Reviewing Authority
Construction of New Floor Area	Less than 2,000 square feet	All Zoning Districts	Building Permit	Codes Enforcement Officer
	2,000 - 10,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10,000 square feet	All Zoning Districts	Major Development Review	Planning Board
Change of Use (see Section 702)	Less than 10,000 square feet	All Zoning Districts	~~Building~~ Change of Use Permit	Codes Enforcement Officer
	Over 10,000 square feet	All Zoning Districts except B-RU	Major Development Review	Planning Board
	10,000 – 20,000 square feet	B-RU	Minor Development Review	Staff Review Committee
	Over 20,000 square feet	B-RU	Major Development Review	Planning Board
	Conversion of single or two-family residence to any other use	All Town Residential and Residential Districts	Major Development Review	Planning Board
Net New Impervious Surface	Less than 2,000 square feet	All Zoning Districts	Building Permit	Codes Enforcement Officer
	2,000 - 10,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10,000 square feet	All Zoning Districts	Major Development Review	Planning Board
	Development Subject to Special Permit (Sec. 701) creating less than 5,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	Development Subject to Special Permit (Sec. 701) creating 5,000 or more square feet	All Zoning Districts	Major Development Review	Planning Board
Net Cumulative Total of New Floor Area and New Impervious Surface	Less than 3,000 square feet	All Zoning Districts	Building Permit	Codes Enforcement Officer
	3,000 - 20,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	20,000 square feet or more	All Zoning Districts	Major Development Review	Planning Board
Construction of Multi Family Dwelling Units that does not create a subdivision	10 units or less	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10 units	All Zoning Districts	Major Development Review	Planning Board

Formatted: Highlight

Comment [j1]: Considering deletion, may be unnecessary

Comment [j2]: Same comment

Formatted: Highlight

Comment [j3]: Under review

Impact Criteria	Threshold	Zoning District	Level of Review	Reviewing Authority
Mobile Home Park development or expansion	All	All Zoning Districts	Major Development Review	Planning Board
Traffic	An activity generating more than 100 peak hour vehicle trips, based on ITE Trip Generation Manual, as amended, unless previously addressed as part of an approved plan, or upon recommendation by the Town Engineer.	All Zoning Districts	Major Development Review	Planning Board
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	All Zoning Districts	Major Development Review	Planning Board
District Boundary Buffering	Any development within 200'of district boundary otherwise classified as minor	B-RU	Major Development Review	Planning Board
New Road Construction	New private or public Road proposed as part of development application	All Zoning Districts	Major Development Review	Planning Board
Subdivision	Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended	All Zoning Districts	Major Development Review	Planning Board
Natural Resource Protection Zone	Any new construction or creation of impervious surface	NRPZ	Minor Development Review	Staff Review Committee
Mineral Extraction	Pursuant to Section 306.6	All Zoning Districts	Major Development Review	Planning Board
Hours of Operation	Commercial use with operating hours between 12am and 5am	Residential Districts	Major Development Review	Planning Board

Comment [j4]: Under review, to determine other overlay zones after reviewing Steve's comments

401.3 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. Amendments to approved plans shall be subject to the appropriate level of review.

401.4 Joint Meeting, Hearing, and Application

If a proposed development requires both Subdivision and Site Plan review, the Planning 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.

401.5 Effect of Violations on Application

No application shall be approved by the Review Authority as long as the property is in violation of any requirements of this Ordinance or of any previous conditions of approval 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 development into compliance with such requirements or conditions.

402 Planning Board Responsibilities and Delegation of Planning Board Review Authority

402.1 Planning Board Responsibilities

A. The Planning Board shall review all Major Development Review applications and any Minor Development Review application for which the applicant requests Planning Board review. The Planning Board may conduct Minor Development 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 Review applications is hereby delegated to the Staff Review Committee in accordance with the provisions of Section 402.2. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

402.2 Staff Review Committee Responsibilities

A. The Staff Review Committee shall consist of the Director of Planning and Development, Public Works Director, Codes Enforcement Officer, Town Planner, Parks and Recreation Director, Fire Chief, Police Chief, Town Assessor, Natural Resources Planner, General Manager of the Brunswick-Topsham Water District, and the General Manager 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 nonvoting staff representative from the Midcoast Regional Redevelopment Authority (MRRA). The Executive Director of MRRA shall designate the MRRA representative in writing.

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 412.

E. All appeals from a Staff Review Committee decision shall be heard by the Planning Board.

F. 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 recommendations to the Planning Board.

402.3 Planning and Development Department Staff Responsibilities

A. A minor change of use may be granted by the Codes Enforcement Officer for such uses not exceeding the thresholds required for development review as indicated in Table 401.2.

B. A minor modification to an approved site plan, subdivision, or special permit may be granted by the Director of Planning and Development, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director as provided within Section 416.

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 Development Review application through the date of Final Plan application denial, approval, or conditional approval. An application shall not be considered to be pending upon the following:

Comment [a5]: We will need to define Final Plan as inclusive of Streamlined Major development Review applications.

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~~appears at Board hearings, or otherwise ~~maintain~~maintains the application in an active state for a period of 4 months or more.

403.2 Regulation of Activities While Application is Pending:

A. While an application is pending, the following activities are prohibited and the Codes Enforcement Officer shall not issue permits for: demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation on any portion of the subject property. 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 proposal or submit a new application for a different proposal, the applicant must submit a detailed plan for remediation of any adverse impacts of the prohibited activity.

B. While an application is pending, the following activities are permitted and, if necessary, the Codes Enforcement Officer may issue permits for:

(1) Activities related to the development of a lot not included in 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;

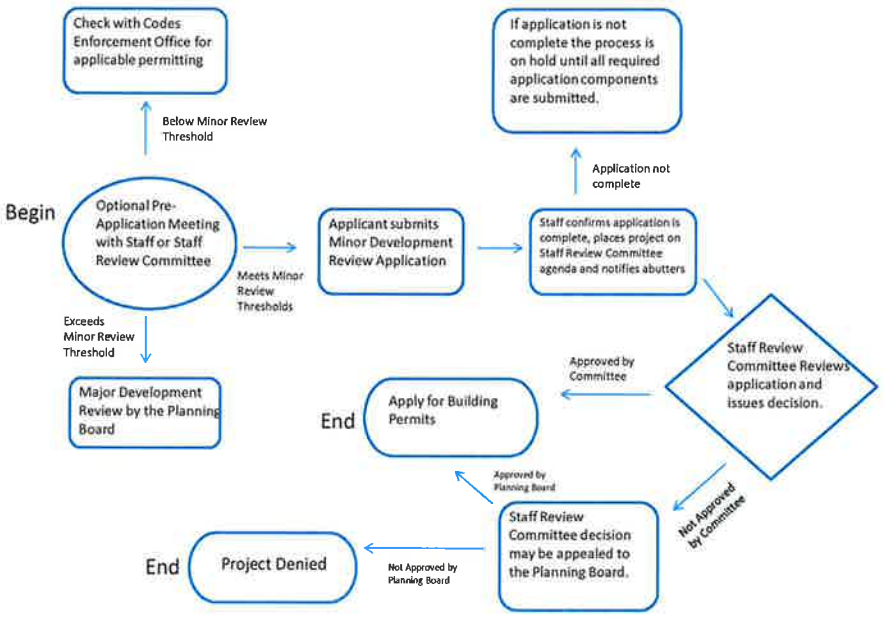
(4) Activities that are unrelated to the pending application, as determined by the Codes Enforcement Officer.

404 Minor, Major and Streamlined Major Development Review Procedures

This section outlines the review procedures for Minor Development Review, Major Development

Review, and the Streamlined Major Development Review process required for Subdivision or Site Plan approval.

Figure 404.1
Minor Development Review Procedures
This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 404.1.



404.1. Minor Development Review Procedure (See Appendix ___ for Submission Requirements)

A. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant any requested submission waivers, based upon criteria set forth in Section 412. 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.

B. When Staff makes a preliminary determination that an application for Minor Development Review is 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.

