

BRUNSWICK TOWN COUNCIL

Agenda

February 6, 2012

7:00 P.M.

Municipal Meeting Room

Brunswick Station

16 Station Avenue

Pledge of Allegiance

Roll Call

Public Comment:

Correspondence:

Adjustments to the Agenda:

MANAGER'S REPORT:

- (a) Council Committee Updates
- (b) Update on Town action at 77 Pleasant Street

PUBLIC HEARINGS

- 13. The Town Council will hear public comments on applications for special amusement licenses, and will take any appropriate action.

Bowdoin College

D/B/A: Bowdoin College Dining Service –

Magee's Grill

David Saul Smith Union

Allen W. Delong

Brunswick Lodge of Elk's #2043

D/B/A: Brunswick Lodge of Elk's

179 Park Row

Ms. Angela Brackett

HEARING/ACTION

- 14. The Town Council will hold a public hearing on an amendment to the Marine Resource Ordinance to allow Sunday shellfish harvesting from October 16th to April 30th of each year, and will take any appropriate action. (Councilor Wilson)

HEARING/ACTION

- 15. The Town Council will hold a public hearing on Zoning Ordinance amendments to increase the allowable number of MDOT official business directional signs, and will take any appropriate action. (Councilor Perreault)

HEARING/ACTION

16. The Town Council will hear public comments for the purpose of designating a tax increment financing district at Brunswick Landing, and will take any appropriate action. (Manager)

HEARING/ACTION

17. The Town Council will hear public comments for the purpose of designating a tax increment financing district at Brunswick Executive Airport, and will take any appropriate action. (Manager)

HEARING/ACTION

NEW BUSINESS

18. The Town Council will discuss sending a letter to NNEPRA regarding layover facility issues, and will take any appropriate action. (Councilor Perreault and Chair King)

ACTION

19. The Town Council will consider authorizing the Town Manager to negotiate a contract with a Construction Manager as recommended by the Police Station Building Committee, and will take any appropriate action. (Chair King)

ACTION

20. The Town Council will consider renewing the agreement between the Town of Brunswick and the Brunswick Downtown Association to sublease the Visitor's Center, and will take any appropriate action. (Manager)

ACTION

21. The Town Council will consider setting a public hearing for February 21, 2012, for a CDBG program grant for Integrated Marine Systems, and will take any appropriate action. (Manager)

ACTION

22. The Town Council will consider appointing members to the Capital Improvement Plan Committee, and will take any appropriate action. (Chair King)

ACTION

CONSENT AGENDA

- (a) Approval of the Minutes of January 17, 2012
- (b) Approval of a utility location permit application for Maine Natural Gas on a section of Bath Road
- (c) Approval of a tax abatement for Nerd Force

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

Brunswick Town Council
Agenda
February 6, 2012
Council Notes and Suggested Motions

MANAGER'S REPORT:

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

Suggested Motion: No motion is required.

- (b) Update on Town action at 77 Pleasant Street: Manager Brown will update the public on Town action at this location.

Suggested Motion: No motion is required.

PUBLIC HEARINGS

13. This item is the required public hearing on two renewal applications for special amusement licenses. Bowdoin College will be having bands, music, comedy and dances at Magee's Grill. The Elk's Club will be having DJ services for events and bands for the lounge. Copies of the applications will be included in your packet.

Suggested Motion:

Motion to approve applications for special amusement licenses for Bowdoin College and Brunswick Lodge of Elk's #2043.

14. Councilor Wilson is bringing this item forward at the request of the Marine Resource Committee to allow Sunday shellfish harvesting from October 16 to April 30 each year. At your last meeting you enacted this on emergency basis to allow harvesting immediately on Sundays. This item is the required public hearing for regular adoption of this amendment. The Sunday harvesting in the winter months will allow harvesters to have a steady income. Copies of a memo from Officer Devereaux and the proposed language are included in your packet.

Suggested Motion:

Motion to adopt an amendment to the Marine Resource Ordinance to allow Sunday shellfish harvesting from October 16th to April 30th of each year.

15. This item is the required public hearing on Zoning amendments for directional signs and is being sponsored by Councilor Perreault. The Planning Board has reviewed the request and supports allowing the number of signs to increase from 2 to 4. A copy of a memo from the Planning Department is included in your packet.

Suggested Motion:

Motion to adopt Zoning Ordinance amendments to increase the allowable number of MDOT official business directional signs from 2 to 4.

16. This item is the public hearing that is required as part of the process to designate a tax increment financing district at Brunswick Landing. The designation of the district will be the first step in the process of adopting a complete tax increment financing program between the Town of Brunswick and the Midcoast Regional Redevelopment Authority (MRRA). The Council anticipates a second step in the process to adopt the development program to occur later in the summer. A copy of the application for the Brunswick Landing Municipal Development and Tax Increment Financing District is included in your packet.

Suggested Motion:

Motion to adopt a Town Council Resolution Designating the Brunswick Landing Municipal Development and Tax Increment Financing District.

17. This item is the public hearing that is required as part of the process to designate a tax increment financing district at Brunswick Executive Airport. The designation of the district will be the first step in the process of adopting a complete tax increment financing program between the Town of Brunswick and the Midcoast Regional Redevelopment Authority (MRRA). The Council anticipates a second step in the process to adopt the development program to occur later in the summer. A copy of the application for the Brunswick Executive Airport Municipal Development and Tax Increment Financing District is included in your packet.

Suggested Motion:

Motion to adopt a Town Council Resolution Designating the Brunswick Executive Airport Municipal Development and Tax Increment Financing District.

NEW BUSINESS

18. This item is sponsored by Councilor Perreault and Chair King to discuss if the Council would like to send a letter to NNEPRA regarding the layover facility. Included for discussion would be requesting them to follow DEP site law process and standards that would be required for any other industrial facility in the state. Another request would be to ask NNEPRA to bring a train to Brunswick so that noise and vibration can be accurately measured. There is a copy of a memo from Manager Brown in your packet. There is, also, included, additional material provided by the Brunswick West Neighborhood Coalition.

Suggested Motion:

There is no suggested motion.

19. This item authorizes the Town Manager to negotiate a contract with a Construction Manager as recommended by the Police Station Building Committee. The Committee will be interviewing firms on Tuesday, February 7, and upon their recommendation the Manager can immediately begin negotiating a contract with the selected firm so the process will not lose two weeks until the next Council meeting. A memo from Manager Brown is included in your packet.

Suggested Motion:

Motion to authorize the Town Manager to negotiate a contract with the Construction Manager as recommended by the Police Station Building Committee.

20. This item is to consider renewing the agreement between the Town of Brunswick and the Brunswick Downtown Association to sublease the Visitor's Center. Manager Brown has prepared a memo that outlines the terms of the agreement. Copies of the memo from Manager Brown and the lease are included in your packet.

Suggested Motion:

Motion to renew the agreement between the Town of Brunswick and the Brunswick Downtown Association to sublease the Visitor's Center.

21. This item is for the Council to consider setting a public hearing for February 21, 2012, for a CDBG grant for Integrated Marine Systems. On January 17th, the council approved the submission of a Letter of Intent to apply for CDBG application. The Office of Community Development has reviewed the letter and has invited the Town to apply for this grant. The company has requested the Town submit this grant application in an amount of \$200,000 to support its operations at the Brunswick Landing. Copies of a memo from Brian Dancause and the letter from DECD are included in your packet.

Suggested Motion:

Motion to set a public hearing for February 21, 2012, for a CDBG program grant for Integrated Marine Systems.

22. Chair King will make appointments to the Capital Improvement Plan Committee so they can begin meeting to discuss the CIP as part of the budget process. The Council had briefly discussed a proposed charge for this committee at your December 19th meeting. This proposal will continue to be worked on, but Chair King felt it was important for the Committee to be appointed so they can begin their work. A copy of the proposed CIP charge is included in your packet.

Suggested Motion:

Chair King will make appointments the CIP Committee.

CONSENT AGENDA

- (a) Approval of the Minutes of January 17, 2012: A copy of the minutes is included in your packet.
- (b) Approval of a utility location permit application for Maine Natural Gas on a section of Bath Road: Maine Natural Gas is requesting permission to install a 2" gas main from the existing gas main at the easterly corner of Gurnet Road and Bath Road, abutting Cumberland Farms. The gas main will be installed behind the curb along the south side of Bath Road, from Gurnet Road to the east side of Thomas Point Road, for approximately 325 feet. Copies of a memo from Public Works and the permit are included in your packet.

- (c) Approval of a tax abatement for Nerd Force: This abatement comes at the request of the Assessor since this company was assessed for personal property for the 2010 tax year in error. A copy of a memo from the Assessor is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

MANAGER'S REPORT - A NO BACK UP MATERIALS

MANAGER'S REPORT - B BACK UP MATERIALS

Town of Brunswick, Maine

Incorporated 1739

CODES ENFORCEMENT OFFICE

CODES ENFORCEMENT: 207-725-6651
FAX NUMBER: 207-725-6663
JHUTCHINSON@BRUNSWICKME.ORG
WWW.BRUNSWICKME.ORG



JEFF HUTCHINSON
CODES ENFORCEMENT OFFICER
28 FEDERAL STREET
BRUNSWICK, ME 04011

TO: Property file

FR: Jeff Hutchinson, Codes Enforcement Officer

RE: 77 Pleasant Street

DT: January 18, 2012

I'm writing this memo to provide a summary of events that have occurred leading up to the ultimate condemnation of 77 Pleasant Street.

- January 2010 – Brought to the attention of the Codes office that the existing 2-story porch structure was unsafe.
- January 8, 2010 – Codes and Fire depts. conducted an onsite to determine the condition of the porch structure. We observed numerous structural deficiencies which were in need of immediate repair. The building is occupied by six apartments; therefore the porch is required by the building code as one of the two primary means of egress.
- January 27, 2010 – Written notice was given by registered mail to owner and property management to repair structure.
- February 17, 2010 – Structural engineering report received with recommended repairs.
- March 17, 2010 – Building permit issued to conduct repairs as per structural engineer with the condition that the porch structure is replaced with new by September 2010.
- November 1, 2010 – Property owners unwilling to procure funds to replace porch therefore additional engineering study conducted to secure structure during the 2010-2011 winter. The engineer stated that “If major repairs or, more realistically, total re-construction are not undertaken during 2011, it is highly unlikely that I would suggest that it would be safe to allow this structure to be used through another winter”.
- January 3, 2011 - Building permit issued to conduct repairs as per latest engineering proposal.
- Fall/early winter of 2011 – Numerous attempts were made to contact owner by phone concerning proper repair/replacement of porch before upcoming winter.
- December 13, 2011 – Unable to make verbal contact with owner therefore, written notification sent by registered mail ordering owner to demolish and

replace porch structure by not later than January 16, 2012 (30 days). It was identified in the letter that immediate evacuation of all tenants will be conducted if the necessary repairs have not been conducted by the compliance date.

- December 13, 2011 – Copy of notice was hand delivered to all tenants.
- January 17, 2012 – Written notice was refused by owner therefore the porch/building was placarded by the Codes and Fire depts. (condemned) requiring tenants to secure other living arrangements. Compliance was extended 24 hrs (midnight of the 18th) to offer tenants the ability to contact Brunswick Human Services for available housing.

ITEM 13

BACK UP MATERIALS



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

PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 2/6/2012 on the following Special Amusement license applications:

Special Amusement

Bowdoin College

D/B/A: Bowdoin College Dining Service- Magee's Grill
David Saul Smith Union

Allen W. Delong

Brunswick Lodge of Elk's # 2043

D/B/A: Brunswick Lodge of Elk's
179 Park Row

Ms. Angela Brackett

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

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

Fran Smith
Town Clerk

TOWN OF BRUNSWICK

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

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: The President & Trustees of Bowdoin College

Incorporation Date: 1995 Incorporation State: Maine

New License: Opening Date _____ Renewal License: Expiration Date: 8/30/11

Business Name: Magee's Grill, Bowdoin College E-Mail: adelong2@bowdoin.edu

Business Address: 6200 College Station Business Phone Number: 725-3201

Name of Contact Person: Allen W. DeLong Contact's Phone Number: 725-3201

Mailing Address for Correspondence: 6200 College Station, Brunswick, ME 04011

Signature of Applicant: Allen W. DeLong Date: 1-13-2012

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

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

Corporations Please Complete:

Address of Incorporation: _____ Phone #: _____

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership

Town Clerk Use Only

Approvals: Finance Codes Health Officer Council Police

Codes Officer Signature _____

Health Officer Signature _____

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

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

Waiting on: _____ Mailed or Issued Date: _____ PH Date: _____

Type of License: Special Amusement Paid Fee: \$ 125 Cash / Check Date: 1/20/12

Advertising Fee: \$ _____ Paid

Bazaar or Flea Market-Exp. June 30th
_____ 1-3 Days (\$50) Date and Location of Event: _____
_____ Annually (\$225)

Bowling Alleys, Pool Halls and Billiards-Exp. June 30th
_____ Number of Lanes (\$20 each) _____ Number of Tables (\$20 each)

Carnival or Circus
_____ Number of Days (\$150/day) Date and Location of Event: _____

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

Food Service Establishment (Victualer)-Exp. May 31st

- FSE with Malt, Vinous & Spirituous Liquor (\$250)
- FSE with Malt and Vinous (\$200)
- FSE with Malt or Vinous (\$175)
- FSE with Sit Down, no Alcohol (\$100)
- FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering, B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: *Description of Food to be sold:* _____

Going Out of Business (\$50)
60 Day License (*Must also Complete an Application for Going out of Business Sale, and include a list of inventory*)

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

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

Pawnbroker (\$75) Exp. June 30th

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

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

Second Hand Dealer (\$75)-Exp. June 30th

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

Special Amusement (\$100)-Exp. w/Alcohol License
Describe in detail kind and nature of entertainment- Pub is approx. 40'x60' with balconies - Morrell Lounge is central lounge space 40'x100'

Describe in detail room or rooms to be used under this permit- (see above) used for bands, music, comedy, and dancers

Signature of Owner, officer, partner or agent: Allen W. Dalton

Tattooing Establishment (\$75)-Exp. June 30th

Theater (\$150 per screen)-Exp. June 30th _____ Number of Screens

TOWN OF BRUNSWICK

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

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: Brunswick Lodge of ELKS #2043

Incorporation Date: 6-29-57 Incorporation State: ME

New License: Opening Date _____ Renewal License: Expiration Date: 1-29-12

Business Name: Brunswick Lodge of ELKS #2043 E-Mail: _____

Business Address: 179 PARK Row Brunswick, Me Business Phone Number: 725-8265

Name of Contact Person: Angela Brackett Contact's Phone Number: 725-8265

Mailing Address for Correspondence: 179 Park Row Brunswick, Me 04011

Signature of Applicant: Rodney Bauer Date: 1-3-12

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

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

Corporations Please Complete:

Address of Incorporation: _____ Phone #: _____

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Rodney Bauer Exalted Ruler - _____

Town Clerk Use Only

Approvals: Finance Codes Health Officer Council Police

Codes Officer Signature _____

Health Officer Signature _____

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

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

Waiting on: _____ Mailed or Issued Date: _____ PH Date: _____

Type of License: S.A. Paid Fee: \$ 100.00 Cash/Check Date: 1-4-12

Advertising Fee: \$ _____ Paid

Bazaar or Flea Market-Exp. June 30th
_____ 1-3 Days (\$50) Date and Location of Event: _____
_____ Annually (\$225)

Bowling Alleys, Pool Halls and Billiards-Exp. June 30th
_____ Number of Lanes (\$20 each) _____ Number of Tables (\$20 each)

Carnival or Circus
_____ Number of Days (\$150/day) Date and Location of Event: _____

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

Food Service Establishment (Victualer)-Exp. May 31st

- FSE with Malt, Vinous & Spirituous Liquor (\$250)
- FSE with Malt and Vinous (\$200)
- FSE with Malt or Vinous (\$175)
- FSE with Sit Down, no Alcohol (\$100)
- FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering, B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: Description of Food to be sold: _____

Going Out of Business (\$50)
60 Day License (Must also Complete an Application for Going out of Business Sale, and include a list of inventory)

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

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

Pawnbroker (\$75) Exp. June 30th

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

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

Second Hand Dealer (\$75)-Exp. June 30th

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

Special Amusement (\$100)-Exp. w/Alcohol License
Describe in detail kind and nature of entertainment- DJ Services for events, BANDS for lounge + Hall on occasion
Describe in detail room or rooms to be used under this permit- Lounge + Banquet Hall
Signature of Owner, officer, partner or agent: Robney Bauer

Tattooing Establishment (\$75)-Exp. June 30th

Theater (\$150 per screen)-Exp. June 30th _____ Number of Screens

ITEM 14

BACK UP MATERIALS



TOWN OF BRUNSWICK PUBLIC HEARINGS

THE BRUNSWICK TOWN COUNCIL will hold public hearings at their regular meeting on Monday, February 6, 2012, 7:00 p.m. in the Municipal Meeting Room (Room 217), Brunswick Station, 16 Station Avenue, to receive public comment on the following amendments:

Item 1-The Town Council will hold a public hearing on an amendment to the Marine Resources Ordinance to allow Sunday shellfish harvesting from October 16th to April 30th of each year.