C. In issuing its decision to deny or approve the application, 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.

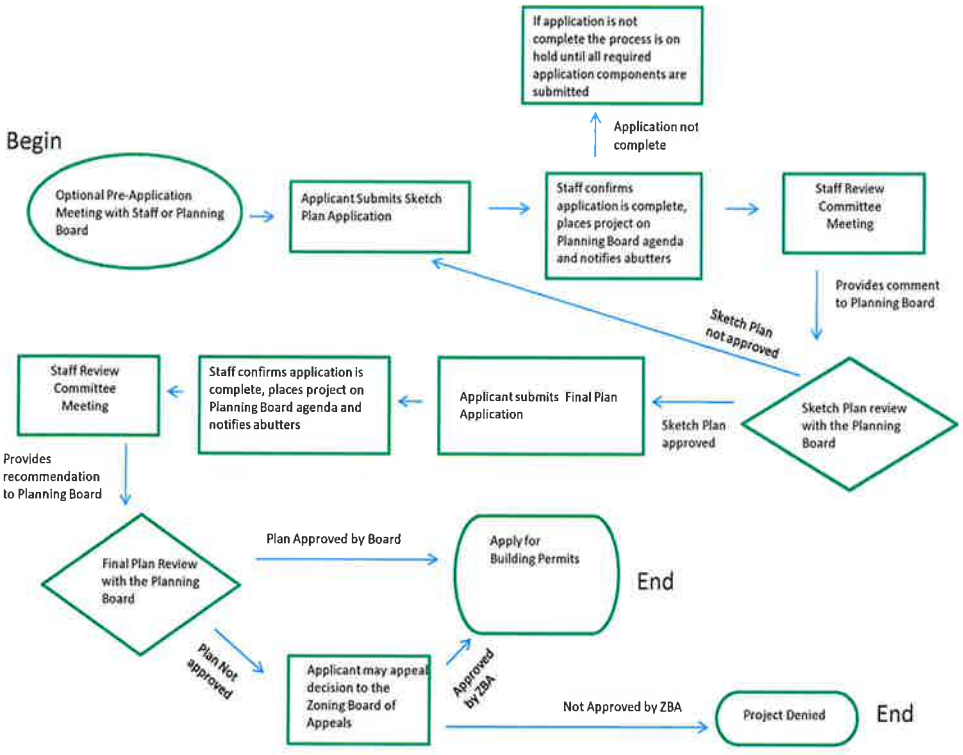
D. The Staff Review Committee shall take public comment at its meeting for all applications under its consideration.

E. 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 shall render its decision following the procedures in Subsection 404.2.

F. All references to the Staff Review Committee in Section 404.1.above shall be construed to be the same as references to the Planning Board if the Planning Board conducts the Minor Development Review.

Figure 404.2
Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 404.2.



404.2 Major Development Review Procedures (See Appendix ___ for Application Submittal Requirements)

This section outlines the review procedures for Major Development Review Applications required for Subdivision or Site Plan approval. Major Development Review shall be conducted in two steps: Sketch Plan and Final Plan. An applicant may submit a site plan application using the Streamlined Major Development Review procedure (Section 404.3); however, for larger projects, an applicant is strongly encouraged to use the two-step Major Development Review procedure.

A. Sketch Plan

The Planning Board shall review 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 the application 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.

B. Final Plan

(1) Once the Planning Board votes to determine that a Final Plan application is complete, the Board shall review the application. After completing its review of the application, the Planning Board shall vote to deny, approve or approve the application with conditions. The date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final Plan application.

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

C. 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.

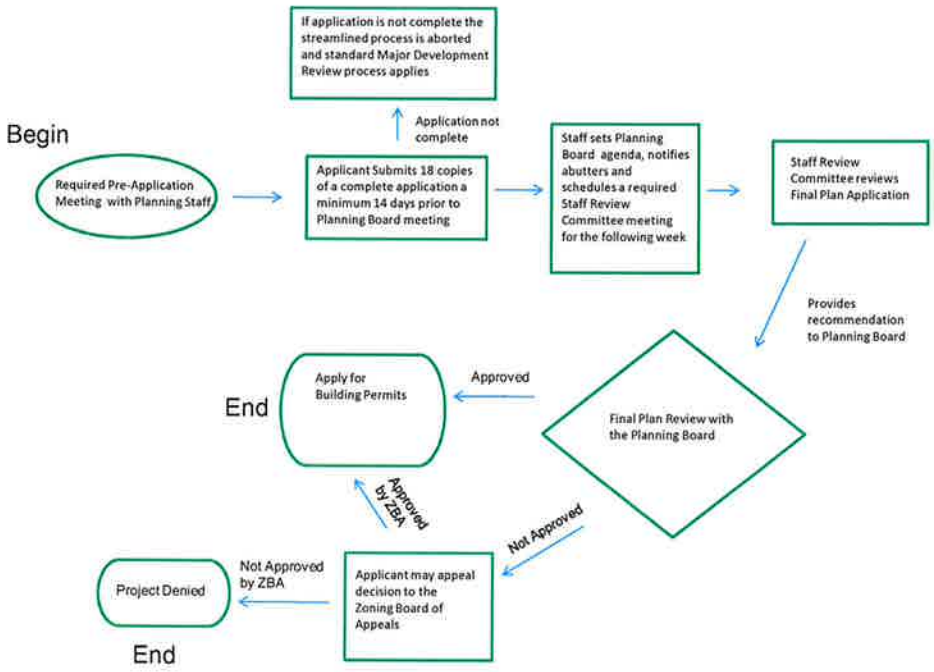
(2) This notice shall be distributed to the applicant and the owners of all property located within a 200 foot radius of the boundaries of the parcel containing the proposed development.

(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.

D. Public Comment

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

Figure 404.3
Streamlined Major Development Review Procedures
This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 404.3.



404.3. Streamlined Major Development Review Procedures (See Appendix ___ for Application Submittal Requirements)

The following outlines the review procedure for Streamlined Major Development Review. Development review of Streamlined Major Development applications shall be conducted in one step: Final Plan.

A. 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.

B. The applicant shall meet with Department of Planning and Development staff prior to submitting an application.

C. Applicant shall follow the Major Development Review Procedures in Section 404.2

except that no Sketch Plan is required.

D. If application is not complete at Staff's initial determination of completeness under Section 409.2.(B), the streamlined process is aborted and the standard Major Development Review process applies.

405 Common Development Plan

The Planning Board may designate and approve a development proposal 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, or a proposal for multiple new buildings or structures on multiple lots.

405.1 Criteria for Designation as a Common Development Plan

In considering a development proposal to be designated as a common development plan, the Planning Board shall find that all of the following criteria are met:

A. All buildings and structures shall be part of, and consistent with, a common pattern of development. 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; and

D. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping.

405.2 Designation Approval Process

A common development plan designation shall be optional and voluntary, except in the case of village center type development as defined in the Cook's Corner Design Standards. If designated–, all applicable zoning –dimensional standards ~~are jointly determined~~shall be established for the development by the Planning Board ~~and applicant~~ as part of the Major Development Review process and shall be consistent with the Town of Brunswick Comprehensive Plan, as amended. .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 in Appendix ____ Submission Requirements. Sections 404.2 and 406,

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 any applications for development

D. 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.

Comment [j6]: Option to be footnoted in all dimensional standards tables

Formatted: Highlight

405.3 Post-Designation

A. 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.

B. The approved dimensional standards for the Common Development Plan shall remain in effect unless and until such time that the Development Review approval expires per Section 414.

C. 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 and the Town of Brunswick Comprehensive Plan.

D. 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.

405.4 Submission Requirements. See Appendix [ ] for Application Submittal Requirements)

406 Development Review Time Requirements

Table 406 details the required time limits for Development Review applications. All time limits are expressed in calendar days. In cases where the date prescribed in this Table is a legal holiday, all deadlines shall apply to the previous working day.

Table 406
Development Review Time Requirements

	Minor (Staff Review Committee)	Major (Planning Board)	Streamlined (Planning Board)
21 days prior to Review Authority meeting		Deadline for filing application for Planning Board consideration	No less than 21 days prior to Planning Board consideration, applicant shall meet with Department staff to discuss application.
10 days prior to Review Authority meeting	Deadline for filing application for Staff Review Committee consideration. Staff confirms that application is complete and all persons within 200' radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.	Staff confirms that application is complete and all persons within 200' radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.	Deadline for filing application for Planning Board consideration.[1] Staff confirms that application is complete and all persons within 200' radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.
7 days prior to Review Authority meeting	The Application shall be brought before the Staff Review Committee for comments and recommendation.	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.	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.
No less than 3 days prior to Review Authority meeting	The Director of Planning and Development shall issue preliminary Findings of Fact 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 Staff Review Committee and the applicant.	The Director of Planning and Development shall issue preliminary Findings of Fact 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.	The Director of Planning and Development shall issue preliminary Findings of Fact 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.
7 Days or less after decision by Review Authority	Staff Review Committee shall transmit its written decision and Findings of Fact to applicant.		
30 Days or less after decision by Review Authority if Public Hearing held, or 60 days or less if no public hearing held.		Planning Board shall transmit its written decision and Findings of Fact to applicant.	Planning Board shall transmit its written decision and Findings of Fact to applicant.
No more than 30 days after application is deemed complete by the Review Authority.	The Review Authority shall consider an application unless postponement is requested or agreed to by applicant.		

Comment [j7]: For discussion at PB meeting; submittal media in particular

[1]If application lacks any required submittal materials, the streamlined process shall be aborted and revert back to the Major Development Review process.

407 Development Review Pre-Application Meetings

Pre-application meetings with the Department of Planning and Development staff or Review Authority prior to submitting a formal application are optional, except as required with Streamlined Major Development Review applications. Pre-applications meetings are strongly recommended prior to the expenditure of funds toward the design of a development proposal.

407.1 Pre-Application Meeting with Town Staff

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

407.2 Pre-Application Meeting with Review Authority

Prior to submitting an application for development review, the applicant may meet with the Review Authority to discuss applicable zoning provision, submission requirements, and any requested waivers in order to assist the Review Authority in providing feedback to the applicant.

408 Submission Requirements

The submission requirements contained in Appendix ___ shall apply to all Minor Development, Major Development, and **Streamlined Major Development Review** applications, unless a waiver is granted. Proposed development applications shall be submitted to the Director of Planning and Development. For each item listed in Appendix _____ the applicant shall either submit the requested information or request a waiver from the information requirement, pursuant to Section 412.

409 Town Processing of Development Review Applications

409.1 Receipt

Upon receipt of an application, the town shall provide the applicant a dated receipt.

409.2 Preliminary Determination by Staff of Completeness of Application

A. The term" complete" shall mean that:

(1) All submission requirements established by this ordinance have either been complied with or a wavier has been requested.

(2) Any additional information requested by the Review Authority 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.

B. Staff shall make a preliminary determination that 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 make a preliminary determination 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.

C. With the exception of pre-application meetings, ~~no~~ application shall not be placed on the Review Authority agenda until the staff makes a preliminary determination that the application is complete.

409.3 Final Determination of Completeness of Application

~~D.~~ The Review Authority shall make the final determination of completeness during its consideration of an application.

Formatted: Font: Bold

Formatted: Font: Bold

409.~~3~~ 4 **Required Notification**

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 and specific location. The town shall mail notifications via first class mail no less than 10 days prior to a scheduled review for which it is required.

410 Review Process: General Provisions

410.1 Additional Studies

The Review Authority may undertake or require the applicant to undertake any study that 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.

410.2 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 Major Development Review** application.

410.3 Peer Review

Peer Review is a professional evaluation conducted by a consultant of the Review Authority to assist in determining whether an application submission satisfies the Review Standards and Criteria set forth in Chapter 5. The Review Authority may, by majority vote, select a consultant to perform a peer review for the Review Authority 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 Review Authority reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with Chapter 5.

410. 4 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)

411 Waiver Provisions

Comment [a8]: Per MAW, moved to precede Findings of Fact section

411.1 Authority to Grant Waivers

The Review Authority may waive requirements of the Development Review Process as set forth in Chapter 4 or Review Standards and Criteria set forth in Chapter 5. The Director of Planning and Development shall make recommendations in writing to the Review Authority concerning any requested waiver.

411.2 Waiver Criteria

The Review Authority 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 and the goals of the applicable Planning Area as described in Appendix I.

B. A waiver may be granted if the requested information or submission requirement(s) is found by the Review Authority to be either not relevant to the application or not necessary to determine compliance with the review standards and criteria of Chapter 5.

412 Findings of Fact by Review Authority

The Review Authority 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 based on the Review Standards and Criteria set forth in Chapter 5.

412.1 Contents

Findings of Fact shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. The Findings of Fact shall include 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 supporting documentation, including, as appropriate Staff Review Committee and/or staff review and recommendation, and Village Review Board development review;

C. Any conditions of approval imposed by the Review Authority.

413 Post Approval Provisions

413.1 Plan Approval Does Not Equal Acceptance

The approval by the Review Authority 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, recreation facilities or other open space shown on such plan. The Review Authority shall require the Plan to contain appropriate notes to this effect. The Review Authority 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.

413.2 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. No building permits associated with a subdivision shall be issued until applicant provides proof of recording. Any deeds issued after the granting of subdivision approval must reference the plan and any conditions imposed upon it. If the applicant fails to record the subdivision plan within 60 days after subdivision approval by the Planning Board, the approval shall expire.

413.3 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 Review Authority 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 Review Authority 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.
~~No changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Review Authority and endorsed in writing on the Plan, except in accordance with Section 416.~~

413.4 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 development. Such digital submission shall include: development 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: **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.

413.5 Subdivision Lot Sales Prohibited

The sale of lots of a proposed or amended Subdivision is prohibited until the Final Plan or amended Final Plan has been approved and signed by the Chair of the Planning Board and has been duly recorded by the applicant in the Cumberland County Registry of Deeds.

413.6 Vesting

A. Applications for development review approval shall be reviewed under the ordinance provisions in effect at the time a full application per submission requirements contained in Appendix ___is submitted to the Director of Planning and Development.

B. Development approvals shall be fully vested from the date the application is determined to be complete by the Review Authority 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 adopted amendments to this Ordinance.

C. In any partially completed phased development, if the commencement of any phase is delayed by three years, the Review Authority may declare the development approval expired as to all uncompleted phases, upon 60 days written notice to the property owner/applicant. The owner may request an extension of the phasing plan at any time, which shall be granted if the property owner/applicant shows good cause for the delay and the Review Authority determines that continuing the development as approved is consistent with this Ordinance as amended.

414 Expiration of Development Review Approval

414.1 General

A. The expiration of plan approval date for any development review and special permit applications shall be based upon the date the Review Authority voted to approve the application.

B. Where construction and/or completion of improvements, or fulfillment of conditions required in an approved plan has not occurred within the time limits stated below, a Site Plan, Subdivisions or Special Permit approval shall expire.

C. The applicant may, at any time before the date of expiration, make a written request to the Review Authority for a time extension. This request shall explain the reasons why the improvements or fulfillment of conditions have not been completed and indicate how the applicant expects to complete the development if the Review Authority grants a time extension.

D. The Review Authority may consider any zoning ordinance amendments affecting the development since first approved when considering a request to extend any approval.

414.2 Site Plan Approval Expiration

Except when otherwise stipulated in an approved phasing plan, site plan approval shall expire three (3) years from date of approval, unless the applicant has submitted a written request for an approval extension. The Review Authority may extend the expiration of an approved site plan.

414.3 Subdivision Approval Expiration

A. The subdivision approval shall expire five (5) years from date of approval, unless either the Town Engineer certifies that construction of all approved infrastructure throughout the subdivision has been completed, the applicant submits an extension request, or the Town Manager executes the terms of the performance guarantee to complete all approved infrastructure.

B. Expiration of subdivision approval shall not affect the validity of any lot which has been properly subdivided and legally conveyed to another owner.

414.4 Special Permit Approval Expiration

A special permit shall expire three (3) years after it is ratified or deemed ratified by the Town Council according to the approval provisions in Section 701.1 if a Certificate of Occupancy is not granted for the approved use.

415 Site Plan and Subdivision Reapproval Process

If a subdivision or site plan expires without the applicant submitting a written request for an approval extension to the Review Authority, the applicant may request reapproval as follows:

415.1 Applicant's Submission

The applicant shall submit an application and eight (8) copies of the approved plan to the Director of Planning and Development along with a cover letter addressing why the improvements/development have not been completed and giving a time schedule for to complete the development if reapproved.