Item 2-The Town Council will hold a public hearing on Zoning Ordinance amendments to increase the allowable number of MDOT official business directional signs from two to four.

For more information contact the Town Manager's office at 725-6659.

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

Fran Smith, Town Clerk
Brunswick, Maine

Times Record – January 19, 2012



Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF:

Marine Resources & Harbor Management

28 FEDERAL STREET BRUNSWICK, MAINE 04011-1581
TELEPHONE (207) 725-6631 FAX (207) 725-6663
Email~ ddevereaux@brunswickpd.org



Daniel R. Devereaux
Marine Resource Officer~
Harbormaster

J. Paul Plummer
Marine Resource Officer~
Deputy Harbormaster

DATE: January 5, 2012

To: Fran Smith
From: Daniel R. Devereaux MRO/HM
CC: Mark Latti, BMRC Chairman, Suzan Wilson, Councilor
RE: Ordinance Amendment

Fran,

I'm writing this memo in regards to a request that was voted on unanimously by the BMRC in their November 2011 meeting. The request was to ask the Brunswick Town Council to amended Section 11-165 of the Marine Activities, Structures and Way's ordinance to allow Sunday harvesting during the fall and winter months.

BMRC members heard complaints from commercial harvesters that harvest opportunities decrease during the fall and winter months, due to daylight savings time. This leads to lack of income for fulltime harvesters, when it is during a time of the year when a steady income is most important.

The Town of Brunswick has enacted and repealed weekend conservation closures for nearly 20 years. These closures are typically enacted in response to a decrease in shellfish populations, or large scale pollution closures that limits harvester access to the resource, the later was the case in 2009 when the council amended the ordinance from allowing Sunday harvesting during certain months to a complete commercial harvest prohibition on Sundays. Since 2009, the BMRC has worked diligently with MEDMR, private consultants, resource managers, marine wardens, and abutting land owners and most of the area closed for pollution in 2009 has been reopened for harvest.

Based on the staffs assessment, MEDMR historical catch data, and BMRC 2011 shellfish inventory surveys, it is staff opinion that amending the ordinance as written below will have no adverse affect to the sustainability of the Town of Brunswick's shellfish populations.

Sec. 11-165. Sunday shellfish harvesting prohibited.

It is unlawful for any commercial harvester to harvest or take shellfish from the coastal waters of the town on Sundays between May 1st and October 15th.



Proposed Ordinance Amendments
Allowing Sunday Harvesting from October 16 to April 30
Drafted – 01/6/2012
Public Hearing – 02/06/2012
Adopted –
Effective –

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 11, Division 5 “Regulations,” the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended by adding the underlined language as follows:

Sec. 11-165. Sunday shellfish harvesting prohibited.

It is unlawful for any commercial harvester to harvest or take shellfish from the coastal waters of the town on Sundays between May 1st and October 15th.

Adopted by the Brunswick Town Council at their Regular Meeting held on .
It will become effective thirty days after adoption.

Attest: _____
Town Clerk

ITEM 15

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

January 11, 2012

Memo to: Brunswick Town Council
Gary Brown, Town Manager

From: Kris Hultgren, Town Planner

Subject: Zoning Ordinance Amendment: Section 605.2 - Maine Department of Transportation
Directional Signs

The Planning Board voted unanimously (7-0) at its January 5, 2012 meeting to recommend to the Town Council that the Zoning Ordinance be amended to allow businesses the option of placing up to four Maine Department of Transportation (MDOT) directional signs instead of two in areas of town where these signs are permitted. The Planning Board held a workshop on December 13 to discuss the change and hear from the public before scheduling the public hearing on January 5. No one spoke in opposition to the amendment at the workshop or public hearing.

Section 605.2 of the Zoning Ordinance regulates the placement of MDOT directional signs. It is currently written to permit two MDOT signs per business. The signs may not be located in the Town Center districts, the Village Review Overlay Zone or the Maine Street and Park Row Right-of-Way and must comply with all other standards in this section of the ordinance.

Below is Section 605.2 of the Zoning Ordinance and the proposed amendment is shown under *Section 605.2.C*.

- 605.2 Official Maine Department of Transportation (MDOT) Directional Signs.** An Official Business Directional Sign visible from a public way in the Town of Brunswick may be erected or maintained as provided for in this Section. Such signs shall also comply with applicable provisions of the Maine Traveler Information Services Act 23 M.R.S.A., Section 1901-1925 and any regulations of the Maine Department of Transportation promulgated hereunder, not inconsistent with the provisions of this Ordinance.
- A. For purposes of this Section, Official Business Directional Sign is defined as a sign erected and maintained in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A., Section 1901-1925, and this Ordinance, which identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational and religious interest.

B. Qualifying uses. The following uses are qualifying uses, provided they do not have frontage on a State-Aid highway/road or Bath Road and are not located in areas noted in Section 605.2.D. (Amended 7/12/10 R)

1. Public and private schools and colleges
2. Airports
3. Cultural facilities and historic monuments
4. Recreational facilities
5. Municipal and other government facilities
6. Non-profit organizations
7. Public accommodations and commercial businesses
8. Retail agricultural operation

C. *Number of Signs.*

1. *Not more than ~~two (2)~~ four (4) official business directional signs may be permitted per each qualified use.*

D. Placement of Signs.

1. Official business directional sign may be installed and maintained in the Town of Brunswick except those areas as defined below:

- a. Town Center 1 (TC1) Zoning District
- b. Town Center 2 (TC2) Zoning District
- c. Town Center 3 (TC3) Zoning District
- d. Village Review (VR) Overlay Zoning District
- e. Maine Street and Park Row Right-of-Way

E. Additional requirements.

1. Official business directional signs shall be installed and maintained in accordance with the requirements of the Maine Traveler Information Act, 23 M.R.S.A. sections 1901-1925, as amended, and any other regulations adopted pursuant to said statutes.
2. The following additional requirements shall apply:
 - a. The minimum distance between official business directory sign posts shall be at least three hundred (300) feet as measured along the shortest straight line;
 - b. An official business directory sign may be installed only upon issuance of a permit pursuant to this Ordinance, and approval by the Town Police and Public Works departments;
 - c. No official business directory sign shall be placed closer than two hundred (200) feet from the property line of a commercial business offering directly competing goods or services;
 - d. An official business directional sign shall be located no closer than two hundred (200) feet nor further than two thousand five hundred (2,500) feet from an intersection where a change in direction as indicated on said sign is required;
 - e. No more than three (3) official business directional signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed official business directional sign contain the maximum number of permitted signs.

f. Permitting and approval process.

Any entity wishing to erect an official business directional sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Codes Enforcement Officer certifying compliance with the Town's Zoning Ordinance. (Amended 10/20/08 R)

I will attend the January 17 Town Council meeting to answer questions. Thanks.

ITEM 16

BACK UP MATERIALS

**ECONOMIC DEVELOPMENT
BRUNSWICK, MAINE**

An Application for a Municipal Development and Tax Increment Financing District

**BRUNSWICK LANDING MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT**

Presented to:

TOWN OF BRUNSWICK

DATED: February 6, 2012

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I. Introduction

A. Midcoast Regional Redevelopment Authority

On August 24, 2005, the Federal Base Realignment and Closure (“BRAC”) Commission voted eight to one to close Naval Air Station Brunswick (“NAS Brunswick”) and move its aircraft operations to Jacksonville, Florida. The 79-acre Topsham Annex located in Topsham, Maine was also included as part of the closure. On September 15, 2005, the final list was approved by the President of the United States. By law, both properties were required to close before September 15, 2011. For the Town of Brunswick, the Town of Topsham, Cumberland and Sagadahoc counties, and the State of Maine, that decision was the culmination of an intense process and significant community effort to keep the facility open to maintain an employment base of over 5,200 military and civilian personnel.

NAS Brunswick was built as a multi-purpose campus that has changed over many years to serve a variety of purposes. It has been an airport since its initial development in the late 1930s, built on the site of a municipal airfield. Its primary mission has been to house and maintain various patrol aircraft and other Navy aviation and non-aviation activities. The base is considered both an industrial facility where aircraft were hangared, maintained and flown, as well as a support facility with offices, retail buildings, housing and ancillary uses associated with a relatively self-contained operation. In total there are over 200 buildings totaling over 1.75 million square feet on the base; forty of which buildings would be considered significant facilities.

The closure of NAS Brunswick represents one of the largest single employer relocations or closings in the history of the state. The State Planning Office conducted an assessment of impact closure and revised the state gross product projection for 2015 downward by \$390 million, cutting the projected growth rate from two to approximately one percent. They also revised the state population growth downward by 7,400 as a result of the base closure. Projected State personal income was also reduced by \$370 million. Revenues to the State of Maine are also expected to be reduced by some \$20 million.

In other economic displacement events such as plant closings, most individuals continue to live in the community, albeit with reduced income, and they still contribute to the economy, have children in local schools, and participate in the activities of the community. In the case of a base closure and realignment, however, an entire segment of the population leaves the area, which increases vacancy rates and eliminates millions of dollars spent in the local economy on everything from housing, food, transportation and energy costs, to professional services and entertainment.

The impact of the closure is so large that the Maine Legislature created the Midcoast Regional Redevelopment Authority (“MRRA”) for the purpose of managing the transition of this large military facility back into the fabric of the region and to support the rapid and successful redevelopment of NAS Brunswick. MRRA is a public municipal corporation. While MRRA has many of the powers of a municipality, it does not have taxing jurisdiction over the property located within NAS Brunswick. See 5 M.R.S.A. § 13083-I(1). Thus, in order to use municipal tax increment financing (“TIF”) as an economic development tool to aid in the redevelopment of

NAS Brunswick, MRRA must work cooperatively with the Town of Brunswick (the “Town”) in order to create and use TIF revenues to foster and/or fund the desired redevelopment activities.

B. MRRA’s Request for Tax Increment Financing Assistance

MRRA has presented the Town with a request for tax increment financing assistance at NAS Brunswick as part of a larger project to redevelop the 1.7 million square feet of industrial, commercial and professional office space at NAS Brunswick. MRRA’s mission is to facilitate the rapid redevelopment of the base properties in order to realize full build-out of Brunswick Landing in accordance with the adopted Reuse Master Plan for NAS Brunswick. The proposed tax increment financing plan for the area formerly known as the cantonment area at NAS Brunswick includes creating a 575-acre tax increment financing district (the “District”), which will be developed into professional office space to enhance the competitiveness of the Midcoast region and the State of Maine to attract, grow and create new businesses in the industry clusters identified in the Reuse Master Plan for NAS Brunswick. These industries include: composite manufacturing, information technology, alternative energy development, research, development and manufacturing and tourism and convention businesses in the Midcoast region. Having this area in a TIF district will allow MRRA to seek funding from the Town for assistance in its efforts to redevelop the NAS Brunswick.

C. Town’s Consideration of MRRA’s Request

The Town of Brunswick is in discussions with MRRA regarding MRRA’s TIF proposal, and actively considering how best to maximize the Town’s ability to assist in the redevelopment of the NAS Brunswick through the use of tax increment financing. As the Town has not yet finalized the terms of a development program for the District, the Town is moving forward only with the designation of the District at this time. The Town wishes to designate the District prior to April 1, 2012 in order to capture any new taxable value that may be in the District as of that date. Once the District is designated, the Town will continue working out the terms of a development program for the District, and will seek DECD approval of the development program later in the year. Like the District, the final development program will be the subject of a public hearing prior to a final vote by the Council to approve the development program.

The Town recognizes in this case that any DECD approval of the District would be a conditional approval, subject to DECD’s final approval of a development program governing the District. The Town further recognizes and agrees that the Town shall not spend any TIF revenues produced by the District until DECD has approved a development program for the District and issued a final, non-conditional approval for the District.

II. Physical Description of District

MRRA proposes to have the Town support it in the development of this Project through the designation of the Brunswick Landing Municipal Development and Tax Increment Financing District (the “District”). The District will have a term of thirty (30) years. The Town plans to capture all (100%) of the new value in the District for the entire 30-year period. The proposed 575-acre District is shown in Exhibit A. The statutory threshold limits regarding the District’s size and taxable value are shown in Exhibit B.

The Original Assessed Value of the District was zero dollars (\$0) as of March 31, 2011 (April 1, 2010). Since MRRA is a tax exempt entity, there will not be any new taxable value in the District until new taxable value is created in the District as a result of MRRA's successful redevelopment efforts.

During the 30-year life of the District, the Town Manager or the Manger's designee will be responsible for all administrative matters within the purview of the Town concerning the implementation and operation of the District.

III. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit D, is a copy of the Notice of Public Hearing published in the *Brunswick Times Record*, a newspaper of general circulation in the Town, on January 25, 2012, a date at least ten (10) days prior to the public hearing. The public hearing was held on February 6, 2012, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing Held by Town Council

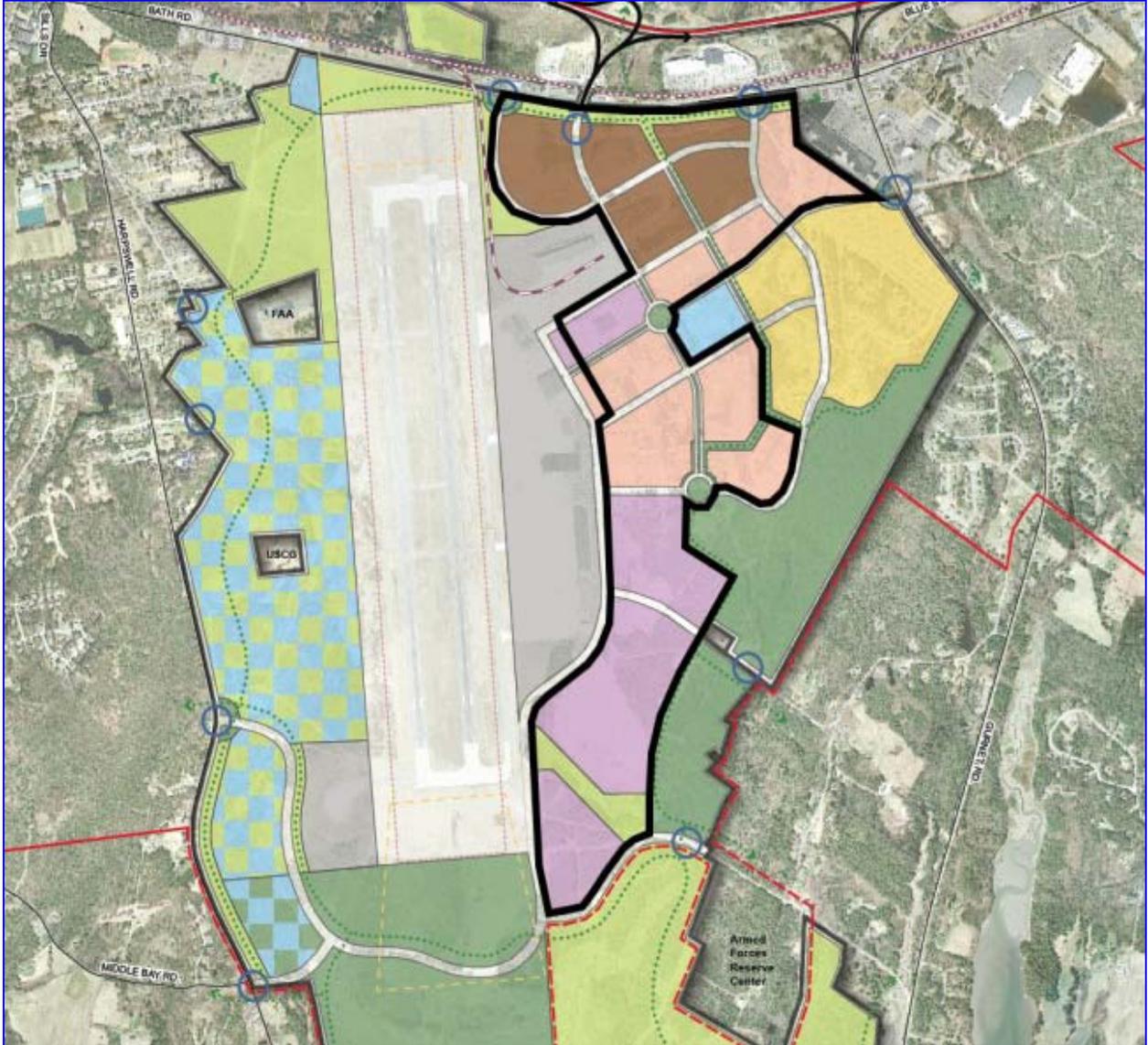
Attached as Exhibit E, is a certified copy of the minutes of the public hearing held on February 6, 2012, at which time the proposed District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit F is a copy of the Brunswick Town Council Resolution designating the District, which Resolution was adopted by the Council at a meeting of the Council duly called and held on February 6, 2012.