415.2 Findings

The Review Authority may reapprove the original approval, reapprove the original approval with additional conditions or deny the reapproval. The Director of Planning and Development shall provide the applicant with a decision in the form of Findings of Fact within seven (7) days of action by the Review Authority. 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.

415.3 Ordinance Changes

The Review Authority shall consider any zoning ordinance amendments affecting the development since first approved when considering a request for reapproval.

416 Revisions to Approved Plans

416.1 General

A. An application to revise a previously approved Site Plan or Subdivision shall follow the procedure required for a minor development, 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 development to that of a major development or will be the functional equivalent of creating another major development, the procedure for a major development shall be followed. Any amendment to a subdivision plan, with the exception of minor modifications that qualify under Section 416.2 below, shall be reviewed as a Major Development application 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 Review Authority to make a determination as to whether or not the revisions meet the standards of this Ordinance. A plan revision shall not be approved unless the applicant is in full compliance with all relevant terms and conditions of the previously approved plan.

C. With the exception of Minor Modifications (416.2 below), if zoning standards have been amended since the approval of an original Site Plan or Subdivision Plan, the applicant's revisions shall comply with all such amendments. The Review Authority may, as a condition of approval of a

revised Site Plan, require modifications to the original Site Plan in order to comply with such zoning amendments, 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 Review Authority and endorsed in writing on the Plan, except in accordance with this Section.

Formatted: Indent: Left: 0.5", Hanging: 1"

Comment [a9]: Inadvertently left behind in Section 412; moved here.

416.2 Minor Modifications

A. Minor Modifications to approved site plans, subdivisions, and special permits may be granted by the Director of Planning and Development, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director, within 30 days after submittal. A plan modification may be deemed as minor by the Director of Planning and Development 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) 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 five (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 416.2.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 Review Authority for consideration.

CHAPTER FOUR: DEVELOPMENT REVIEW (revised 3/23/12 w/PB and staff comments received to date)

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 Applicability

401.1 Activities not Subject to Development Review:

A. The following activities are not subject to Development Review:

(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 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 2007 BNAS Reuse Master Plan, as amended.

(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 416.2.

401.2 Activities Subject to Development Review:

A. The activities listed in Table 401.2 shall be subject to Development Review based on the applicable thresholds. Activities that do not meet the thresholds may still 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.

B. Thresholds for development review apply only to new, or "add-on" construction, except as indicated in Section 401.3. 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 is a single lot.

Table 401.2
Development Review Threshold Criteria

Impact Criteria	Threshold	Zoning District	Level of Review	Reviewing Authority
Construction of New Floor Area	Less than 2,000 square feet	All Zoning Districts	Building Permit	Codes Enforcement Officer
	2,000 - 10,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10,000 square feet	All Zoning Districts	Major Development Review	Planning Board
Change of Use (see Section 702)	Less than 10,000 square feet	All Zoning Districts	~~Building~~ Change of Use Permit	Codes Enforcement Officer
	Over 10,000 square feet	All Zoning Districts except B-RU	Major Development Review	Planning Board
	10,000 – 20,000 square feet	B-RU	Minor Development Review	Staff Review Committee
	Over 20,000 square feet	B-RU	Major Development Review	Planning Board
	Conversion of single or two-family residence to any other use	All Town Residential and Residential Districts	Major Development Review	Planning Board
Net New Impervious Surface	Less than 2,000 square feet	All Zoning Districts	Building Permit	Codes Enforcement Officer
	2,000 - 10,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10,000 square feet	All Zoning Districts	Major Development Review	Planning Board
	Development Subject to Special Permit (Sec. 701) creating less than 5,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	Development Subject to Special Permit (Sec. 701) creating 5,000 or more square feet	All Zoning Districts	Major Development Review	Planning Board
Net Cumulative Total of New Floor Area and New Impervious Surface	Less than 3,000 square feet	All Zoning Districts	Building Permit	Codes Enforcement Officer
	3,000 - 20,000 square feet	All Zoning Districts	Minor Development Review	Staff Review Committee
	20,000 square feet or more	All Zoning Districts	Major Development Review	Planning Board
Construction of Multi Family Dwelling Units that does not create a subdivision	10 units or less	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10 units	All Zoning Districts	Major Development Review	Planning Board

Formatted: Highlight

Comment [j1]: Considering deletion, may be unnecessary

Comment [j2]: Same comment

Formatted: Highlight

Comment [j3]: Under review

Impact Criteria	Threshold	Zoning District	Level of Review	Reviewing Authority
Mobile Home Park development or expansion	All	All Zoning Districts	Major Development Review	Planning Board
Traffic	An activity generating more than 100 peak hour vehicle trips, based on ITE Trip Generation Manual, as amended, unless previously addressed as part of an approved plan, or upon recommendation by the Town Engineer.	All Zoning Districts	Major Development Review	Planning Board
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	All Zoning Districts	Major Development Review	Planning Board
District Boundary Buffering	Any development within 200'of district boundary otherwise classified as minor	B-RU	Major Development Review	Planning Board
New Road Construction	New private or public Road proposed as part of development application	All Zoning Districts	Major Development Review	Planning Board
Subdivision	Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended	All Zoning Districts	Major Development Review	Planning Board
Natural Resource Protection Zone	Any new construction or creation of impervious surface	NRPZ	**Minor Development Review**	Staff Review Committee
Mineral Extraction	Pursuant to Section 306.6	All Zoning Districts	Major Development Review	Planning Board
Hours of Operation	Commercial use with operating hours between 12am and 5am	Residential Districts	Major Development Review	Planning Board

Comment [j4]: Under review, to determine other overlay zones after reviewing Steve's comments

401.3 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. Amendments to approved plans shall be subject to the appropriate level of review.

401.4 Joint Meeting, Hearing, and Application

If a proposed development requires both Subdivision and Site Plan review, the Planning 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.

401.5 Effect of Violations on Application

No application shall be approved by the Review Authority as long as the property is in violation of any requirements of this Ordinance or of any previous conditions of approval 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 development into compliance with such requirements or conditions.

402 Planning Board Responsibilities and Delegation of Planning Board Review Authority

402.1 Planning Board Responsibilities

A. The Planning Board shall review all Major Development Review applications and any Minor Development Review application for which the applicant requests Planning Board review. The Planning Board may conduct Minor Development 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 Review applications is hereby delegated to the Staff Review Committee in accordance with the provisions of Section 402.2. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

402.2 Staff Review Committee Responsibilities

A. The Staff Review Committee shall consist of the Director of Planning and Development, Public Works Director, Codes Enforcement Officer, Town Planner, Parks and Recreation Director, Fire Chief, Police Chief, Town Assessor, Natural Resources Planner, General Manager of the Brunswick-Topsham Water District, and the General Manager 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 nonvoting staff representative from the Midcoast Regional Redevelopment Authority (MRRA). The Executive Director of MRRA shall designate the MRRA representative in writing.

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 412.

E. All appeals from a Staff Review Committee decision shall be heard by the Planning Board.

F. 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 recommendations to the Planning Board.

402.3 Planning and Development Department Staff Responsibilities

A. A minor change of use may be granted by the Codes Enforcement Officer for such uses not exceeding the thresholds required for development review as indicated in Table 401.2.

B. A minor modification to an approved site plan, subdivision, or special permit may be granted by the Director of Planning and Development, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director as provided within Section 416.

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 Development Review application through the date of Final Plan application denial, approval, or conditional approval. An application shall not be considered to be pending upon the following:

Comment [a5]: We will need to define Final Plan as inclusive of Streamlined Major development Review applications.

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~~appears at Board hearings, or otherwise ~~maintain~~maintains the application in an active state for a period of 4 months or more.

403.2 Regulation of Activities While Application is Pending:

A. While an application is pending, the following activities are prohibited and the Codes Enforcement Officer shall not issue permits for: demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation on any portion of the subject property. 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 proposal or submit a new application for a different proposal, the applicant must submit a detailed plan for remediation of any adverse impacts of the prohibited activity.

B. While an application is pending, the following activities are permitted and, if necessary, the Codes Enforcement Officer may issue permits for:

(1) Activities related to the development of a lot not included in 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;

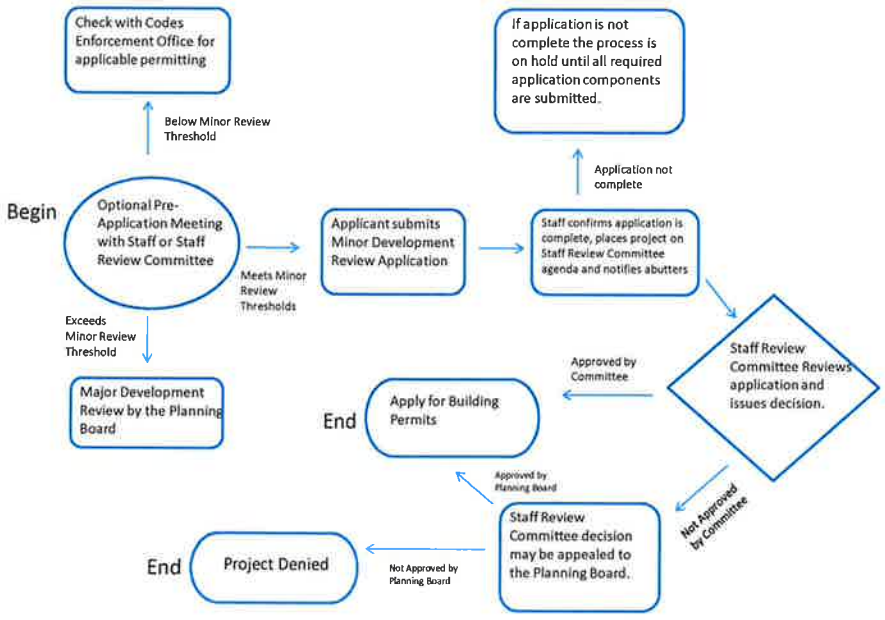
(4) Activities that are unrelated to the pending application, as determined by the Codes Enforcement Officer.

404 Minor, Major and Streamlined Major Development Review Procedures

This section outlines the review procedures for Minor Development Review, Major Development

Review, and the Streamlined Major Development Review process required for Subdivision or Site Plan approval.

Figure 404.1
Minor Development Review Procedures
This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 404.1.



404.1. Minor Development Review Procedure (See Appendix ___ for Submission Requirements)

A. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant any requested submission waivers, based upon criteria set forth in Section 412. 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.

B. When Staff makes a preliminary determination that an application for Minor Development Review is 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.

C. In issuing its decision to deny or approve the application, 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.

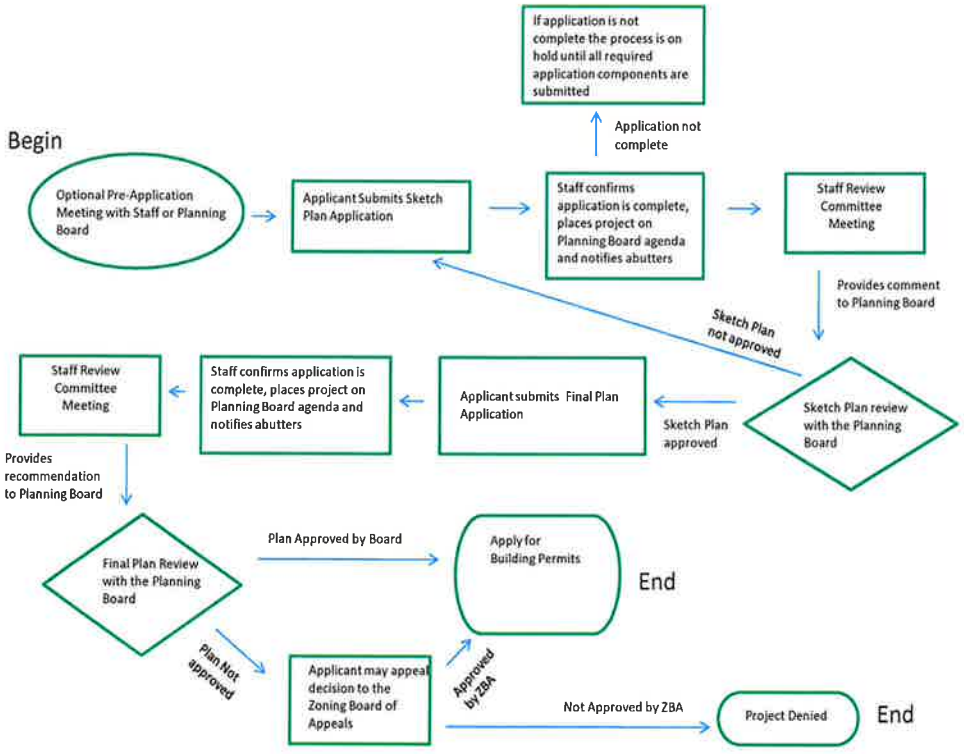
D. The Staff Review Committee shall take public comment at its meeting for all applications under its consideration.

E. 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 shall render its decision following the procedures in Subsection 404.2.

F. All references to the Staff Review Committee in Section 404.1.above shall be construed to be the same as references to the Planning Board if the Planning Board conducts the Minor Development Review.

Figure 404.2
Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 404.2.



404.2 Major Development Review Procedures (See Appendix ___ for Application Submittal Requirements)

This section outlines the review procedures for Major Development Review Applications required for Subdivision or Site Plan approval. Major Development Review shall be conducted in two steps: Sketch Plan and Final Plan. An applicant may submit a site plan application using the Streamlined Major Development Review procedure (Section 404.3); however, for larger projects, an applicant is strongly encouraged to use the two-step Major Development Review procedure.

A. Sketch Plan

The Planning Board shall review 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 the application 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.

B. Final Plan

(1) Once the Planning Board votes to determine that a Final Plan application is complete, the Board shall review the application. After completing its review of the application, the Planning Board shall vote to deny, approve or approve the application with conditions. The date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final Plan application.

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

C. 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.

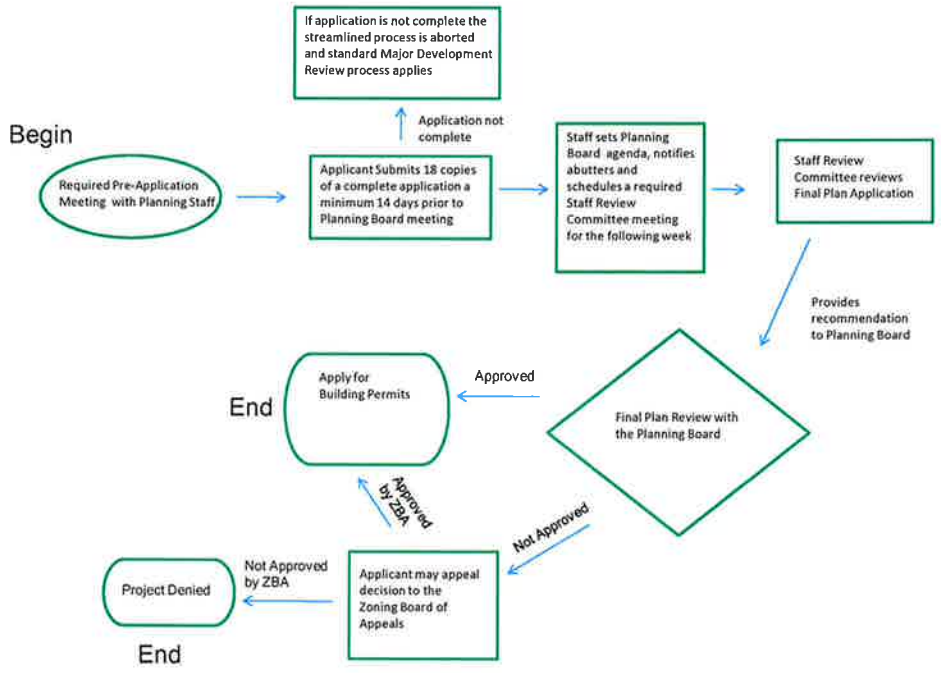
(3) This notice shall be published at least two (2) times in a newspaper having general circulation in Town. The date of the first publication must be at least seven (7) days before the hearing.

D. Public Comment

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

Figure 404.3
Streamlined Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 404.3.



404.3. Streamlined Major Development Review Procedures (See Appendix ___ for Application Submittal Requirements)

The following outlines the review procedure for Streamlined Major Development Review. Development review of Streamlined Major Development applications shall be conducted in one step: Final Plan.