EXHIBIT A

**Brunswick Landing TIF District
(575 Acres)**



STATUTORY REQUIREMENTS & THRESHOLDS

Exhibit B

A. ACRE LIMITATION BRUNSWICK LANDING		
1. Total Acreage of Municipality		28,800
2. Total Acreage of Proposed Municipal TIF District		575
3. Total Downtown acres contained in the Proposed Municipal TIF District		0
4. Total Transit acres contained in the Proposed Municipal TIF District		0
5. Total acreage of Proposed Municipal TIF District counted towards 2% cap (A2-A3-A4)		575
6. Percentage of total acreage in proposed municipal TIF District (cannot exceed 2%) Divide A5 by A1		2%
7. Total acreage of all existing and proposed municipal TIF districts in the municipality. Add A2 to sum of all existing TIF district acreage.	Existing 183.63 Prop. B.L. 575 Prop. B.E.A. 154.2 Total 912.83	
8. Total acreage of an existing or Proposed Downtown TIF District in the municipality.		89.97
9. Total acreage of all <u>existing</u> Pine Tree Development Zone TIF Districts in the municipality.		0
10. Total acreage of all existing or Proposed Transit TIF Districts in the municipality.		0
11. Total acreage of all existing and Proposed Municipal TIF Districts in the municipality counted toward 5% cap. Subtract A8+A9+A10 from A7.		822.86
12. Percentage of total acreage in all existing and proposed Municipal TIF Districts (cannot exceed 5%) Divide A11 by A1.		2.9%
13. Total Acreage of all real property in the Proposed Municipal TIF District that is:		
(Note: a, b, or c must be at least 25%)	Acres	%
a. Blighted (Divide acres by		
b. In need of rehabilitation/conservation (Divide acres by		
c. Suitable for industrial/commercial site (Divide acres by	575	100%
TOTAL	575	100%
B. VALUATION LIMITATION		
1. Total Aggregate Value of Municipality (TAV) <i>Use most recent April 1st</i>		1,295,834,340
2. Original Assessed Value (OAV) of Proposed Municipal TIF District. <i>Use March 31st of tax year preceding date of municipal designation</i>		0
3. Total OAV of all existing and Proposed Municipal TIF Districts in the municipality. <i>Add b2 to sum of all existing TIF district OAVs</i>		80,803,500
4. OAV of an existing or proposed Downtown TIF District in the municipality.		71,082,500
5. OAV of all <u>existing</u> Pine Tree Development Zone TIF Districts in the municipality.		0
6. OAV of all existing or Proposed Transit TIF Districts in the municipality.		0
7. Total OAV of all existing and Proposed Municipal TIF Districts in the municipality counted toward 5% cap <i>Subtract B4+B5+B6 from B3</i>		9,721,000
8. Percentage of total OAV to TAV in all existing and Proposed Municipal TIF Districts (cannot exceed 5%) <i>Divide B7 by B1</i>		.75%

TOWN OF BRUNSWICK

**BRUNSWICK LANDING MUNICIPAL DEVELOPMENT
AND TAX INCREMENT FINANCING DISTRICT**

ASSESSOR'S CERTIFICATE

The undersigned Assessor for the Town of Brunswick, Maine does hereby certify pursuant to the provisions of 30-A M.R.S.A. § 5227(2) that the assessed value of the Brunswick Landing TIF District was zero dollars (\$0) as of March 31, 2011 (April 1, 2010).

IN WITNESS WHEREOF, this Certificate has been executed as of the ____ day of January 2012.

TOWN OF BRUNSWICK ASSESSOR

Cathleen Donovan

**NOTICE OF PUBLIC HEARING
TOWN OF BRUNSWICK
Regarding**

**A Municipal Tax Increment Financing District To Be Known As The
“Brunswick Landing Municipal Development and Tax Increment Financing District”**

Notice is hereby given that the Brunswick Town Council will hold a public hearing on

**February 6, 2012,
at the
Brunswick Municipal Meeting Room at 16 Station Avenue, Brunswick, Maine,
The Public Hearing will be at 7:00 p.m.**

The purpose of the public hearing is to receive public comments on the designation of the proposed municipal tax increment financing district to be known as the Brunswick Landing Municipal Development and Tax Increment Financing District (the “District”) pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed municipal development and tax increment financing district consists of 575 acres of property located at the former Naval Air Station Brunswick.

A development program governing the District will be created, and will be the subject of a separate public hearing on a later date to be announced by the Council.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

EXHIBIT E

Minutes of Public Hearing and Town Council Meeting

EXHIBIT F

Town Council Resolution

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL RESOLUTION**

**Designating the Brunswick Landing Municipal Development and
Tax Increment Financing District**

WHEREAS, the Town of Brunswick (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the Town as the Brunswick Landing Municipal Development and Tax Increment Financing District (the “District”); and

WHEREAS, there is a need to encourage and facilitate the rapid redevelopment of industrial, commercial and professional office space within the Town at the former naval air base known as the Naval Air Station Brunswick (“NAS Brunswick”); and

WHEREAS, the recent closure of NAS Brunswick creates an acute need to provide additional employment opportunities for the residents of the Town and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, the Town desires to designate the District at this time to ensure that any new taxable value located in the District would be captured in a tax increment financing (“TIF”) district; and

WHEREAS, the Town is working to create a development program for the District, but is not yet fully prepared to adopt a final development program for the District; and

WHEREAS, the Town understands and agrees that any approval of the District by the Maine Department of Economic and Community Development (“DECD”) would be a conditional approval until such time as DECD is presented with and approves a development program for the District; and

WHEREAS, the Town understands and agrees that the Town shall not spend any incremental tax revenues resulting from the designation of the District until such time as DECD is presented with and approves a development program for the District; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the designation of the District, if any; and

WHEREAS, it is expected that approval will be sought and obtained from DECD, conditionally approving the designation of the District;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Town Council hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. § 5223(3); and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town (including this proposed District, but not including the Town's Downtown TIF District) does not exceed five percent (5%) of the total acreage of the Town; and

c. The original assessed value of all existing and proposed tax increment financing districts (including this proposed District, but not including the Town's Downtown TIF District) does not exceed five percent (5%) of the total value of equalized taxable property within the Town as of April 1, 2011; and

d. The designation of the District will generate substantial economic benefits for the Town and its residents and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including stimulating new employment opportunities, a broadened and improved tax base and economic stimulus, and therefore the designation of the District constitutes a good and valid public purpose. The Town Council has considered all evidence, if any, presented to the Council with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the designation of the District.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the Brunswick Landing Municipal Development and Tax Increment Financing District, as more particularly described in the narrative presented to the Town Council as part of the materials supporting the Town's designation of the District.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 4. The foregoing designation of the District shall automatically become final and shall take full force and effect upon receipt by the Town of conditional approval of the designation of the District by DECD, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents designating the District as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the District designation by DECD, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in designating the District.

Section 6. This Resolution shall take effect immediately upon adoption.

Proposed to Town Council:

Public Hearing:

Adopted by Town Council:

February 6, 2012

February 6, 2012

ITEM 17

BACK UP MATERIALS

**ECONOMIC DEVELOPMENT
BRUNSWICK, MAINE**

An Application for a Municipal Development and Tax Increment Financing District

**BRUNSWICK EXECUTIVE AIRPORT MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT**

Presented to:

TOWN OF BRUNSWICK

DATED: February 6, 2012

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B. Statutory Requirements & Thresholds	
C Assessor’s Certificate of Original Assessed Value	
D Public Hearing Notice	
E Public Hearing Minutes	
F Town Council Resolution	

I. Introduction

A. Midcoast Regional Redevelopment Authority

On August 24, 2005, the Federal Base Realignment and Closure (“BRAC”) Commission voted eight to one to close Naval Air Station Brunswick (“NAS Brunswick”) and move its aircraft operations to Jacksonville, Florida. The 79-acre Topsham Annex located in Topsham, Maine was also included as part of the closure. On September 15, 2005, the final list was approved by the President of the United States. By law, both properties were required to close before September 15, 2011. For the Town of Brunswick, the Town of Topsham, Cumberland and Sagadahoc counties, and the State of Maine, that decision was the culmination of an intense process and significant community effort to keep the facility open to maintain an employment base of over 5,200 military and civilian personnel.

NAS Brunswick was built as a multi-purpose campus that has changed over many years to serve a variety of purposes. It has been an airport since its initial development in the late 1930s, built on the site of a municipal airfield. Its primary mission has been to house and maintain various patrol aircraft and other Navy aviation and non-aviation activities. The base is considered both an industrial facility where aircraft were hangared, maintained and flown, as well as a support facility with offices, retail buildings, housing and ancillary uses associated with a relatively self-contained operation. In total there are over 200 buildings totaling over 1.75 million square feet on the base; forty of which buildings would be considered significant facilities.

The closure of NAS Brunswick represents one of the largest single employer relocations or closings in the history of the state. The State Planning Office conducted an assessment of impact closure and revised the state gross product projection for 2015 downward by \$390 million, cutting the projected growth rate from two to approximately one percent. They also revised the state population growth downward by 7,400 as a result of the base closure. Projected State personal income was also reduced by \$370 million. Revenues to the State of Maine are also expected to be reduced by some \$20 million.

In other economic displacement events such as plant closings, most individuals continue to live in the community, albeit with reduced income, and they still contribute to the economy, have children in local schools, and participate in the activities of the community. In the case of a base closure and realignment, however, an entire segment of the population leaves the area, which increases vacancy rates and eliminates millions of dollars spent in the local economy on everything from housing, food, transportation and energy costs, to professional services and entertainment.

The impact of the closure is so large that the Maine Legislature created the Midcoast Regional Redevelopment Authority (“MRRA”) for the purpose of managing the transition of this large military facility back into the fabric of the region and to support the rapid and successful redevelopment of NAS Brunswick. MRRA is a public municipal corporation. While MRRA has many of the powers of a municipality, it does not have taxing jurisdiction over the property located within NAS Brunswick. See 5 M.R.S.A. § 13083-I(1). Thus, in order to use municipal tax increment financing (“TIF”) as an economic development tool to aid in the redevelopment of

NAS Brunswick, MRRA must work cooperatively with the Town of Brunswick in order to create and use TIF revenues to foster and/or fund the desired redevelopment activities.

B. MRRA's Request for Tax Increment Financing Assistance

MRRA has presented the Town with a request for tax increment financing assistance at NAS Brunswick as part of a larger project to redevelop the 1.7 million square feet of industrial, commercial and professional office space at NAS Brunswick. MRRA's mission is to facilitate the rapid redevelopment of the base properties in order to realize full build-out of Brunswick Landing in accordance with the adopted Reuse Master Plan for BNAS and the Airport Master Plan. The proposed tax increment financing plan for the airport facilities at the Brunswick Executive Airport includes creating a 154.2-acre tax increment financing district (the "District"), which is intended to facilitate the redevelopment, investment and transition of the naval airfield into a civilian general aviation airport and business executive park. Investment in the buildings and infrastructure used for aeronautical purposes associated with this 154.2 acre TIF District would enhance the competitiveness of the Midcoast region and the State of Maine, and allow the area to attract, grow and create new businesses in the growing aeronautical cluster in the Midcoast region. Having this area in a TIF district will allow MRRA to seek funding from the Town for assistance in its efforts to redevelop the NAS Brunswick.

C. Town's Consideration of MRRA's Request

The Town of Brunswick is in discussions with MRRA regarding MRRA's TIF proposal, and actively considering how best to maximize the Town's ability to assist in the redevelopment of the NAS Brunswick through the use of tax increment financing. As the Town has not yet finalized the terms of a development program for the District, the Town is moving forward only with the designation of the District at this time. The Town wishes to designate the District prior to April 1, 2012 in order to capture any new taxable value that may be in the District as of that date. Once the District is designated, the Town will continue working out the terms of a development program for the District, and will seek DECD approval of the development program later in the year. Like the District, the final development program will be the subject of a public hearing prior to a final vote by the Council to approve the development program.

The Town recognizes in this case that any DECD approval of the District would be a conditional approval, subject to DECD's final approval of a development program governing the District. The Town further recognizes and agrees that the Town shall not spend any TIF revenues produced by the District until DECD has approved a development program for the District and issued a final, non-conditional approval for the District.

II. Physical Description of District

MRRA proposes to have the Town support it in the development of this Project through the designation of the Brunswick Executive Airport Municipal Development and Tax Increment Financing District (the "District"). The District will have a term of thirty (30) years. The Town plans to capture all (100%) of the new value in the District for the entire 30-year period. The proposed 154.2-acre District is shown in Exhibit A. The statutory threshold limits regarding the District's size and taxable value are shown in Exhibit B.

The Original Assessed Value of the District was zero dollars (\$0) as of March 31, 2011 (April 1, 2010). Since MRRA is a tax exempt entity, there will not be any new taxable value in the District until new taxable value is created in the District as a result of MRRA's successful redevelopment efforts.

During the 30-year life of the District, the Town Manager or the Manger's designee will be responsible for all administrative matters within the purview of the Town concerning the implementation and operation of the District.

III. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit D, is a copy of the Notice of Public Hearing published in the *Brunswick Times Record*, a newspaper of general circulation in the Town, on January 25, 2012, a date at least ten (10) days prior to the public hearing. The public hearing was held on February 6, 2012, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing Held by Town Council

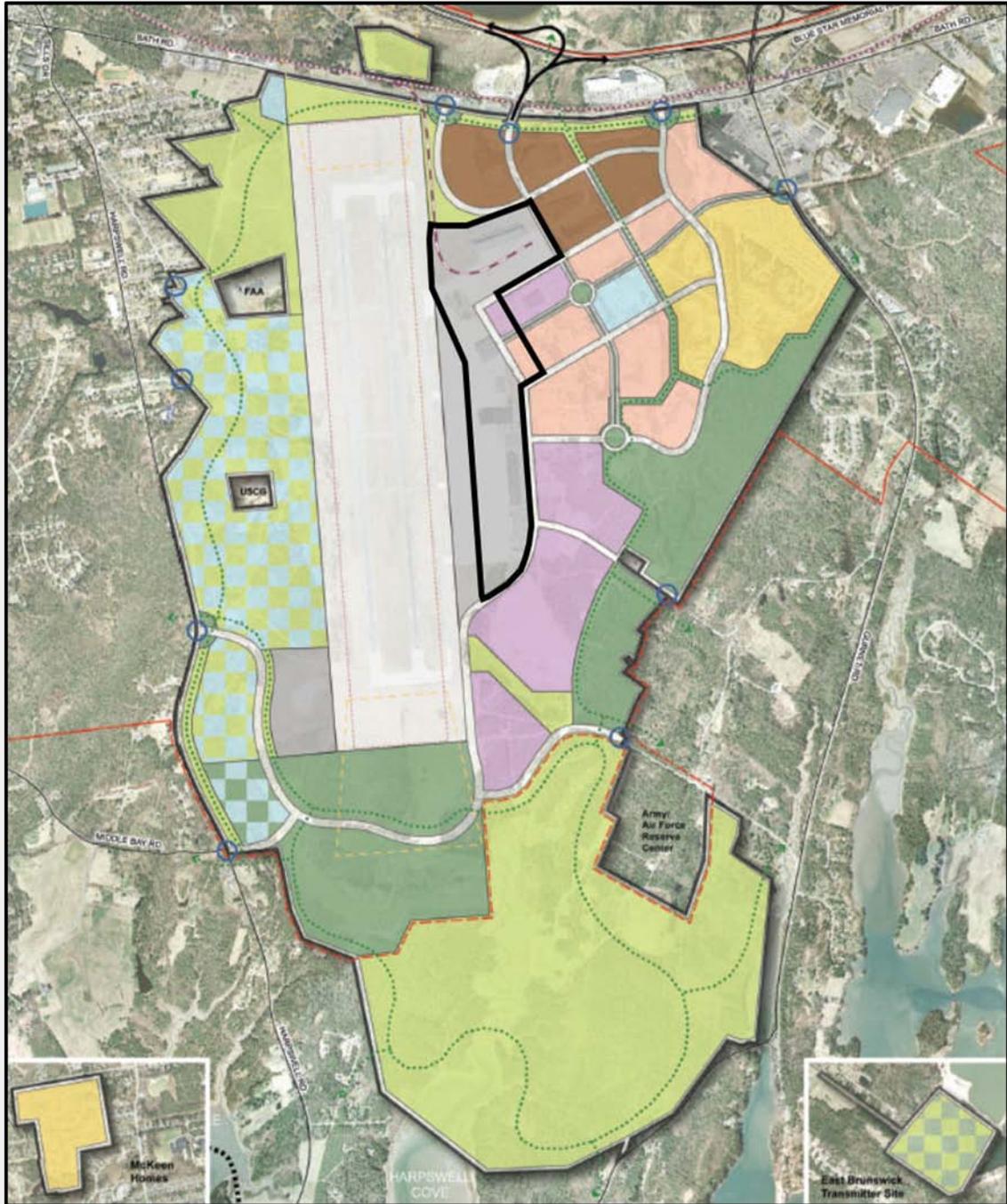
Attached as Exhibit E, is a certified copy of the minutes of the public hearing held on February 6, 2012, at which time the proposed District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit F is a copy of the Brunswick Town Council Resolution designating the District, which Resolution was adopted by the Council at a meeting of the Council duly called and held on February 6, 2012.

EXHIBIT A

**Brunswick Executive Airport TIF District
(154.2 Acres)**



STATUTORY REQUIREMENTS & THRESHOLDS

Exhibit B

A. ACRE LIMITATION	BRUNSWICK EXECUTIVE AIRPORT
---------------------------	------------------------------------

1. Total Acreage of Municipality		28,800
2. Total Acreage of Proposed Municipal TIF District		154.2
3. Total Downtown acres contained in the Proposed Municipal TIF District		0
4. Total Transit acres contained in the Proposed Municipal TIF District		0
5. Total acreage of Proposed Municipal TIF District counted towards 2% cap (A2-A3-A4)		154.2
6. Percentage of total acreage in proposed municipal TIF District (cannot exceed 2%) Divide A5 by A1		.5%
7. Total acreage of all existing and proposed municipal TIF districts in the municipality. Add A2 to sum of all existing TIF district acreage.	Existing 183.63 Prop. B.E.A. 154.2 Prop. B.L. 575 Total 912.83	
8. Total acreage of an existing or Proposed Downtown TIF District in the municipality.		89.97
9. Total acreage of all <u>existing</u> Pine Tree Development Zone TIF Districts in the municipality.		0
10. Total acreage of all existing or Proposed Transit TIF Districts in the municipality.		0
11. Total acreage of all existing and Proposed Municipal TIF Districts in the municipality counted toward 5% cap. Subtract A8+A9+A10 from A7.		822.86
12. Percentage of total acreage in all existing and proposed Municipal TIF Districts (cannot exceed 5%) Divide A11 by A1.		2.9%
13. Total Acreage of all real property in the Proposed Municipal TIF District that is:		
(Note: a, b, or c must be at least 25%)	Acres	%
a. Blighted (Divide acres by		
b. In need of rehabilitation/conservation (Divide acres by		
c. Suitable for industrial/commercial site (Divide acres by	154.2	100%
TOTAL	154.2	100%

B. VALUATION LIMITATION

1. Total Aggregate Value of Municipality (TAV) <i>Use most recent April 1st</i>		1,295,834,340
2. Original Assessed Value (OAV) of Proposed Municipal TIF District. <i>Use March 31st of tax year preceding date of municipal designation</i>		0
3. Total OAV of all existing and Proposed Municipal TIF Districts in the municipality. <i>Add b2 to sum of all existing TIF district OAVs</i>		80,803,500
4. OAV of an existing or proposed Downtown TIF District in the municipality.		71,082,500
5. OAV of all <u>existing</u> Pine Tree Development Zone TIF Districts in the municipality.		0
6. OAV of all existing or Proposed Transit TIF Districts in the municipality.		0
7. Total OAV of all existing and Proposed Municipal TIF Districts in the municipality counted toward 5% cap <i>Subtract B4+B5+B6 from B3</i>		9,721,000
8. Percentage of total OAV to TAV in all existing and Proposed Municipal TIF Districts (cannot exceed 5%) <i>Divide B7 by B1</i>		.75%

TOWN OF BRUNSWICK

**BRUNSWICK EXECUTIVE AIRPORT MUNICIPAL
DEVELOPMENT AND TAX INCREMENT FINANCING
DISTRICT**

ASSESSOR'S CERTIFICATE

The undersigned Assessor for the Town of Brunswick, Maine does hereby certify pursuant to the provisions of 30-A M.R.S.A. § 5227(2) that the assessed value of the Brunswick Executive Airport TIF District was zero dollars (\$0) as of March 31, 2011 (April 1, 2010).

IN WITNESS WHEREOF, this Certificate has been executed as of the ____ day of January 2012.

TOWN OF BRUNSWICK ASSESSOR

Cathleen Donovan

**NOTICE OF PUBLIC HEARING
TOWN OF BRUNSWICK
Regarding**

**A Municipal Tax Increment Financing District To Be Known As The
“Brunswick Executive Airport Municipal Development and Tax Increment Financing
District”**

Notice is hereby given that the Brunswick Town Council will hold a public hearing on

**February 6, 2012,
at the
Brunswick Municipal Meeting Room at 16 Station Avenue, Brunswick, Maine,
The Public Hearing will be at 7:00 p.m.**

The purpose of the public hearing is to receive public comments on the designation of the proposed municipal tax increment financing district to be known as the Brunswick Executive Airport Municipal Development and Tax Increment Financing District (the “District”) pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed municipal development and tax increment financing district consists of 154.2 acres of property located at the former Naval Air Station Brunswick.

A development program governing the District will be created, and will be the subject of a separate public hearing on a later date to be announced by the Council.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

EXHIBIT E

Minutes of Public Hearing and Town Council Meeting

EXHIBIT F

Town Council Resolution

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL RESOLUTION**

**Designating the Brunswick Executive Airport Municipal Development and
Tax Increment Financing District**

WHEREAS, the Town of Brunswick (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the Town as the Brunswick Executive Airport Municipal Development and Tax Increment Financing District (the “District”); and

WHEREAS, there is a need to encourage and facilitate the rapid redevelopment of industrial, commercial and professional office space within the Town at the former naval air base known as the Naval Air Station Brunswick (“NAS Brunswick”); and

WHEREAS, the recent closure of NAS Brunswick creates an acute need to provide additional employment opportunities for the residents of the Town and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, the Town desires to designate the District at this time to ensure that any new taxable value located in the District would be captured in a tax increment financing (“TIF”) district; and

WHEREAS, the Town is working to create a development program for the District, but is not yet fully prepared to adopt a final development program for the District; and

WHEREAS, the Town understands and agrees that any approval of the District by the Maine Department of Economic and Community Development (“DECD”) would be a conditional approval until such time as DECD is presented with and approves a development program for the District; and

WHEREAS, the Town understands and agrees that the Town shall not spend any incremental tax revenues resulting from the designation of the District until such time as DECD is presented with and approves a development program for the District; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the designation of the District, if any; and

WHEREAS, it is expected that approval will be sought and obtained from DECD, conditionally approving the designation of the District;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Town Council hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. § 5223(3); and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town (including this proposed District, but not including the Town's Downtown TIF District) does not exceed five percent (5%) of the total acreage of the Town; and

c. The original assessed value of all existing and proposed tax increment financing districts (including this proposed District, but not including the Town's Downtown TIF District) does not exceed five percent (5%) of the total value of equalized taxable property within the Town as of April 1, 2011; and

d. The designation of the District will generate substantial economic benefits for the Town and its residents and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including stimulating new employment opportunities, a broadened and improved tax base and economic stimulus, and therefore the designation of the District constitutes a good and valid public purpose. The Town Council has considered all evidence, if any, presented to the Council with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the designation of the District.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the Brunswick Executive Airport Municipal Development and Tax Increment Financing District, as more particularly described in the narrative presented to the Town Council as part of the materials supporting the Town's designation of the District.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 4. The foregoing designation of the District shall automatically become final and shall take full force and effect upon receipt by the Town of conditional approval of the designation of the District by DECD, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents designating the District as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the District designation by DECD, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in designating the District.

Section 6. This Resolution shall take effect immediately upon adoption.

Proposed to Town Council:

Public Hearing:

Adopted by Town Council:

February 6, 2012

February 6, 2012

ITEM 18

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: February 1, 2012

RE: Request to NNEPRA

Councilors King and Perreault have sponsored an agenda item that requests that the Town Council forward a letter to NNEPRA. The subject matter of the proposed letter would include asking that the proposed layover facility (and associated impacts) be built in a manner to meet Maine DEP Site Location Development and Town of Brunswick site location guidelines. A second request to NNEPRA would be to ask them to arrange for one of the Downeaster trains to come to Brunswick for the purpose of an on-site noise and vibration study.

Included with this agenda item are copies of documents provided to the Town by the **Brunswick West Neighborhood Coalition**. The documents include a list of reasons supporting the request, MDEP sound limits, Town of Brunswick sound limits, performance standards from the Town of Brunswick zoning ordinance, the MEDP Site Location regulations, a graph representing sounds from a passenger train locomotive and a freight train locomotive and a map that identifies the primary impact area of the layover facility.

WHY USE THE TOWN OF BRUNSWICK AND/OR MAINE DEP SITE LAW NOISE STANDARDS TO BUILD AND OPERATE THE PROPOSED MAINTENANCE AND LAYOVER FACILITY?

1. Town Council Members & Brunswick Citizens established limits in order to protect residential land uses from invasive industrial and commercial noise.
2. Every industry in Maine is required to follow DEP rules for construction and operation. Commercial and industrial facilities adjacent to residentially zoned areas must meet residential noise standards.
3. Both Town and DEP Noise Standards are similar and are based on hourly equivalent limits.
4. Both Town and DEP Noise Standards meet USEPA 1974 Guidelines.
5. Both Town and DEP Noise Standards are fundamentally health based and are close to WHO Guidelines when properly compared.
6. FTA/FRA/NNEPRA use a 24-hr based equivalent noise standard, Ldn, that significantly understates the noise impact on residents especially during quiet nighttime sleep periods.

**TABLE 1
MDEP Sound Level Limits**

Location	Daytime Limit (Hourly L_{Aeq})	Nighttime Limit (Hourly L_{Aeq})	Tonal Sounds	Short Duration Repetitive Sounds (SDRS)
Facility Property Line	75 dBA	75 dBA	No 5 dBA assessment	No 5 dBA assessment or L_{Amax} limit
Protected Location zoned Commercial, Industrial or Transportation	70 dBA	60 dBA within 500 feet of sleeping quarters otherwise 70 dBA	5 dBA assessment applies to Tonal Sounds	5 dBA assessment and possible L_{Amax} limit for SDRS
Protected Location zoned Residential, Rural or Similar Land Use	60 dBA	50 dBA within 500 feet of sleeping quarters otherwise 60 dBA	5 dBA assessment applies to Tonal Sounds	5 dBA assessment and possible L_{Amax} limit for SDRS
Quiet Area - Protected Location where existing daytime sound level is 45 dBA and/or less and nighttime sound level is 35 dBA or less	55 dBA	45 dBA within 500 feet of sleeping quarters otherwise 55 dBA	5 dBA assessment applies to Tonal Sounds	5 dBA assessment and possible L_{Amax} limit for SDRS
Noisy Area - Protected Location where existing daytime or nighttime sound level exceeds standard daytime and/or nighttime limits	Pre-development daytime sound level minus 5 dBA (per election of applicant)	Pre-development nighttime sound level minus 5 dBA (per election of applicant)	5 dBA assessment applies to Tonal Sounds	5 dBA assessment and possible L_{Amax} limit for SDRS
Expansion of Projects with Site Law Permits after November 11, 1989.	Same Limits as at Locations above	Same Limits as at Locations above	5 dBA assessment applies to Tonal Sounds	5 dBA assessment and possible L_{AFmax} limit for SDRS

**TABLE 2
Brunswick Sound Level Limits**

District/Area	Maximum Equivalent Sound Level Measured in dBA	
	Day (6 am to 8 pm)	Night (8 pm to 6 am)
Rural Areas	50	40
Residential Districts	55	45
Town Residential Districts	55	45
Town Center, College Use Districts, Mixed Use Districts and I1 District	60	50
Highway Commercial and Cook's Corner Center Districts	70	60
Large Scale Business and Institutional Districts, excluding I1	70	60

10. Control of Noise

A. Preamble. The Board recognizes that the construction, operation and maintenance of developments may cause excessive noise that could degrade the health and welfare of nearby neighbors. It is the intent of the Board to require adequate provision for the control of excessive environmental noise from developments proposed after the effective date of this regulation.

B. Applicability

- (1) This regulation applies to proposed developments within municipalities without a local quantifiable noise standard and in unorganized areas of the State. When a proposed development is located in a municipality which has duly enacted by ordinance an applicable quantifiable noise standard, which (1) contains limits that are not higher than the sound level limits contained in this regulation by more than 5 dBA, and (2) limits or addresses the various types of noises contained in this regulation or all the types of noises generated by the development, that local standard, rather than this regulation, shall be applied by the Board within that municipality for each of the types of sounds the ordinance regulates. This regulation applies to developments located within one municipality when the noise produced by the development is received in another municipality and, in these cases, the Board will also take into consideration the municipalities' quantifiable noise standards, if any.
- (2) This regulation applies to expansions and modifications of developments when such expansions and modifications are proposed after the effective date of this regulation and subject to site location approval, but only to the noise produced by the proposed expansion or modification of the development, unless (1) the existing development was constructed since 1-1-70 and (2) at the time of construction, the existing development was too small to require site location approval. In situations where conditions (1) and (2) above apply, then this regulation applies to the whole development (both existing facility and proposed expansion or modification). This regulation also applies to expansions and modifications of existing developments when such expansions and modifications require an amendment to the development's Site Law permit, but only to the noise produced by the expansion or modification.
- (3) This regulation does not apply to existing developments or portions of existing developments constructed prior to 1-1-70 or approved under the Site Law prior to the effective date of this regulation. This regulation does not apply to relicensing of existing solid waste facilities previously approved under the Site Law.
- (4) The sound level limits contained in this regulation apply only to areas that are defined as protected locations, and to property lines of the proposed development or contiguous property owned by the developer, whichever are farther from the proposed development's regulated sound sources.
- (5) The sound level limits contained in this regulation do not apply to noise received within the development boundary.

NOTE: The Board will reconsider the effect and operation of the regulation one year from its effective date.

C. Sound Level Limits

(1) Sound From Routine Operation of Developments.

(a) Except as noted in subsections (b) and (c) below, the hourly sound levels resulting from routine operation of the development and measured in accordance with the measurement procedures described in subsection H shall not exceed the following limits:

(i) At any property line of the development or contiguous property owned by the developer, whichever is farther from the proposed development's regulated sound sources:

75 dBA at any time of day.