A. 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.

B. The applicant shall meet with Department of Planning and Development staff prior to submitting an application.

C. Applicant shall follow the Major Development Review Procedures in Section 404.2

except that no Sketch Plan is required.

D. If application is not complete at Staff's initial determination of completeness under Section 409.2.(B), the streamlined process is aborted and the standard Major Development Review process applies.

405 Common Development Plan

The Planning Board may designate and approve a development proposal 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, or a proposal for multiple new buildings or structures on multiple lots.

405.1 Criteria for Designation as a Common Development Plan

In considering a development proposal to be designated as a common development plan, the Planning Board shall find that all of the following criteria are met:

A. All buildings and structures shall be part of, and consistent with, a common pattern of development. 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; and

D. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping.

405.2 Designation Approval Process

Comment [j6]: Option to be footnoted in all dimensional standards tables

A common development plan designation shall be optional and voluntary, except in the case of village center type development as defined in the Cook's Corner Design Standards. If designated., all applicable zoning dimensional standards ~~are jointly determined~~shall be established for the development by the Planning Board ~~and applicant~~ as part of the Major Development Review process and shall be consistent with the Town of Brunswick Comprehensive Plan, as amended. .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 in Appendix ____ Submission Requirements. Sections 404.2 and 406,

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 any applications for development

Formatted: Highlight

D. 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.

405.3 Post-Designation

A. 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.

B. The approved dimensional standards for the Common Development Plan shall remain in effect unless and until such time that the Development Review approval expires per Section 414.

C. 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 and the Town of Brunswick Comprehensive Plan.

D. 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.

405.4 Submission Requirements. See Appendix ___ for Application Submittal Requirements)

406 Development Review Time Requirements

Table 406 details the required time limits for Development Review applications. All time limits are expressed in calendar days. In cases where the date prescribed in this Table is a legal holiday, all deadlines shall apply to the previous working day.

Table 406
Development Review Time Requirements

	Minor (Staff Review Committee)	Major (Planning Board)	Streamlined (Planning Board)
21 days prior to Review Authority meeting		Deadline for filing application for Planning Board consideration	No less than 21 days prior to Planning Board consideration, applicant shall meet with Department staff to discuss application.
10 days prior to Review Authority meeting	Deadline for filing application for Staff Review Committee consideration. Staff confirms that application is complete and all persons within 200' radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.	Staff confirms that application is complete and all persons within 200' radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.	Deadline for filing application for Planning Board consideration.[1] Staff confirms that application is complete and all persons within 200' radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.
7 days prior to Review Authority meeting	The Application shall be brought before the Staff Review Committee for comments and recommendation.	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.	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.
No less than 3 days prior to Review Authority meeting	The Director of Planning and Development shall issue preliminary Findings of Fact 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 Staff Review Committee and the applicant.	The Director of Planning and Development shall issue preliminary Findings of Fact 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.	The Director of Planning and Development shall issue preliminary Findings of Fact 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.
7 Days or less after decision by Review Authority	Staff Review Committee shall transmit its written decision and Findings of Fact to applicant.		
30 Days or less after decision by Review Authority if Public Hearing held, or 60 days or less if no public hearing held.		Planning Board shall transmit its written decision and Findings of Fact to applicant.	Planning Board shall transmit its written decision and Findings of Fact to applicant.
No more than 30 days after application is deemed complete by the Review Authority.	The Review Authority shall consider an application unless postponement is requested or agreed to by applicant.		

Comment [j7]: For discussion at PB meeting; submittal media in particular

[1]If application lacks any required submittal materials, the streamlined process shall be aborted and revert back to the Major Development Review process.

407 Development Review Pre-Application Meetings

Pre-application meetings with the Department of Planning and Development staff or Review Authority prior to submitting a formal application are optional, except as required with Streamlined Major Development Review applications. Pre-applications meetings are strongly recommended prior to the expenditure of funds toward the design of a development proposal.

407.1 Pre-Application Meeting with Town Staff

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

407.2 Pre-Application Meeting with Review Authority

Prior to submitting an application for development review, the applicant may meet with the Review Authority to discuss applicable zoning provision, submission requirements, and any requested waivers in order to assist the Review Authority in providing feedback to the applicant.

408 Submission Requirements

The submission requirements contained in **Appendix __** shall apply to all Minor Development, Major Development, and **Streamlined Major Development Review** applications, unless a waiver is granted. Proposed development applications shall be submitted to the Director of Planning and Development. For each item listed in **Appendix ____** the applicant shall either submit the requested information or request a waiver from the information requirement, pursuant to Section **412.**

409 Town Processing of Development Review Applications

409.1 Receipt

Upon receipt of an application, the town shall provide the applicant a dated receipt.

409.2 Preliminary Determination by Staff of Completeness of Application

A. The term" complete" shall mean that:

(1) All submission requirements established by this ordinance have either been complied with or a wavier has been requested.

(2) Any additional information requested by the Review Authority 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.

B. Staff shall make a preliminary determination that 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 make a preliminary determination 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.

C. With the exception of pre-application meetings, ~~no~~ application shall not be placed on the Review Authority agenda until the staff makes a preliminary determination that the application is complete.

409.3 Final Determination of Completeness of Application

~~D.~~ The Review Authority shall make the final determination of completeness during its consideration of an application.

Formatted: Font: Bold

Formatted: Font: Bold

409.~~3~~ 4 **Required Notification**

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 and specific location. The town shall mail notifications via first class mail no less than 10 days prior to a scheduled review for which it is required.

410 Review Process: General Provisions

410.1 Additional Studies

The Review Authority may undertake or require the applicant to undertake any study that 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.

410.2 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 Major Development Review** application.

410.3 Peer Review

Peer Review is a professional evaluation conducted by a consultant of the Review Authority to assist in determining whether an application submission satisfies the Review Standards and Criteria set forth in Chapter 5. The Review Authority may, by majority vote, select a consultant to perform a peer review for the Review Authority 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 Review Authority reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with Chapter 5.

410. 4 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)

411 Waiver Provisions

Comment [a8]: Per MAW, moved to precede Findings of Fact section

411.1 Authority to Grant Waivers

The Review Authority may waive requirements of the Development Review Process as set forth in Chapter 4 or Review Standards and Criteria set forth in Chapter 5. The Director of Planning and Development shall make recommendations in writing to the Review Authority concerning any requested waiver.

411.2 Waiver Criteria

The Review Authority 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 and the goals of the applicable Planning Area as described in Appendix I.

B. A waiver may be granted if the requested information or submission requirement(s) is found by the Review Authority to be either not relevant to the application or not necessary to determine compliance with the review standards and criteria of Chapter 5.

412 Findings of Fact by Review Authority

The Review Authority 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 based on the Review Standards and Criteria set forth in Chapter 5.

412.1 Contents

Findings of Fact shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. The Findings of Fact shall include 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 supporting documentation, including, as appropriate Staff Review Committee and/or staff review and recommendation, and Village Review Board development review;

C. Any conditions of approval imposed by the Review Authority.

413 Post Approval Provisions

413.1 Plan Approval Does Not Equal Acceptance

The approval by the Review Authority 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, recreation facilities or other open space shown on such plan. The Review Authority shall require the Plan to contain appropriate notes to this effect. The Review Authority 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.

413.2 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. No building permits associated with a subdivision shall be issued until applicant provides proof of recording. Any deeds issued after the granting of subdivision approval must reference the plan and any conditions imposed upon it. If the applicant fails to record the subdivision plan within 60 days after subdivision approval by the Planning Board, the approval shall expire.

413.3 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 Review Authority 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 Review Authority 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.
~~No changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Review Authority and endorsed in writing on the Plan, except in accordance with Section 416.~~

413.4 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 development. Such digital submission shall include: development 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: **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.

413.5 Subdivision Lot Sales Prohibited

The sale of lots of a proposed or amended Subdivision is prohibited until the Final Plan or amended Final Plan has been approved and signed by the Chair of the Planning Board and has been duly recorded by the applicant in the Cumberland County Registry of Deeds.

413.6 Vesting

A. Applications for development review approval shall be reviewed under the ordinance provisions in effect at the time a full application per submission requirements contained in Appendix ___is submitted to the Director of Planning and Development.

B. Development approvals shall be fully vested from the date the application is determined to be complete by the Review Authority 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 adopted amendments to this Ordinance.

C. In any partially completed phased development, if the commencement of any phase is delayed by three years, the Review Authority may declare the development approval expired as to all uncompleted phases, upon 60 days written notice to the property owner/applicant. The owner may request an extension of the phasing plan at any time, which shall be granted if the property owner/applicant shows good cause for the delay and the Review Authority determines that continuing the development as approved is consistent with this Ordinance as amended.

414 Expiration of Development Review Approval

414.1 General

A. The expiration of plan approval date for any development review and special permit applications shall be based upon the date the Review Authority voted to approve the application.

B. Where construction and/or completion of improvements, or fulfillment of conditions required in an approved plan has not occurred within the time limits stated below, a Site Plan, Subdivisions or Special Permit approval shall expire.

C. The applicant may, at any time before the date of expiration, make a written request to the Review Authority for a time extension. This request shall explain the reasons why the improvements or fulfillment of conditions have not been completed and indicate how the applicant expects to complete the development if the Review Authority grants a time extension.

D. The Review Authority may consider any zoning ordinance amendments affecting the development since first approved when considering a request to extend any approval.

414.2 Site Plan Approval Expiration

Except when otherwise stipulated in an approved phasing plan, site plan approval shall expire three (3) years from date of approval, unless the applicant has submitted a written request for an approval extension. The Review Authority may extend the expiration of an approved site plan.

414.3 Subdivision Approval Expiration

A. The subdivision approval shall expire five (5) years from date of approval, unless either the Town Engineer certifies that construction of all approved infrastructure throughout the subdivision has been completed, the applicant submits an extension request, or the Town Manager executes the terms of the performance guarantee to complete all approved infrastructure.

B. Expiration of subdivision approval shall not affect the validity of any lot which has been properly subdivided and legally conveyed to another owner.

414.4 Special Permit Approval Expiration

A special permit shall expire three (3) years after it is ratified or deemed ratified by the Town Council according to the approval provisions in Section 701.1 if a Certificate of Occupancy is not granted for the approved use.

415 Site Plan and Subdivision Reapproval Process

If a subdivision or site plan expires without the applicant submitting a written request for an approval extension to the Review Authority, the applicant may request reapproval as follows:

415.1 Applicant's Submission

The applicant shall submit an application and eight (8) copies of the approved plan to the Director of Planning and Development along with a cover letter addressing why the improvements/development have not been completed and giving a time schedule for to complete the development if reapproved.

415.2 Findings

The Review Authority may reapprove the original approval, reapprove the original approval with additional conditions or deny the reapproval. The Director of Planning and Development shall provide the applicant with a decision in the form of Findings of Fact within seven (7) days of action by the Review Authority. 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.

415.3 Ordinance Changes

The Review Authority shall consider any zoning ordinance amendments affecting the development since first approved when considering a request for reapproval.

416 Revisions to Approved Plans

416.1 General

A. An application to revise a previously approved Site Plan or Subdivision shall follow the procedure required for a minor development, 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 development to that of a major development or will be the functional equivalent of creating another major development, the procedure for a major development shall be followed. Any amendment to a subdivision plan, with the exception of minor modifications that qualify under Section 416.2 below, shall be reviewed as a Major Development application 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 Review Authority to make a determination as to whether or not the revisions meet the standards of this Ordinance. A plan revision shall not be approved unless the applicant is in full compliance with all relevant terms and conditions of the previously approved plan.

C. With the exception of Minor Modifications (416.2 below), if zoning standards have been amended since the approval of an original Site Plan or Subdivision Plan, the applicant's revisions shall comply with all such amendments. The Review Authority may, as a condition of approval of a

revised Site Plan, require modifications to the original Site Plan in order to comply with such zoning amendments, 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 Review Authority and endorsed in writing on the Plan, except in accordance with this Section.

Formatted: Indent: Left: 0.5", Hanging: 1"

Comment [a9]: Inadvertently left behind in Section 412; moved here.

416.2 Minor Modifications

A. Minor Modifications to approved site plans, subdivisions, and special permits may be granted by the Director of Planning and Development, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director, within 30 days after submittal. A plan modification may be deemed as minor by the Director of Planning and Development 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) 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 five (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 416.2.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 Review Authority for consideration.

Appendix

Summary of Application Requirements

		Sketch Plan	Final Plan	Streamlined	Common Development Plan Designation	Special Permit
General	Application form and fee	✓	✓	✓	?	✓
	Name of development	✓	✓	✓	✓	✓
	Existing zoning district and overlay designations	✓	✓	✓	✓	✓
	Location map	✓	✓	✓	✓	✓
	Names of current owner(s) of subject parcel and abutting parcels		✓	✓	✓	✓
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan		✓	✓	✓	
	Location of features, natural and artificial, such as water bodies, wetlands, streams, vegetation, railroads, ditches and buildings	✓	✓	✓	✓	
	Documentation of Right, Title and Interest	✓	✓	✓	✓	✓
	Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which common areas will be owned, maintained, and protected		✓	✓	✓	✓
	Draft performance guarantee or conditional agreement		✓	✓	✓	
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	✓	✓	✓	✓	✓
	A survey submitted by a professional surveyor with a current license by the State of Maine Board of Licensure for Professional Surveyors		✓	✓	✓	
	Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property indentified as existing or proposed		✓	✓	✓	
	Existing easements associated with the development	✓	✓	✓	✓	✓
	Location of existing utilities; water, sewer, electrical lines, and profiles of underground facilities		✓	✓	✓	
	A general road plan noting existing circulation, direction, traffic control devices & street lighting		✓	✓	✓	✓

		Sketch Plan	Final Plan	Streamlined	Common Development Plan Designation	Special Permit
Survey, Topography, & Existing Conditions	Existing location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability		✓	✓	✓	
	Topography with contour intervals of not more than 2 feet		✓	✓	✓	
	A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists		✓	✓	✓	
	Existing locations of sidewalks	✓	✓	✓	✓	
	A delineation of wetlands, floodplains, significant vernal pools, and other environmentally sensitive areas		✓	✓	✓	
	Approximate locations of dedicated public open space, areas protected by conservation easements and recreation areas	✓	✓	✓	✓	
Infrastructure - Proposed	Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1" equals 5', with all evaluations referred to in U.S.G.S. datum		✓	✓	✓	
	Proposed easements associated with the development		✓	✓	✓	✓
	Kind, location, profile and cross-section of all proposed drainage facilities, both within and connections to the proposed development, and a storm-water management plan in accordance with Section _____		✓	✓	✓	
	Location of proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of private wells.		✓	✓	✓	
	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		✓	✓	✓	
	Proposed locations, widths and profiles of sidewalks		✓	✓	✓	
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.		✓	✓	✓	✓

		Sketch Plan	Final Plan	Streamlined	Common Development Plan Designation	Special Permit
Infrastructure - Proposed	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization		✓	✓	✓	
	Storm water management plan for the proposed project prepared by a professional engineer		✓	✓	✓	
	The size and proposed location of water supply and sewage disposal systems		✓	✓	✓	
	Where a septic system is to be used, evidence of soil suitability		✓	✓	✓	
	A statement from the General Manager of the Brunswick Sewer District as to conditons under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure		✓	✓	✓	
	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		✓	✓	✓	
	A statement from the General Manager of the Brunswick-Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution infrastructure		✓	✓	✓	
Proposed Development Plan	Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site		✓	✓	✓	
	Reference to special conditions stipulated by the Review Authority		✓	✓	✓	✓
	Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation. Dedicated public open specs, areas protected by conservation easements, and existing and proposed open spaces or recreation areas and potential connectivity to adjoining open space.		✓	✓	✓	
	When applicable, a table indicating the maximum number of lots permitted based upon the applicable dimensional requirements, the number of lots proposed, and the number of lots permitted to be further subdivided.	✓	✓	✓	✓	
	Building envelopes showing acceptable locations for principal and accessory structures, setbacks and impervious coverage		✓	✓	✓	