(ii) At any protected location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial;

60 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
50 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

(iii) At any protected location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:

70 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
60 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

(iv) For the purpose of determining whether the use of an unzoned area is predominantly commercial, transportation, or industrial (e.g. non-residential in nature), the Department shall consider the municipality's comprehensive plan, if any. Furthermore, the usage of properties abutting each protected location shall be determined; and the limits applied for that protected location shall be based upon the usage occurring along the greater portion of the perimeter of that parcel; in the event the portions of the perimeter are equal in usage, the limits applied for that protected location shall be those for a protected location in an area for which the use is not predominantly commercial, transportation, or industrial.

(v) When a proposed development is to be located in an area where the daytime pre-development ambient hourly sound level at a protected location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a protected location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the development and measured in accordance with the

measurement procedures described in subsection H shall not exceed the following limits at that protected location:

55 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
45 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

For the purpose of determining whether a protected location has a daytime or nighttime pre-development ambient hourly sound level equal to or less than 45 dBA or 35 dBA, respectively, the developer may make sound level measurements in accordance with the procedures in subsection H or may estimate the sound-level based upon the population density and proximity to local highways. If the resident population within a circle of 3,000 feet radius around a protected location is greater than 300 persons, or the hourly sound level from highway traffic at a protected location is predicted to be greater than 45 dBA in the daytime or 35 dBA at night (as appropriate for the anticipated operating schedule of the development), then the developer may estimate the daytime or nighttime pre-development ambient hourly sound level to be greater than 45 dBA or 35 dBA, respectively.

NOTE: Highway traffic noise can be predicted using the nomograph method of FHWA Highway Traffic Noise Prediction Model, FHWA-RD-77-108, December, 1978.

- (vi) Notwithstanding the above, the developer need not measure or estimate the pre-development ambient hourly sound levels at a protected location if he demonstrates, by estimate or example, that the hourly sound levels resulting from routine operation of the development will not exceed 50 dBA in the daytime or 40 dBA at night.
- (b) If the developer chooses to demonstrate by measurement that the daytime and/or nighttime pre-development ambient sound environment at any protected location near the development site exceeds the daytime and/or nighttime limits in subsection 1(a)(ii) or 1(a)(iii) by at least 5 dBA, then the daytime and/or nighttime limits shall be 5 dBA less than the measured daytime and/or nighttime pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.
- (c) For any protected location near an existing development, the hourly sound level limit for routine operation of the existing development and all future expansions of that development shall be the applicable hourly sound level limit of 1(a) or 1(b) above, or, at the developer's election, the existing hourly sound level from routine operation of the existing development plus 3 dBA.
- (d) For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the observed levels of any tonal sounds that result from routine operation of the development.
- (e) When routine operation of a development produces short duration repetitive sound, the following limits shall apply:

- (i) For short duration repetitive sounds, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the development for the purposes of determining compliance with the above sound level limits.
- (ii) For short duration repetitive sounds resulting from scrap metal, drop forge and metal fabrication operations or developments which the Board determines, due to their character and/or duration, are particularly annoying or pose a threat to the health and welfare of nearby neighbors, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the development for the purposes of determining compliance with the above sound level limits, and the maximum sound level of the short duration repetitive sounds shall not exceed the following limits:
 - (a) At any protected location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial:
 - 65 dBA between 7:00 a.m. and 7:00 p.m., and
 - 55 dBA between 7:00 p.m. and 7:00 a.m.
 - (b) At any protected location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:
 - 75 dBA between 7:00 a.m. and 7:00 p.m., and
 - 65 dBA between 7:00 p.m. and 7:00 a.m.
 - (c) The methodology described in subsection 1(a)(iv) shall be used to determine whether the use of an unzoned area is predominantly commercial, transportation, or industrial.
 - (d) If the developer chooses to demonstrate by measurement that the pre-development ambient hourly sound level at any protected location near the development site exceeds 60 dBA between 7:00 a.m. and 7:00 p.m., and/or 50 dBA between 7:00 p.m. and 7:00 a.m., then the maximum sound level limit for short duration repetitive sound shall be 5 dBA greater than the measured pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.
 - (e) For any protected location near an existing development, the maximum sound level limit for short duration repetitive sound resulting from routine operation of the existing development and all future expansions and modifications of that development shall be the applicable maximum sound level limit of (e)(ii)(a) or (e)(ii)(b) above, or, at the developer's election, the existing maximum sound level of the short duration repetitive sound resulting from routine operation of the existing development plus 3 dBA.

NOTE: The maximum sound level of the short duration repetitive sound shall be measured using the fast response [L_{AFmax}]. See the definition of maximum sound level.

(2) Sound From Construction of Developments

- (a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:
- (i) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).
 - (ii) If construction activities are conducted concurrently with routine operation, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).
 - (iii) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by:
 1. the local municipality when the duration of the nighttime construction activity is less than or equal to 90 days,
 2. the local municipality and the Board when the duration of the nighttime construction activity is greater than 90 days.
- (b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any protected location:

Duration of Activity	Hourly Sound Level Limit
12 hours	87 dBA
8 hours	90 dBA
6 hours	92 dBA
4 hours	95 dBA
3 hours	97 dBA
2 hours	100 dBA
1 hour or less	105 dBA

- (c) All equipment used in construction on development sites shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(3) Sound From Maintenance Activities

- (a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the development and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection 1.
- (b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection 2. If overhaul activities are conducted concurrently with routine operation and/or construction activities, the

combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection 2.

(4) Sound From Production Blasting

Sound exceeding the limits of subsection 1 and resulting from production blasting at a mine or quarry shall be limited as follows:

- (a) Blasting shall not occur in the period between sundown and sunrise the following day or in the period between the hours of 7:00 p.m. and 7:00 a.m., whichever is greater. In addition, no routine production blasting shall be allowed in the daytime on Sundays.
- (b) Blasting shall not occur more frequently than four times per day.
- (c) Sound from blasting shall not exceed the following limits at any protected location:

Number of Blasts Per Day	Sound Level Limit
1	129 dBL
2	126 dBL
3	124 dBL
4	123 dBL.

Blast sound shall be measured in peak linear sound level (dBL) with a linear response down to 5 Hz.

NOTE: See Bureau of Mines Report of Investigations 8485 for information on airblast sound levels and pertinent scaled distances.

(5) Exemptions

Sound associated with the following shall be exempt from regulation by the Board:

- (a) Railroad equipment which is subject to federal noise regulations.
- (b) Aircraft operations which are subject to federal noise regulations.
- (c) Registered and inspected vehicles:
 - (i) while operating on public ways, or
 - (ii) which enter the development to make a delivery or pickup and which are moving, starting or stopping, but not when they are parked for over 60 minutes in the development.
- (d) Watercraft while underway.
- (e) Residential developments, except during construction of such developments.
- (f) Bells, chimes and carillons.

- (g) occasional sporting, cultural, religious or public events allowed by the local municipality where the only affected protected locations are contained within that municipality.
 - (h) The unamplified human voice and other sounds of natural origin.
 - (i) Firing, fishing and aquacultural activity.
 - (j) Forest management, harvesting and transportation activities.
 - (k) Making, maintaining and grooming snow where the only affected protected locations are contained within the general boundaries of a ski area development.
 - (l) Snow removal, landscaping and street sweeping activities.
 - (m) Emergency maintenance and repairs.
 - (n) Warning signals and alarms.
 - (o) Safety and protective devices installed in accordance with code requirements.
 - (p) Test operations of emergency equipment occurring in the daytime and no more frequently than once per week.
 - (q) Boiler start-up, testing and maintenance operations occurring no more frequently than once per month.
 - (r) Major concrete pours that must extend after 7:00 p.m., when started before 3:00 p.m.
 - (s) Sounds from a regulated development received at a protected location when the generator of the sound has been conveyed a noise easement for that location. This exemption shall only be for the specific noise, land and term covered by the easement.
 - (t) A force majeure event and other causes not reasonably within the control of the owners or operators of the development.
- (6) Noise Abatement Structures.

Noise abatement structures of a non-permanent nature in any one location for a duration of less than one year and erected for the sole purpose of noise control shall not be considered structures as defined in 38 MRSA subsection 482(6).

D. Submissions

- (1) Developments with Minor Sound Impact.

An applicant for a proposed development with minor sound impact may choose to file as part of the site location application a statement attesting to the minor nature of the anticipated sound impact of their development. An applicant proposing an expansion or modification of

an existing development with minor sound impact may follow the same procedure as described above. For the purpose of this regulation, a development or an expansion or modification of an existing development with minor sound impact means a development where the developer demonstrates, by estimate or example, that the regulated sound from routine operation of the development will not exceed 5 dBA less than the applicable limits established under subsection C. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the development or an expansion or modification of an existing development will have a minor sound impact.

NOTE: Examples include subdivisions without structures, office buildings, storage buildings which will not normally be accessed at night, and golf courses.

(2) Other Developments

Technical information shall be submitted describing the applicant's plan and intent to make adequate provision for the control of sound. The applicant's plan shall contain information such as the following, when appropriate:

- (a) Maps and descriptions of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the development.
- (b) A description of major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed development, including their locations within the proposed development.
- (c) A description of the daytime and nighttime hourly sound levels and, for short duration repetitive sounds, the maximum sound levels expected to be produced by these sound sources at protected locations near the proposed development.
- (d) A description of the protected locations near the proposed development.
- (e) A description of proposed major sound control measures, including their locations and expected performance.
- (f) A comparison of the expected sound levels from the proposed development with the sound level limits of this regulation.
- (g) A comparison of the expected sound levels from the proposed development with any quantifiable noise standards of the municipality in which the proposed development will be located and of any municipality which may be affected by the noise.

E. Terms and Conditions

The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the developer has made adequate provision for the control of noise from the development and to reduce the impact of noise on protected locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this regulation shall not preclude the Board under Chapter 375.15 from requiring a developer to demonstrate that sound levels from a development will not unreasonably disturb wildlife or adversely affect wildlife populations. In addition, the sound level limits shall not preclude the Board, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the developer has made adequate provision for the protection of wildlife.

F. Variance From Sound Level Limits

The Board recognizes that there are certain developments or activities associated with development for which noise control measures are not reasonably available. Therefore, the Board or Commissioner may grant a variance from any of the sound level limits contained in this rule upon (1) a showing by the applicant that he or she has made a comprehensive assessment of the available technologies for the development and that the sound level limits cannot practicably be met with any of these available technologies, and (2) a finding by the Board that the proposed development will not have an unreasonable impact on protected locations. In addition, a variance may be granted by the Board or Commissioner if (1) a development is deemed necessary in the interest of national defense or public safety and the applicant has shown that the sound level limits cannot practicably be met without unduly limiting the development's intended function, and (2) a finding is made by the Board or Commissioner that the proposed development will not have an unreasonable impact on protected locations. The Board or Commissioner shall consider the request for a variance as part of the review of a completed Site Location of Development Law application. In granting a variance, the Board or Commissioner may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

G. Definitions

Terms used herein are defined below for the purpose of this noise regulation.

- (1) **AMBIENT SOUND:** At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific development of interest.
- (2) **CONSTRUCTION:** Activity and operations associated with the development or expansion of a project or its site.
- (3) **EMERGENCY:** An unforeseen combination of circumstances which calls for immediate action.
- (4) **EMERGENCY MAINTENANCE AND REPAIRS:** Work done in response to an emergency.
- (5) **ENERGY SUM OF A SERIES OF LEVELS:** Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section H(4.2).]
- (6) **EXISTING DEVELOPMENT:** A development constructed before 1-1-70 or a development approved under the Site Law prior to the effective date of this regulation or a proposed development for which the site location application is complete for processing on or before the effective date of this regulation. Any development with a site location approval which has

been remanded to the Board by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to the effective date of these regulations shall not be deemed an existing development and these regulations shall apply to the existing noise sources at that development.

- (7) **EXISTING HOURLY SOUND LEVEL:** The hourly sound level resulting from routine operation of an existing development prior to the first expansion that is subject to this regulation.
- (8) **EQUIVALENT SOUND LEVEL:** The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period.

NOTE: For convenience, a one hour equivalent sound level should begin approximately on the hour.

- (9) **HISTORIC AREAS:** Historic sites administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.
- (10) **HOURLY SOUND LEVEL:** The equivalent sound level for one hour measured or computed in accordance with this regulation.
- (11) **LOCALLY-DESIGNATED PASSIVE RECREATION AREA:** Any site or area designated by a municipality for passive recreation that is open and maintained for public use and which:
- (a) has fixed boundaries,
 - (b) is owned in fee simple by a municipality or is accessible by virtue of public easement,
 - (c) is identified and described in a local comprehensive plan, and
 - (d) has been identified and designated at least nine months prior to the filing of the applicant's Site Location of Development application.
- (12) **MAXIMUM SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: L_{AFmax} .
- (13) **MAXIMUM SOUND:** Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).
- (14) **RESIDENCE:** A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.
- (15) **PRE-DEVELOPMENT AMBIENT:** The ambient sound at a specified location in the vicinity of a development site prior to the construction and operation of the proposed development or expansion.

(16)PROTECTED LOCATION: Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time a Site Location of Development application is submitted; or any location within a State Park, Baxter State Park, National Park, Historic Area, a nature preserve owned by the Maine or National Audubon Society or the Maine Chapter of the Nature Conservancy, The Appalachian Trail, the Moosehorn National Wildlife Refuge, federally-designated wilderness area, state wilderness area designated by statute (such as the Allagash Wilderness Waterway), or locally-designated passive recreation area; or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a protected location.

At protected locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, the Moosehorn National Wildlife Refuge, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation and the daytime hourly sound level limits shall apply regardless of the time of day.

Transient living accommodations are generally not considered protected locations; however, in certain special situations where it is determined by the Board that the health and welfare of the guests and/or the economic viability of the establishment will be unreasonably impacted, the Board may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.

This term does not include buildings and structures located on leased camp lots, owned by the applicant, used for seasonal purposes.

For purposes of this definition, (1) a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

(17)QUANTIFIABLE NOISE STANDARD: A numerical limit governing noise from developments that has been duly enacted by ordinance by a local municipality.

(18)ROUTINE OPERATION: Regular and recurrent operation of regulated sound sources associated with the purpose of the development and operating on the development site.

(19)SHORT DURATION REPETITIVE SOUNDS: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed

immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

- (20)SOUND COMPONENT: The measurable sound from an audibly identifiable source or group of sources.
- (21)SOUND LEVEL: Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this regulation, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.
- (22)SOUND PRESSURE: Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).
- (23)SOUND PRESSURE LEVEL: Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.
- (24)TONAL SOUND: for the purpose of this regulation, a tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

Additional acoustical terms used in work associated with this regulation shall be used in accordance with the following American National Standards Institute (ANSI) standards:

ANSI S12.9-1988 - American National Standard Quantities and Procedures for Description and Measurements of Environmental Sound, Part 1;

ANSI S3.20-1973 - American National Standard Psychoacoustical Terminology;

ANSI S1.1-1960 - American National Standard Acoustical Terminology.

H. Measurement Procedures

- (1) Scope. These procedures specify measurement criteria and methodology for use, with applications, compliance testing and enforcement. They provide methods for measuring the ambient sound and the sound from routine operation of the development, and define the information to be reported. The same methods shall be used for measuring the sound of construction, maintenance and production blasting activities. For measurement of the sound of production blasting activities for comparison with the limits of subsection C(4)(c), these same methods shall be used with the substitution of the linear sound level for the A-weighted sound level.

(2) Measurement Criteria

2.1 Measurement Personnel

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a specific measurement plan approved by the Board or Commissioner.

2.2 Measurement Instrumentation

- (a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983.
- (b) An integrating sound level meter (or measurement system) shall also meet the Type 1 or 2 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985).
- (c) A filter for determining the existence of tonal sounds shall meet all the requirements of American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11-1986 for Order 3, Type 3-D performance.
- (d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984.
- (e) A microphone windscreen shall be used of a type recommended by the manufacturer of the sound level meter.

2.3 Calibration

- (a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.
- (b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

2.4 Measurement Location, Configuration and Environment

- (a) Except as noted in subsection (b) below, measurement locations shall be at nearby protected locations that are most likely affected by the sound from routine operation of the development.
- (b) For determining compliance with the 75 dBA property line hourly sound level limit described in subsection C(1)(a)(i), measurement locations shall be selected at the property lines of the proposed development or contiguous property owned by the developer, as appropriate.

- (c) The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.
- (d) Measurement locations should be selected so that no vertical reflective surface exceeding the microphone height is located within 30 feet. When this is not possible, the measurement location may be closer than 30 feet to the reflective surface, but under no circumstances shall it be closer than 6 feet.
- (e) When possible, measurement locations should be at least 50 feet from any regulated sound source on the development.
- (f) Measurement periods shall be avoided when the local wind speed exceeds 12 mph and/or precipitation would affect the measurement results.

2.5 Measurement Plans. Plans for measurement of pre-development ambient sound or post-development sound may be discussed with the Department staff.

(3) Measurement of Ambient Sound

3.1 Pre-Development Ambient Sound

Measurements of the pre-development ambient sound are required only when the developer elects to establish the sound level limit in accordance with subsections C(1)(b) and C(1)(e)(ii)(d) for a development in an area with high ambient sound levels, such as near highways, airports, or pre-existing developments; or when the developer elects to establish that the daytime and nighttime ambient hourly sound levels at representative protected locations exceed 45 dBA and 35 dBA, respectively.

- (a) Measurements shall be made at representative protected locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the development will operate. If the proposed development will operate on Saturdays and/or Sundays, measurements shall also be made during all hours that the development will operate.
- (b) Measurement periods with particularly high ambient sounds, such as during holiday traffic activity, significant insect activity or high coastline waves, should generally be avoided.
- (c) At any measurement location the daytime and nighttime ambient hourly sound level shall be computed by arithmetically averaging the daytime and nighttime values of the measured one hour equivalent sound levels. Multiple values, if they exist, for any specific hour on any specific day shall first be averaged before the computation described above.

3.2 Post-Development Ambient Sound

- (a) Measurements of the post-development ambient one hour equivalent sound levels and, if short duration repetitive sounds are produced by the development, the maximum sound

levels made at nearby protected locations and during representative routine operation of the development that are not greater than the applicable limits of subsection C clearly indicate compliance with those limits.

- (b) Compliance with the limits of subsection C(1)(b) may also be demonstrated by showing that the post-development ambient hourly sound level, measured in accordance with the procedures of subsection 3.1 above during routine operation of the development, does not exceed the pre-development ambient hourly sound level by more than one decibel, and that the sound from routine operation of the development is not characterized by either tonal sounds or short duration repetitive sounds.
 - (c) Compliance with the limits of subsection C(1)(e)(ii)(d) may also be demonstrated by showing that the post development maximum sound level of any short duration repetitive sound, measured in accordance with the procedures of subsection 3.1 above, during routine operation of the development, does not exceed the pre-development ambient hourly sound level by more than five decibels.
 - (d) If any of the conditions in (a), (b) or (c) above are not met, compliance with respect to the applicable limits must be determined by measuring the sound from routine operation of the development in accordance with the procedures described in subsection 4.
- (4) Measurement of the Sound from Routine Operation of Developments.

4.1 General

- (a) Measurements of the sound from routine operation of developments are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the development, for validation of an applicant's calculated sound levels when requested by the Board or Commissioner, for determination of existing hourly sound levels for an existing development or for enforcement by the Department.
- (b) Measurements shall be obtained during representative weather conditions when the development sound is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the development and inversion periods (which most commonly occur at night).
- (c) Measurements of the development sound shall be made so as to exclude the contribution of sound from development equipment that is exempt from this regulation.

4.2 Measurement of the Sound Levels Resulting from Routine Operation of the Development.

- (a) When the ambient sound levels are greater than the sound level limits, additional measurements can be used to determine the hourly sound level that results from routine operation of the development. These additional measurements may include diagnostic measurements such as measurements made close to the development and extrapolated to the protected location, special checkmark measurement techniques that include the

separate identification of audible sound sources, or the use of sound level meters with pause capabilities that allow the operator to exclude non-development sounds.

- (b) For the purposes of computing the hourly sound level resulting from routine operation of the development, sample diagnostic measurements may be made to obtain the one hour equivalent sound levels for each sound component.
 - (c) Identification of tonal sounds produced by the routine operation of a development for the purpose of adding the 5 dBA penalty in accordance with subsection C(1)(d) requires aural perception by the measurer, followed by use of one-third octave band spectrum analysis instrumentation. If one or more of the sounds of routine operation of the development are found to be tonal sounds, the hourly sound level component for tonal sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds.
 - (d) Identification of short duration repetitive sounds produced by routine operation of a development requires careful observations. For the sound to be classified as short duration repetitive sound, the source(s) must be inherent to the process or operation of the development and not the result of an unforeseeable occurrence. If one or more of the sounds of routine operation of the development are found to be short duration repetitive sounds, the hourly sound level component for short duration repetitive sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds. If required, the maximum sound levels of short duration repetitive sounds shall be measured using the fast response [L_{AFmax}]. The duration and the frequency of occurrence of the events shall also be measured. In some cases, the sound exposure levels of the events may be measured. The one hour equivalent sound level of a short duration repetitive sound may be determined from measurements of the maximum sound level during the events, the duration and frequency of occurrence of the events, and their sound exposure levels.
 - (e) The daytime or nighttime hourly sound level resulting from routine operation of a development is the energy sum of the hourly sound level components from the development, including appropriate penalties, (see (c) and (d) above). If the energy sum does not exceed the appropriate daytime or nighttime sound level limit, then the development is in compliance with that sound level limit at that protected location.
- (5) Reporting Sound Measurement Data. The sound measurement data report should include the following:
- (a) The dates, days of the week and hours of the day when measurements were made.
 - (b) The wind direction and speed, temperature, humidity and sky condition.
 - (c) Identification of all measurement equipment by make, model and serial number.
 - (d) The most recent dates of laboratory calibration of sound level measuring equipment.
 - (e) The dates, times and results of all field calibrations during the measurements.

- (f) The applicable sound level limits, together with the appropriate hourly sound levels and the measurement data from which they were computed, including data relevant to either tonal or short duration repetitive sounds.
- (g) A sketch of the site, not necessarily to scale, orienting the development, the measurement locations, topographic features and relevant distances, and containing sufficient information for another investigator to repeat the measurements under similar conditions.
- (h) A description of the sound from the development and the existing environment by character and location.

11. Preservation of Historic Sites

- A. Preamble.** The Board recognizes the value to society of preserving sites of historic significance.
- B. Definition.** As used in this section, "historic site" means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.
- C. Scope of Review.** In determining whether a proposed development will have an adverse effect on the preservation of historic sites either on or near the development site, the Board shall consider all relevant evidence to that effect.
- D. Terms and Conditions.** The Board, may as a term or condition of approval, establish any reasonable requirement to ensure that a proposed development will not adversely affect preservation of any historic site.

12. Preservation of Unusual Natural Areas

- A. Preamble.** The Board recognizes the importance of preserving unusual natural areas for educational and scientific purposes.
- B. Definition.** As used in this section, "unusual natural area" means any land or water area, usually only a few acres in size, which is undeveloped and which contains natural features of unusual geological, botanical, zoological, ecological, hydrological, other scientific, educational, scenic, or recreational significance. By way of illustration, and not limitation, such are, as may include: rare or exemplary plant communities; individual plant species of unusual interest because of size, species or other reasons; unusual or exemplary bogs; unusually important wildlife habitats, particularly those of rare or endangered species; unusual land forms; fossils and other deposits of importance to geologists; outstanding scenic areas; and others of similar character.
- C. Scope of Review.** In determining whether a proposed development will have an adverse effect on the preservation of unusual natural areas either on or near the development site, the Board shall consider all relevant evidence to that effect.
- D. Terms and Conditions.** The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that a proposed development will not adversely affect the preservation of natural areas.

109.4 Noise.

- A. The equivalent sound level measured in dBA resulting from any activity shall not exceed at any point on or beyond the lot line the maximum levels as set forth in the following table:

District/Area	Maximum Equivalent Sound Level Measured in dBA (day-night)
Rural Areas	50-40
Residential Districts	55-45
Town Residential Districts	55-45
Town Center, College Use Districts, Mixed Use Districts and II District	60-50
Highway Commercial and Cook's Corner Center Districts	70-60
Large Scale Business and Institutional Districts, excluding II	70-60

- B. The maximum equivalent sound level measured in dBA for any activity shall be computed based on representative samples during hours of operation over a one hour period. Daytime hours extend from 6:00AM to 8:00PM.
- C. If a lot abuts a district requiring a lower noise level, the maximum permitted level for the lot shall be reduced by 5 dBA, however, the level of sound shall not exceed 55 dBA or whichever is lower at lot boundaries adjacent to residential districts.
- D. The following temporary activities are exempt from the requirements of this section: parades, farming, forestry, emergency signals, water craft, automobile traffic.
- E. Activities of a temporary nature unable to meet these requirements shall require development review by the Planning Board. Noise associated with construction may achieve a maximum equivalent sound level measured in dBA of 75 between the hours of 7:00AM and 7:00PM.
- F. The sound level meter must be calibrated using manufacturing standards before and after conducting the measurement. The meter shall meet Type I or Type II specifications for ANSC standards.

109.5 Smoke and Particulate Matter. In all cases, air pollution control and abatement shall comply with applicable minimum Federal, State and local requirements, including receipt of all required permits. The maximum permitted density of smoke, dust and other particulate emissions during normal operations of any activity shall not exceed the maximum allowable under the regulations of the Maine Department of Environmental Protection.

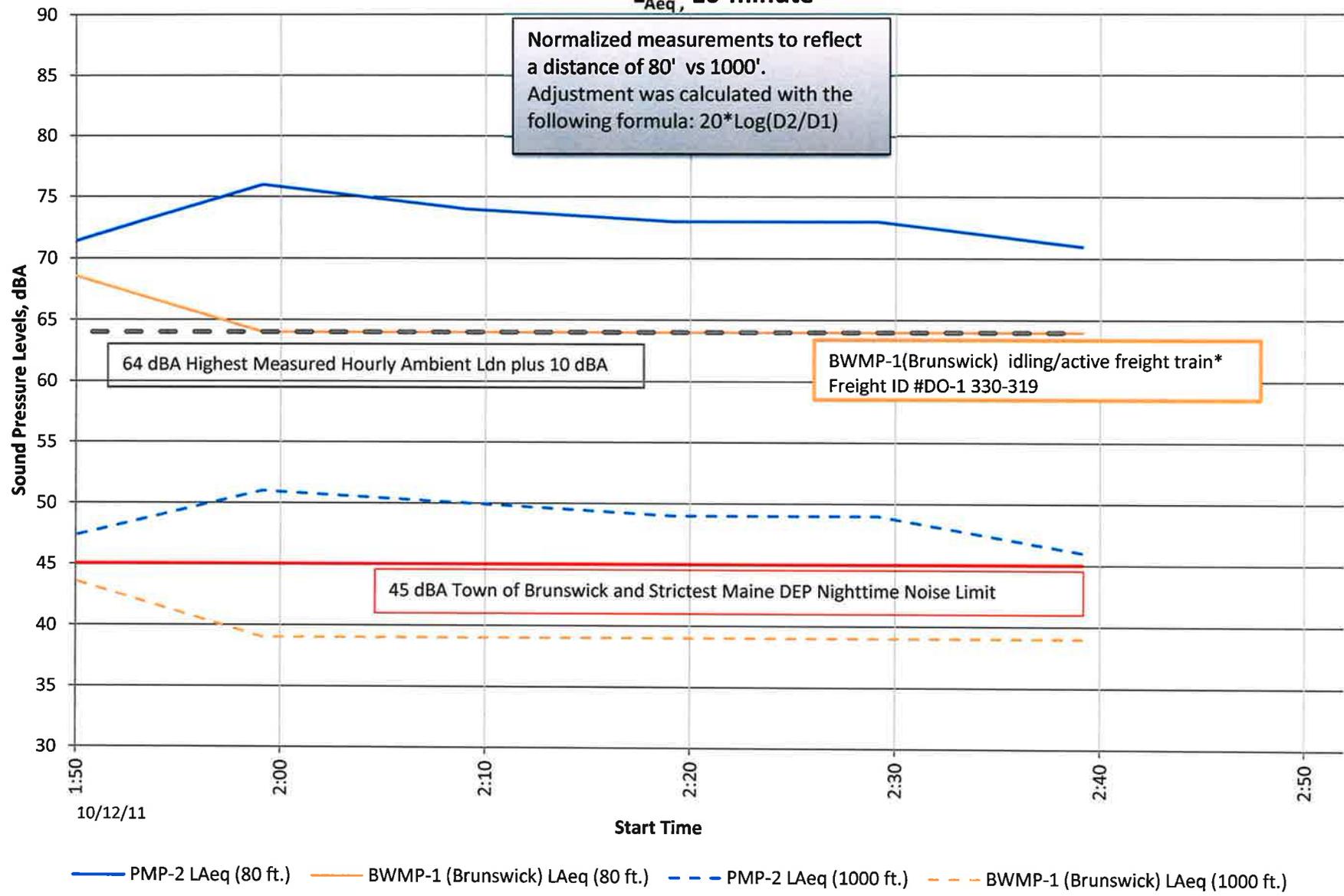
109.6 Parking In Required Setbacks. Parking is not permitted in any required setback except on a legally established driveway. (Amended 1/20/04 R)

109.7 Motor Vehicles. With the exception of properties on which a legally established Motor Vehicle Sales or Motor Vehicle Repair Facility is located, not more than two currently unregistered and/or uninspected motor vehicle shall be parked, kept or stored outside. This provision shall not apply to vehicles that do not require registration and/or inspection. (Amended 1/20/04 R)

no wheels or bells

Downeaster Maintenance/Layover Facility, Portland, Maine Downeaster Engine #181 Compared to Idling Freight Train at Brunswick West

L_{Aeq} , 10-minute



Primary Nighttime Impact Area for the Proposed Downeaster Maintenance/Layover Facility Brunswick West

Calculated Hourly L_{Aeq} Approximately 1000 ft. from Measured Downeaster and Freight	
Downeaster #181	Freight #DO-1 330-319
49 dBA	40 dBA
Town of Brunswick Residential Nighttime Noise Limit = 45 dBA Maine DEP Nighttime Noise Limit = 45 or 50 dBA	

~1000 ft from Current Rail

Proposed Maintenance/Layover Facility



ITEM 19

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: February 1, 2012

RE: Authorization for Construction Manager Contract

The Brunswick Police Station Building Committee is scheduled to interview candidate firms to provide Construction Management services next Tuesday (February 7). At the conclusion of the interviews, it is expected that the Committee will select its top choice to take this project to its next step.

In order to avoid a two week delay in negotiating a contract with the preferred CM firm, I am requesting authorization from the Council to work with Donham& Sweeney to negotiate a contract for pre-construction services with the preferred CM firm. The current schedule anticipates Donham& Sweeney to work with the CM to develop a project budget by the end of March. It will be beneficial to meet this deadline if the Council provides the authorization at the February 6 meeting rather than delaying the authorization to February 21.

ITEM 20

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: February 1, 2012

RE: Visitor Center agreement with Brunswick Downtown Association

The Town of Brunswick entered into an agreement with the Brunswick Downtown Association in 2010 for the BDA to manage the Visitor Center at Brunswick Station. The term of that agreement expired on December 31, 2011, but with language that allows the agreement to automatically continue for one year.

I am recommending that the financial terms of the agreement be amended to better share the revenues based on the experience and costs that have been realized by both the Town of Brunswick and the BDA. The original agreement resulted in the BDA receiving 15% of the net rent, with the town retaining the balance. When this was originally negotiated, the former Executive Director of the BDA expected to staff the visitor center entirely with volunteers. That has not materialized and the BDA has had to hire a paid volunteer coordinator. This has resulted in a significantly different financial situation than what was expected when the agreement was made two years ago. The Town did not enter this agreement to make a profit and the BDA did not anticipate operating at a loss.

The Town of Brunswick needs to meet our financial requirements of the lease with JHR. The rent is fully paid in advance by a grant to the Town by the Brunswick Development Corporation. The BDC also funded the fit-out of the space at the Visitor Center. Our remaining expenses (other than net rent proceeds to the BDA) are the usual costs such as heat, electricity, cleaning, and maintenance. In 2011 we received \$12,638 in rent revenue and paid out \$1,443 to the BDA. Other direct costs totaled approximately \$3,600.

My recommendation to the Council is that the agreement be modified to provide that the BDA receive 50% of the monthly rent and the balance of any funds left at the end of the Town fiscal year, once we have paid all of our obligations.

I will be happy to answer any questions that Councilors may have.

PROPERTY MANAGEMENT AGREEMENT

Maine Street Station Visitor Center

16 Railroad Ave

Brunswick, ME

This Agreement is made February 1, 2010, between the Town of Brunswick, here referred to as "Sub Landlord", and the Brunswick Downtown Association, here referred to as the "BDA", a non-profit corporation organized under the laws of the State of Maine, having its principal office at 85 Maine Street, Brunswick Maine 04011, here referred to as the BDA.

RECITALS

A. The Sub Landlord desires to engage the services of the BDA to manage and operate the property known as the "Brunswick Visitor Center at Maine Street Station" ("the Property") and the BDA desires to provide such services on the following terms and conditions out lined below.

B. The BDA shall ensure the property is used consistent with the lease between JHR Development of Maine Phase, I, LLC, the "Landlord" and the Sub Landlord.

In consideration, the parties agree:

SECTION ONE.

EMPLOYMENT OF THE BDA

The BDA shall act as exclusive Agent of Sub Landlord to manage, operate and maintain the property.

SECTION TWO.

BEST EFFORTS OF THE BDA

On assuming management and operation of the property, the BDA shall use its best efforts to make recommendations on improvements to the property and shall make only those improvements approved by the Sub Landlord.

SECTION THREE.

LEASING OF THE PROPERTY

A. The BDA shall identify and make recommendations to the Sub Landlord regarding initial tenants requiring build-out space. These tenants shall be identified as "anchor tenants". The Sub Landlord shall negotiate the

initial leases. The BDA shall be responsible for all negotiations with future prospective tenants that do not involve build-out space (defined as space requiring permanent walls or floor attachments or anchors). Included in this tenant class are, but not limited to: commercial signage and advertising, art for sale, information booth, vending or vendors, kiosks and/or commercial activities including personal property. The BDA shall also have the right to execute and enter into month-to-month tenancies for units of property for this class of tenant. The BDA may negotiate all extensions and renewals of such month-to-month tenancies and leases. The BDA shall have the right to make concessions, including rental concessions, as inducements to prospective tenants in the non-anchor class of tenants to occupy the property.

The BDA shall obtain prior consent of Sub Landlord's, through its agent in the Town Office of Economic and Community Development, prior to renting to a prospective tenant in the class described above.

- B. The BDA may, at its own expense, have the right to install non-structurally attached information kiosk, information booth or desk. The BDA shall not be charged rent or utilities for such, but is responsible for the operating costs and cost of personal property associated with the BDA information booth or kiosk.
- C. Town will install one exterior sign on the outside of the Building indicating the location of the visitor center. The Sub Landlord will provide anchor tenant signage at the side entrance to the Visitor Center. The Sub Landlord will provide waste receptacles, entrance floor mats and public seating. All at its own design and selection.

SECTION FOUR.

ADVERTISING AND PROMOTION

The BDA shall advertise vacancies for all space by all reasonable and proper means; at its own expense without prior written consent of Sub Landlord.

SECTION FIVE.

MAINTENANCE, REPAIRS, AND OPERATIONS

At the Sub Landlord's expense and subject to prior Sub Landlord approval, the BDA shall ensure that the property is maintained in an attractive condition and in a good state of repair. In this regard, the BDA shall use its best skills and efforts to serve all tenants of the property and shall purchase necessary supplies, make contracts for, or otherwise furnish the services described below:

Initially the Sub Landlord's staff shall provide such services on an as needed basis until at least two Anchor Tenants are open for business at the property, then such services shall revert to the responsibility of the BDA continuing on an as need basis, until occupancy and/or visitor traffic warrants the daily provision of such services. Services are to be provided in as non-intrusive manner as possible so as to not interfere with daily use of facility:

1. Services:
 - a. Public restroom cleaning and re-stocking
 - b. Daily housekeeping including:
 - i. Trash disposal
 - ii. Sweeping and moping of floors
 - iii. Dusting and window cleaning
 - iv. Cleaning of interior door mats
2. Light maintenance including, but not limited to:
 - a. Ensuring that the Landlord and Sub Landlord installed fixtures are maintained in good working order.
 - b. Ensuring premises is kept neat and orderly.
 - c. Ensuring working conditions of all interior and exterior doors.
 - d. Maintenance of all plumbing and sewage facilities within the premises.
 - e. At Town's request and expense, make or cause to be made all interior decorating, maintenance, alterations or repairs and to hire and supervise all employees and or labor.
3. Maintain or cause to be maintained timeliness of all displays, display cases, Kiosks and trade fixtures, poster, promotional and marketing literature.
4. Insure all public literature is consistent with Sub Landlord approved uses.
5. Supervise installation and rotation of visual and spatial art.
6. Insure that premise is secured in non operating hours.
7. Act as intermediary in collection of sub-tenant lease payments and forward the agreed-to amount to the Town of Brunswick at mailing address: Director of Economic Development, 28 Federal Street, Brunswick ME 04011.

SECTION SIX.

GOVERNMENT REGULATIONS

The BDA shall manage property in full compliance with all laws and regulations of any federal, state, or municipal authority having jurisdiction over the property.

SECTION SEVEN.

COLLECTION OF INCOME

BDA shall collect promptly all rents from anchor tenants. Distribution of rent shall be on the following schedule:

~~1. Debt factored into monthly lease payments incurred to cover any build out costs shall be paid first to the holder of the debt.~~

1. Rent payments by anchor payments shall be collected by the Town of Brunswick.

2. Upon receipt of rent payments, the Town shall forward 50% of monthly rent to the BDA.

3. The Town will forward to the BDA any balance of funds at the conclusion of the Town fiscal year.

~~2.4. _____ -BDA shall retain 15% of the Adjusted Gross Rent calculated as follows: **(Gross Monthly Rent - debt service = Adjusted Gross Rent x 15% = BDA fee)**. For calculation purposes the Sub Landlord shall provide the BDA with the negotiated structure of the rent for each anchor tenant.~~

~~3. Sub Landlord shall receive the balance with no further adjustments.~~

The BDA shall be entitled to keep all rental income generated from non-anchor tenants and all other sources noted in Section 3.

SECTION EIGHT.

BANK ACCOUNTS

The BDA shall deposit (directly in a depository bank for transmittal) all revenues from the property into a general property management trust fund account or similar of the BDA, here referred to as the MMS trust account. The trust account shall be maintained at all times in a national or state member bank that is a member of the Federal Deposit Insurance Corporation. The BDA shall not commingle any of the above-described revenues with any other funds of the BDA. From revenues deposited in the

trust account, the BDA shall pay all items with respect to the property for which payment is required in this agreement, including the compensation of the BDA. After such payments the BDA shall remit any balance of any monthly revenues from Anchor Tenants to the Sub Landlord concurrently with a monthly report referred to in Section Nine.

SECTION NINE.

RECORDS AND REPORTS

1. BDA shall keep books, accounts, and records that reflect all revenues and all expenditures incurred in connection with the management and operation of property. The books, accounts, and records shall be maintained at the principal place of business of the BDA. The BDA shall, during regular business hours, make books, accounts, and records required to be maintained hereunder available to Sub Landlord or representatives of Sub Landlord for examination and audit by appointment on no less than 14 days prior notice. All such audits shall be at the expense of Sub Landlord.

2. BDA shall furnish the Sub Landlord, no later than the end of next succeeding month, a detailed statement of all revenues and expenditures for each preceding month, a summary of all concessions and rental concessions given to induce prospective tenants to occupy the property.

SECTION TEN.

TERMINATION AND RENEWAL

This agreement shall be for a term commencing on December 22, 2009, and ending on December 21 2011. At termination of this agreement, it shall be renewed automatically annually on the anniversary date for a period of one year. Upon completion of the initial term the agreement may be terminated without cause, by either party giving not less than 60 days' advance notice to the other party prior to the anniversary date of the agreement.

SECTION ELEVEN.

TERMINATION FOR CAUSE

If the BDA breaches any of the terms of this agreement, the Sub Landlord shall give the BDA written notice of such breach. If the BDA fails to remedy the breach within 30 days after receiving the above-described notice, the Sub Landlord may terminate this agreement.

SECTION TWELVE.

BDA AS INDEPENDENT CONTRACTOR

The BDA is an independent contractor and not an employee of the Sub Landlord for any purpose.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

Town of Brunswick

Brunswick Downtown Association

By: _____

By: _____

Gary Brown, Town Manager

Rob Jarrett, President

ITEM 21

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE
INCORPORATED 1739
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, ME 04011

MEMORANDUM

To: Town Council
Gary Brown, Town Manager

From: Brian K. Dancause *Brian*

Date: February 1, 2012

Subj: CDBG-Economic Development Program Grant Application: Integrated Marine Systems, Inc.

On January 17, 2012, the Town Council approved the submission of a Letter of Intent to apply for a CDBG-Economic Development Program application on behalf of Integrated Marine Systems, Inc. to support its operations at Brunswick Landing. The Maine Office of Community Development has reviewed our Letter of Intent and has invited the Town to apply for CDBG-EDP funding for this project. (See attached letter.)

CDBG-EDP Application Process:

The CDBG-EDP application process requires that the Town hold a public hearing on the project, as well as Council action approving the submission of the application. If the Maine OCD approves the Town's CDBG-EDP application, which is due by March 9, we will be invited into the project development phase (or Phase II) of the CDBG application process. As part of Phase II, the Town will be required to hold a second public hearing. Additionally, Council action will be required to accept CDBG-EDP funds.

Project Highlights:

- CDBG funds will be used to purchase control system components with which the company will assemble and operate various innovative technologies destined for defense and commercial customers. (An operating system must be in place by spring 2012, in order to demonstrate and deliver contracted services and hardware.)
- Project will create seven (7) net new production jobs, of which four (4) will be filled by persons of low and moderate income.
- Business will match CDBG funds with \$250,000 in bank loans and other private investment.



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



George C. Gervais
COMMISSIONER

January 25, 2012

Gary Brown, Town Manager
Town of Brunswick
28 Federal Street
Brunswick, Maine 04011

Dear Mr. Brown:

The Office of Community Development (OCD) has reviewed the Letter-of-Intent to apply you submitted for the 2012 Community Development Block Grant (CDBG) Economic Development Program. Our review showed that the Town of Brunswick, on behalf of Integrated Marine Systems, Inc., has met the requirements established by Title I of the Housing and Community Development Act of 1973, as amended and the State of Maine CDBG program. The Town of Brunswick is eligible to submit an Economic Development program application on this project.

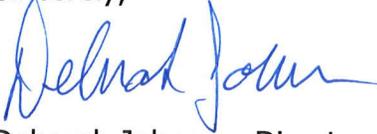
There is one item that we want to make sure the community and business are aware of as this process moves forward. In reviewing the job creation information in the application our office is concerned that it may be difficult for this project to meet the program requirement that 51% of all jobs created as a result of the CDBG funded activity are taken/held by persons of low and moderate income (LMI). As this project intends to create 7 jobs at least 4 of the jobs must meet the LMI requirement. The occupations listed appear to all require some years of experience and/or advanced education which may make it difficult for the project to meet the 51% LMI job creation requirement of the CDBG program. The Office of Community Development will make every effort to work with the business and community in meeting this requirement.

Please note that the application must include municipal legislative body approval as well as all matching funds **must** be fully committed and secure before the application deadline date and additionally, the applicant must demonstrate that the financial resources are available to complete the entire project as presented in the application. Please remember that eligibility to submit a final application does not imply final project approval or funding and that the application is due at the Office of Community Development **by 4:00pm on Friday, March 9, 2012 and must meet all** the requirements of the 2012 CDBG program. Failure to submit a complete application by this date will require the submission of a new Letter of Intent.

Gary Brown, Town Manager
Town of Brunswick
January 25, 2012
Page 2

You may contact Andrea Smith at #624-9813 or andrea.smith@maine.gov with any further questions regarding the 2012 CDBG application process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deborah Johnson". The signature is fluid and cursive, with the first name being more prominent.

Deborah Johnson, Director
Office of Community Development

cc: Andrea Smith, Office of Community Development

ITEM 22

BACK UP MATERIALS

Proposed Capital Improvement Plan Process
Draft 12/15/2011

1. The Brunswick School Department will be responsible for the development of their CIP and will hold public meetings and public hearings. The School Department will forward their annual work program and five year CIP to the Town so that the information will be available to meet the deadline in the Town Charter.
2. The CIP will continue to be a five year plan.
3. The CIP should be redefined. The new definition will be narrowed to facility issues and major infrastructure issues.
 - a. The redefined CIP should not include annual purchases. Equipment and vehicles are consumables. These non-CIP items would become regular budgetary lines. Examples of this include the annual purchase of police cruisers and public works equipment. The current practice is not consistently applied.

(For example: In the current general fund budget, there are purchases for DPW equipment and police cruisers {\$240,000 and \$112,000 respectively} but Fire and Parks are required to put \$35,000 in the CIP. This is further confused by placing the ACO vehicle in the CIP where the cruisers are in the general fund budget).

- b. After reviewing staff recommendations, we should be able to identify the amount needed annually to fund the departmental equipment purchases. We could allocate a dollar amount to a "general" replacement/reserve fund; then prioritize how the funds are distributed to the departments during the budget process.

Some years more (or less) may go to one department than that same department received in previous years. This gets away from "spend it or lose it" thinking, while ensuring that adequate funds would be available for the departmental needs.

4. The Council Chair will appoint a subcommittee of 3 Councilors and the Manager to review staff recommended projects and purchases. This sub-committee would then make a report/recommendation to the Council for the Town CIP.

Any recommendations for the subsequent budget will be included in the budget presented to the Council by the Manager. (This is consistent with the Charter)

5. The timing of this should be prior to the submission of the budget by the Manager. So, by working backwards, the work should be completed by April 1 of each year.

6. Annual funding methodologies:

- a. Larger projects (facilities/infrastructure) will identify funding methodology and projected impact on operating costs and tax rate.
- b. We currently have sufficient knowledge to predict when some large items will need to be replaced. We could establish reserve funds so that when the purchase is needed, the funds have been set aside, avoiding spikes to the funding requests. Example: We have 3 ambulances, each at a cost of ~\$180,000. They have a life expectancy of 10 years. If we can get on a schedule of replacing one every 3 years, then we set up a reserve fund of \$60,000 per year. This becomes much easier to manage than the large requests.
- c. Streamlining, and reserve budgeting, helps us to establish a pay as you go strategy rather than taking on debt.

CONSENT AGENDA - A BACK UP MATERIALS

-Draft-
BRUNSWICK TOWN COUNCIL
Minutes
January 17, 2012

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

Councilors Absent: None

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; John Eldridge, Finance Director; Mark Waltz, Police Captain; Brian Dancause, Economic Development Specialist; Denise Clavette, Special Projects Assistant; Dan Devereaux, Marine Resources Officer; Russ Wrede, Police Sergeant; and TV video crew.

Chair King called the meeting to order and asked the Clerk for roll call.

Executive session – Economic Development to discuss the MRRA TIF per 1 M.R.S.A. §405(6)(C)

Councilor Tucker moved, Councilor Watson seconded, to go into executive session to discuss Economic Development regarding the MRRA TIF per 1 M.R.S.A. §405(6)(C). The motion carried with nine (9) yeas.

Meeting Resumes:

Chair King resumed the meeting and asked for the Pledge of Allegiance.

Public Comment:

Tom Fusco, 66 Board Road, spoke of his concerns with bad decisions the Town Council has made on a variety of issues.

Leon Thayer, 297 Mere Point Road, spoke of being aware of what MRRA is doing when making decisions on business and making sure everything is done correctly.

Lindy Ost, 22 Riverview Drive, spoke about the damaged building on Oak Street and the need for it to be taken care of. Manager Brown provided an update on this building, which is in the process of being demolished.

Karen Klatt, 32 Moody Road, spoke of her concerns with a couple of cases where the Town is suing its residents and she commented on how Peter Anastos had been treated at an earlier Council meeting.

Jeff Reynolds, 36 Redwood Lane, spoke about Amtrak coming to Brunswick in 2012, saying the nation is watching and it is a positive thing for this community.

Town Council Minutes

January 17, 2012

Page 2

Correspondence:

Councilor Perreault commended the Public Works Department on their work with Thursday's snowstorm.

Adjustments to the Agenda:

To add item 12, consideration of a zoning change request to be given to the Planning Board for review

MANAGER'S REPORT:

(a) Financial Update

Manager Brown gave this update.

(b) Council Committee Updates

Reports were given on the following committees: Master Plan Implementation Committee, Recreational Trails, NNEPRA Advisory Committee, and Police Station Building Committee

(c) "Poem in Your Pocket" Proclamation (Action Required)

Councilor Pols spoke on this item.

Anna Bolls and two students, Molly Palese and Emma Nagler, spoke on this item.

Councilor Wilson spoke on this item.

Councilor Pols moved, Councilor Knight seconded, to adopt the "Poem in Your Pocket" Proclamation. The motion carried with nine (9) yeas.

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

(d) Update on MRRA activities

Denise Clavette provided this update and responded to questions from Councilor Watson and Councilor Knight.

Manager Brown responded to a question from Councilor Perreault.

Steve Levesque responded to Councilor Knight's question.

(A copy of Ms. Clavette's memo will be attached to the official minutes.)

(e) **Reminder on renewal of dog licenses**

Fran Smith, Town Clerk, gave this report.

(f) **Report on full vehicle registration service**

Manager Brown gave this report.

PUBLIC HEARINGS

3. **The Town Council will hold a public hearing on amendments to the Municipal Code of Ordinances Chapter 15 Traffic and Vehicles Streets, Sidewalks and Other Public Places to clarify the authority of the Parking Enforcement Officer, restrict parking near the new Harriet Beecher Stowe School, create a no parking zone on Noble Street near the Inn, allow moped parking in yellow striped no parking zones on Maine Street, provide all day parking on Elm Street, and remove bus stops on Station Avenue and on Maine Street near Potter Street, and will take any appropriate action. (Manager)**

Manager Brown spoke on this item.

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

Captain Waltz spoke on this item and responded to questions from Chair King, Councilor Perreault, Councilor Watson, and Councilor Brayman.

Councilor Knight spoke on this item.

Councilor Pols moved, Councilor Perreault seconded, to amend the proposed ordinance to allow parking in a section of the middle of Page Street. The motion failed with two (2) yeas. Councilor Watson, Councilor Tucker, Councilor Wilson, Chair King, Councilor Favreau, Councilor Knight and Councilor Brayman were opposed.

Councilor Watson and Councilor Favreau spoke on this item.

Councilor Favreau moved, Councilor Knight seconded, to adopt amendments to the Municipal Code of Ordinances Chapter 15 Traffic and Vehicles Streets, Sidewalks and Other Public Places to clarify the authority of the Parking Enforcement Officer, restrict parking near the new Harriet Beecher Stowe School, create a no parking zone on Noble Street near the Inn, allow moped parking in yellow striped no parking zones on Maine Street, provide all day parking on Elm Street, and remove bus stops on Station Avenue and on Maine Street near Potter Street. The motion carried with nine (9) yeas.

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

4. **The Town Council will hold a public hearing on Zoning Ordinance amendments to allow municipal facilities to exceed the applicable zoning district maximum impervious cover and maximum building footprint standards each by not more than forty (40%) percent, and will take any appropriate action.**

Manager Brown spoke on this item.

Chair King opened the public hearing.

The following people spoke on this item:

Marybeth Burbank, 11 Cumberland Street

Connie Lundquist, 11 Longfellow Ave

Bob Judd, 11 Lincoln Street

Councilor Perreault moved, Councilor Favreau seconded, to amend the proposed language to be site specific for the proposed site of the Police Station.

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

Councilor Tucker asked a question, to which Ms. Breinich responded.

Councilor Brayman, Chair King, Councilor Perreault, and Councilor Watson spoke on this item.

Councilor Watson moved, Councilor Tucker seconded, to table this item. The motion carried with nine (9) yeas.

NEW BUSINESS

5. **The Town Council will consider adopting on an emergency basis an amendment to the Marine Resources Ordinance to allow Sunday shellfish harvesting from October 16th to April 30th of each year, and to consider setting a public hearing to adopt it on a regular basis, and will take any appropriate action. (Councilor Wilson)**

Councilor Wilson spoke on this item.

Officer Devereaux responded to a question from Councilor Tucker.

Motion 1

Councilor Watson moved, Councilor Favreau seconded, to adopt on an emergency basis an amendment to the Marine Resources Ordinance to allow Sunday shellfish harvesting from October 16th to April 30th of each year. The motion carried with nine (9) yeas.

Councilor Perreault, Councilor Tucker, and Councilor Watson spoke on this item.

Motion 2

Councilor Watson moved, Councilor Wilson seconded, to set a public hearing for February 6, 2012, on an amendment to the Marine Resources Ordinance to allow Sunday shellfish harvesting from October 16th to April 30th of each year. The motion carried with nine (9) yeas.

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

6. The Town Council will consider setting a public hearing for February 6, 2012, on Zoning Ordinance amendments to increase the allowable number of MDOT official business directional signs, and will take any appropriate action. (Councilor Perreault)

Councilor Perreault moved, Councilor Favreau seconded, to set a public hearing for February 6, 2012, on Zoning Ordinance amendments to increase the allowable number of MDOT official business directional signs from 2 to 4 signs. The motion carried with nine (9) yeas.

7. The Town Council will consider setting a public hearing for February 6, 2012, for the purpose of designating a tax increment financing district at Brunswick Landing, and will take any appropriate action. (Manager)

Manager Brown spoke on this item and responded to questions from Councilor Wilson, Councilor Watson, and Councilor Perreault.

Councilor Tucker moved, Councilor Watson seconded, to set a public hearing for February 6, 2012, for the purpose of designating a tax increment financing district at Brunswick Landing. The motion carried with nine (9) yeas.

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

8. The Town Council will consider setting a public hearing for February 6, 2012, for the purpose of designating a tax increment financing district at Brunswick Executive Airport, and will take any appropriate action. (Manager)

Councilor Favreau moved, Councilor Knight seconded, to set a public hearing for February 6, 2012, for the purpose of designating a tax increment financing district at Brunswick Executive Airport. The motion carried with nine (9) yeas.

9. The Town Council will consider approving a Letter of Intent to apply for a CDBG grant for Integrated Marine Systems, and will take any appropriate action. (Manager)

Manager Brown spoke on this item.

Town Council Minutes

January 17, 2012

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Brian Dancause spoke on this item.

William Peterson, business owner, spoke on this item and answered a question from Councilor Perreault.

Councilor Watson moved, Councilor Favreau seconded, to approve a Letter of Intent to apply for a CDBG grant for Integrated Marine Systems. The motion carried with nine (9) yeas.

(A copy of a memo from Brian Dancause, a letter from the business owner and the application for the Letter of Intent will be attached to the official minutes.)

- 10. The Town Council will consider a Resolution authorizing the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages, and will take any appropriate action. (Manager)**

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

Councilor Watson moved, Councilor Wilson seconded, to adopt the Resolution authorizing the Town Treasurer to Waive Foreclosure on Certain Real Estate Tax Lien Mortgages. The motion carried with nine (9) yeas.

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

- 11. The Town Council will consider appointments to Council subcommittees and committees, and will take any appropriate action.**

Chair King made the following appointments:

Appointments Subcommittee

Sarah	Brayman
Gerald	Favreau
W. David	Watson

Brunswick Development Corporation

Joanne	King
Suzan	Wilson

Cable Television Committee

W. David	Watson
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Citizens Initiative Clarity Board

Margo	Knight
E. Benet	Pols

Downtown & Outer Pleasant Master Plan Implementation Committee

Margo	Knight
John	Perreault

Town Council Minutes

January 17, 2012

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Marine Resource Committee

Suzan Wilson

Police Station Building Subcommittee

Sarah Brayman

Joanne King

John Perreault

Benjamin Tucker

W. David Watson

Recreation, Trails and Open Space Management Plan Stakeholders

Gerald Favreau

E. Benet Pols

Suzan Wilson

Recycling & Sustainability Committee

Sarah Brayman

Trust Fund Advisory Committee

E. Benet Pols

Union Negotiations (Fire)

E. Benet Pols

Web Page Subcommittee

E. Benet Pols

W. David Watson

- 12. (ADDED) The Town Council will consider requesting the Planning Board to discuss amending the zoning ordinance to list warehousing and storage uses within the definitions of Class 1 and Class 2 Industry uses, and make appropriate use table changes per district as needed, and will take any appropriate action. (Chair King)**

Chair King spoke on this item.

Anna Breinich spoke on this item.

Councilor Watson moved, Councilor Perreault seconded, to request the Planning Board discuss amending the zoning ordinance to list warehousing and storage uses within the definitions of Class 1 and Class 2 Industry uses, and make appropriate use table changes per district, as needed. The motion carried with nine (9) yeas.

CONSENT AGENDA

(a) Approval of the Minutes of January 3, 2012

(b) Approval of the Minutes of December 19, 2011

Town Council Minutes

January 17, 2012

Page 8

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

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

The meeting adjourned at 9:30 p.m.

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

Frances Smith

Town Clerk/Assistant to the Town Manager

January 30, 2012

February 6, 2012

Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

MEMORANDUM

TO: Gary Brown, Town Manager
FROM: John A. Foster, Director, PWD
DATE: January 30, 2012
SUBJECT: Utility Location Permit

Attached, for presentation to the Town Council is an application for a Utility Location Permit received from Maine Natural Gas.

In application ULP 2012-01, Bath Road Maine Natural Gas seeks authorization to install a 2" gas main from the existing gas main at the easterly corner of Gurnet Road and Bath Road, abutting Cumberland Farms. The gas main will be installed behind the curb along the south side of Bath Rd, from Gurnet Rd to the east side of Thomas Point Rd. Length of proposed gas main is about 325 feet.

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

1. Provided the gas main is installed by directional drilling at a depth of 13 feet where conflicts with existing utilities may occur. Open trench excavation within the right of way will be limited to the grassy area at the existing main.
2. The final location is subject to adjustment, as determined necessary by the Town Engineer, to provide adequate clearance from any underground facilities as determined by field verification by each utility.
3. All work is subject to compliance with the Town's Street Opening and road restoration requirements.

**Town of Brunswick
Public Works Department**

Application for Utility Location Permit

DATE January 27th 2012

Permit Number: ULP 2012-01
(to be provided by Town)

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

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

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

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

Name of Street Bath Road
Starting Point: Gurnet Road End Point: Thomas Point Road

Maine Natural Gas proposes to install a 2-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension will extend the previously installed gas main at the intersection of Gurnet Road and Bath road. The main will head east on the south side of Bath road beneath the existing utilities to Thomas Point Road.

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

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

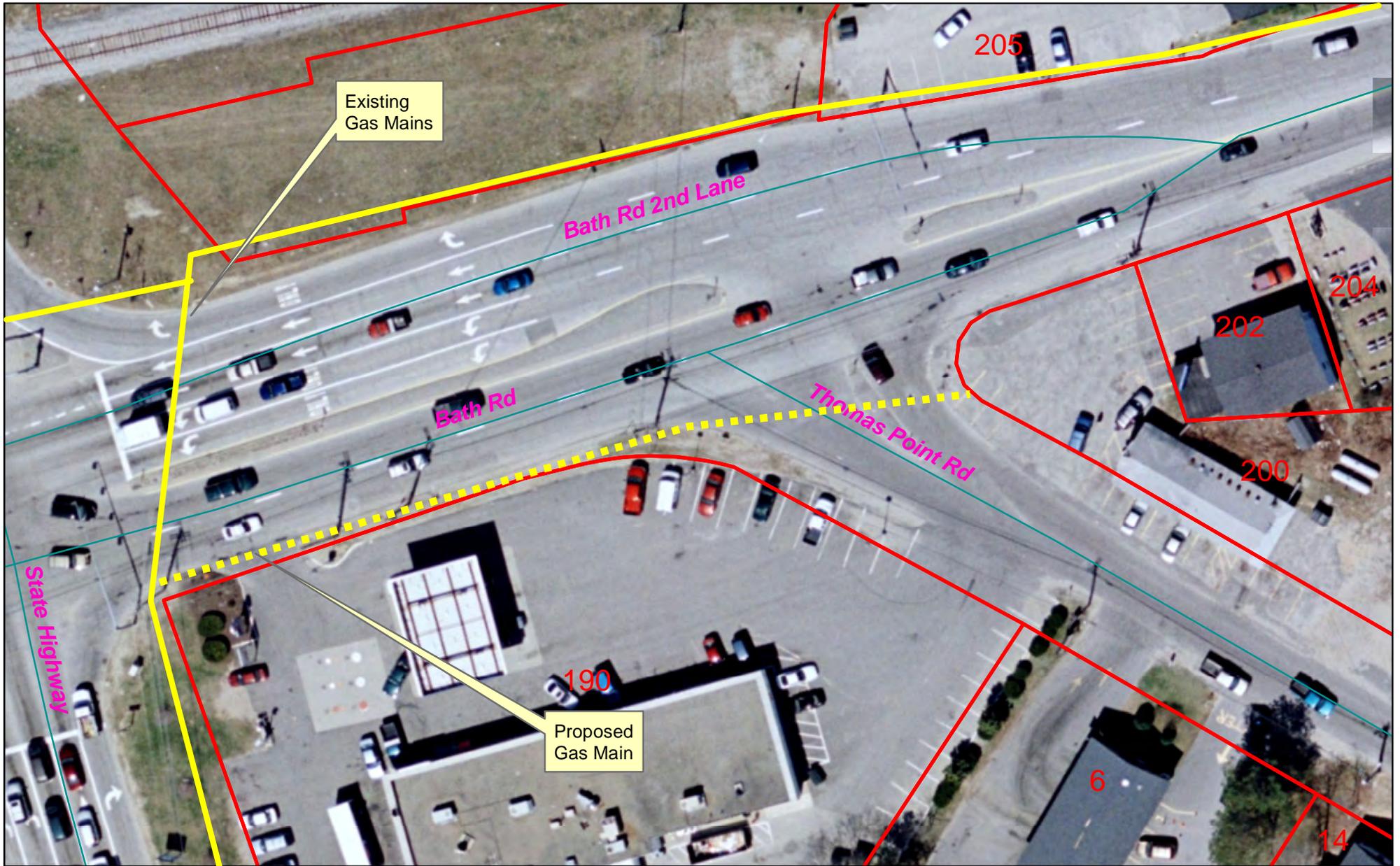
The text of this application will will not be published*: Publish Date: _____

Name of Newspaper: _____

Signature of Utility: 

Print Name and Title: Jamie Garland – Gas Engineer

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



1 inch = 50 feet

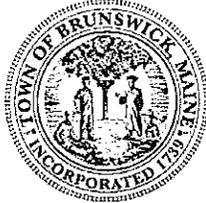
**Utility Location Permit ULP2012-01
 Gas Main, Proposed by:
 Maine Natural Gas**

**Bath Rd
 From Gurnet Rd to Thomas Pt Rd**

Prepared by JRH, Brunswick Public Works
 January 30, 2012

CONSENT AGENDA - C BACK UP MATERIALS

28 Federal Street
Brunswick Maine 04011



Telephone 207 725-6650
FAX 207 725-6663

Town of Brunswick, Maine

Incorporated 1739

Assessing Department

www.brunswickme.org

MEMO

TO: Gary Brown, Town Manager
Town Council Members

FROM: Cathleen M. Donovan, Assessor 

DATE: January 26, 2012

SUBJECT: Abatement

It has recently come to my attention that Nerd Force was assessed for personal property for the 2010 tax year in error. Recent notification states that Nerd Force does not have any assets. Therefore, I am requesting that the Town Council grant abatements under Title 36 M.R.S.A § 841(1) for the 2010 tax year:

<u>Year</u>	<u>Assessment</u>	<u>Tax</u>
2010	8,900	\$203.54