		Sketch Plan	Final Plan	Streamlined	Common Development Plan Designation	Special Permit
Proposed Development Plan	Disclosure of any required permits or, if a permit has already been granted, a copy of that permit		✓	✓	✓	✓
	A statement from the General Manager of the Brunswick-Topsham Water District regarding the proposed development if located within an Aquifer Protection Zone		✓	✓	✓	✓
	A plan of all new construction, expansion and/or redevelopment of existing facilities, including type, size, footprint, floor layout, setback, elevation of first floor slab, storage and loading areas		✓	✓	✓	✓
	An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, signage and other features as may be required by specific design standards		✓	✓	✓	✓
	A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems		✓	✓	✓	✓
	A site landscaping plan indicating grade change, vegatation to be preserved, new plantings used to stablize areas of cut and fill, screening, the size, locations and purpose and type of vegetation		✓	✓	✓	✓
	Number of lots if a subdivision	✓	✓	✓	✓	
	Plan showing all 10" trees to be removed as a result of the development proposal		✓	✓	✓	
	All applicable materials necessary for the Review Authority to review the proposal in accordance with the criteria of Chapter 5.		✓	✓	✓	
	Any additional studies required by the Review Authority		✓	✓	✓	

BRUNSWICK PLANNING BOARD
TUESDAY, FEBRUARY 28, 2012

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

STAFF PRESENT: Anna Breinich, Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday, February 28, 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 – Rezoning Request: The Planning Board will hold a public hearing on a rezoning request from Elaine Salch to change the zoning of the parcel at 10 Mason Street (Map U13, Lot 131) from Town Residential 2 to Town Center 1.

Kris Hultgren reviewed the application for the 10 Mason Street rezoning request and stated that the applicant is seeking a zone change from Town Residential 2 to Town Center 1. Kris stated that at this time the lot is split by these two zoning districts and the applicant wishes to be included entirely in the Town Center 1 district so that she may open an antique retail business.

Mrs. Salch, the applicant, stated that it would be wonderful if she was able to open this shop and noted that there are several antique shops in the area; this would make a great addition and it would fit in the area. Mrs. Salch stated that there is plenty of parking.

Jeff Peters asked if this request would just change the property line and Charlie Frizzle replied that for this request, the boundary line will be moved to the east to accommodate 10 Mason Street only.

Chairman Charlie Frizzle opened the public hearing.

Dominic Vella, owner of Blessings at 11 Mason Street, stated that it would be a huge help if Mrs. Salch was granted this request as it would draw more walking traffic to this area. He supports Mrs. Salch's request.

Chairman Charlie Frizzle closed the public hearing.

MOTION BY CHARLIE FRIZZLE TO ASK TOWN COUNCIL TO CONSIDER CHANGING THE BOUNDARY LINE FOR TOWN CENTER 1 DISTRICT SO AS TO INCLUDE THE ENTIRE 10 MASON STREET LOT, WITHIN THE TOWN CENTER 1 DISTRICT. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

Other

- Anna Breinich stated that changes have been made and included into the newest draft and staff is working on the structure of the Zoning Ordinance. Anna stated that staff hopes to have materials completed and ready for review by the March 13th meeting.
- There will be no meeting held on March 6, 2012.
- Reminder of the webinar on March 7, 2012 at 1:00 PM at Brunswick Station on pedestrian bicycle safety on roundabouts.

Minutes
No minutes were approved at this meeting.

Adjourned
This meeting was adjourned at 7:11 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

BRUNSWICK PLANNING BOARD
TUESDAY, MARCH 13, 2012

MEMBERS PRESENT: Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Dana Totman (arrived at 7:10), Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich, Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday, March 13, 2012 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chairman Charlie Frizzle called the meeting to order at 7:00 P.M.

Public Hearing: Case Number 12-008 – Hanger 5 Special Permit – The Board will hold a public hearing on a **Special Permit** application submitted by the Midcoast Regional Redevelopment Authority to all for events, exhibits and assemblies in Hanger 5 at 112 Orion Street Unit 1. **(Assessor's Map 40 Lot 0)** in the **Base Reuse Zone and Aviation Related Business Sub-district.**

Kris Hultgren began by reviewing his Memo to the Planning Board dated March 9, 2012 and stated that this application is to add a special events use to the the former Brunswick Naval Air Station, Hanger 5. Kris stated that this application is complete and noted that there has been no public comment regarding this application prior to the meeting.

Dave Markovchick, Economic Development Manager for Maine Regional Redevelopment Authority (MRRA), stated that they would like to have the special events use in Hanger 5 as an interim use until the facility is leased out to an aeronautical firm. Dave stated that the facility is 90,000 square feet of open space that is in demand in southern/ midcoast Maine and they would like the opportunity to produce some revenue for MRRA and to all for public benefit. Dave stated that this permit would allow for special events such as exhibits and assemblies.

Charlie Frizzle asked staff if to confirm that this was before the Planning Board because it is a use not listed in the Brunswick Zoning Ordinance or the Base Conveyance; Kris Hultgren replied that Charlie was correct.

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

Margaret Wilson asked what the thinking was in terms of interim. Dave Markovchick reapplied that an example would be a boat show; none would be long standing.

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

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

MOTION BY RICHARD VISSER THAT THE DEVELOPMENT REVIEW APPLICATION IS DEEMED COMPLETE. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

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

Dana Totman arrived to meeting at 7:10 P.M.

Workshop: The Board will review and comment on changes to Chapter 4 of the Zoning Ordinance.

Margaret Wilson reviewed the history of the changes made at previous workshops and asked the board if this version reads better/easier and to look at grammar and numbering. Margaret stated that text which was free standing and is substantive has been included in the Development Review Table. Anna Breinich stated that staff has reviewed Chapter 4 of the Zoning Ordinance and attempted to remove information not needed/redundant. Anna stated that the other focus has been to streamline the process and how the process flows. Anna reviewed her handout, Chapter 4 Revisions, and noted that the substantive changes included:

- Removal of Master Plan Requirement for streamlined plan submission.
- Made vesting clearer: begins as a Planning Board action to determine completeness of application.
- Revised Common development plan.

Anna stated that once the Planning Board has done their final review of Chapter 4, it will be sent to the Town Attorney for legal review; the intent is that Chapter 4 and Chapter 5 of the ordinance can stand alone as the Planning Board moves on to revising the remaining chapters of the ordinance.

Margaret Wilson advised the Board that this is the time to forward to staff any grammar and formatting issues. Margaret reviewed changes in the Development Review Table and stated that the text which previously followed the table has been taken out and placed within the chart. Steve Walker replied that the changes look great but noted that it is odd that the Natural Resource Protection Zone (NRPZ) is not necessarily a use but an overlay and suggested that a blanket statement be added asking applicants to check overlay standards for other performance standards. Anna Breinich replied that it is impact criteria that will trigger review and it was decided that staff would review this area again and develop some examples. Dana Totman asked if this rewrite would be an opportunity to increase impervious surface areas for lots being redeveloped; Dana stated that there is no reference to existing impervious surface. Kris Hultgren suggested adding the word "net"

impervious surface into the impervious surface threshold. Dana replied that this may not be the best way to handle this and stated that there lies opportunity to increase impervious surface. Margaret stated that wording can be added and highlighted; wording to be added to next reiteration for review.

Charlie Frizzle pointed out that in the current Brunswick Ordinance, 1-2 multifamily dwelling units do not require development review, 3-5 units require Minor Development Review; six (6) or more dwelling units are not addressed. Charlie Stated that in the Brunswick Conveyance ordinance, less than 10 units do not require development review and grater then 10 require Major Development Review. Charlie stated that in the current draft, Brunswick Ordinance has been relaxed and now mimics the Brunswick Conveyance ordinance somewhat. 1-10 multifamily dwelling units require Minor Development Review and 10 or more require Major Development Review.

Charlie Frizzle stated that this draft is not ready to be sent to Town Council and suggested scheduling another workshop so that members have another chance to make changes. Charlie asked members to forwards non substantive changes along to staff and to bring any substantive changes to the next workshop scheduled for March 27th.

Other
No other business.

Minutes
MOTION BY CHARLIE FRIZZLE TO APPROVE THE MINUTES OF MARCH 23, 2012. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY BY THOSE PRESENT.

MOTION BY DANA TOTMAN TO APPROVE THE MINUTES OF JANUARY 24, 2012. SECONDED BY CHARLIE FRIZZLE, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF FEBRUARY 7, 2012. SECONDED BY DANA TOTMAN, APPROVED UNANIMOUSLY BY THOSE PRESENT.

Adjourned
This meeting was adjourned at 8:20 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary