

**BRUNSWICK TOWN COUNCIL
AGENDA
May 18, 2009
7:00 P.M.
Old Times Record Building
6 Industry Road**

Pledge of Allegiance

Roll Call

Public Comment:

Correspondence:

Adjustments to the Agenda:

MANAGER'S REPORT:

- (a) Financial Update
- (b) Council Committee Updates
- (c) Update on Memorial Day Parade
- (d) Davis Fund Request (Action Required)
- (e) Update on LD 1410 – Brunswick/Harpswell Town Boundary

PUBLIC HEARINGS:

74. The Town Council will consider approval of the following Alcoholic Beverage License, and will take any appropriate action. (Manager)

Full-Time Spirituous, Vinous & Malt

Innovation, Inc.
D/B/A: Lillie's Public House
148 Maine Street

Chris Pillsbury

HEARING/ACTION

75. The Town Council will hear public comments on the proposed budget, and will take any appropriate action. (Manager)

HEARING

76. The Town Council will hear public comments on the annual closure of Sawyer Road from December 1 to March 31, as permitted under Title 23 M.R.S.A. Subchapter VI, Section 2053, for the next ten years, and will take any appropriate action. (Manager)
HEARING/ACTION
77. The Town Council will hear public comments on an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$410,000 to Finance the Acquisition and Installation of Heating, Ventilation, Cooling, and Related Equipment at the Brunswick Junior High School, and will take any appropriate action. (Manager)
HEARING/ACTION
78. The Town Council will hear public comments on an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$450,000 to Finance Improvements at Hawthorne School in order to Convert the Property to Educational and Office Uses, and will take any appropriate action. (Manager)
HEARING/ACTION
79. The Town Council will hear public comments on an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance School Department Energy Conservation Measures, and will take any appropriate action. (Manager)
HEARING/ACTION

NEW BUSINESS ITEMS:

80. The Town Council will consider setting a public hearing for June 1, 2009, on Municipal Shoreland Zoning amendments to be in agreement with revised Chapter 1000 of the “State of Maine Guidelines for Municipal Shoreland Zoning Ordinance,” and will take any appropriate action. (Manager)
ACTION
81. The Town Council will consider setting a public hearing for June 1, 2009, on amendments to Chapter 9 (Human Services) of the Municipal Code of Ordinances to increase emergency medical service fees, and will take any appropriate action. (Manager)
ACTION
82. The Town Council will discuss the possibility of Federal stimulus money to fund renovations of the Central Fire Station, and determine if any future action is necessary. (Manager)
DISCUSSION
83. The Town Council will consider setting a public hearing on a Community Development Block Grant on behalf of Maine Tool and Machine LLC to fund three phase power, and will take any appropriate action. (Manager)
ACTION

CONSENT AGENDA:

- (a) Approval of the Minutes of May 4, 2009

- (b) Approval of Games of Chance Licenses and Bingo:
Knights of Columbus
2 Columbus Drive
Robert Rainville, Bingo Manager
- (c) Approval of Utility Location Permits from Maine Natural Gas
- (d) Abatement of certain uncollectable outstanding real and personal property taxes

Executive Session: Acquisition of property Per 1 M.R.S.A. §405(6)(C)

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

Brunswick Town Council
Agenda
May 18, 2009
Council Notes and Suggested Motions

MANAGER'S REPORT:

- (a) Financial Update: The Town Manager will provide a financial update for the Town. Copies of the financial summary reports are included in your packet.

Suggested Motion: No Motion Required.

- (b) Council Committee Updates: Councilors will have the opportunity to update Council members on any activities of their committees.

Suggested Motion: No Motion Required.

- (c) Update on Memorial Day Parade: Manager Brown will update Council on matters relating to the Memorial Day Parade.

Suggested Motion: No Motion Required.

- (d) Davis Fund Request (Action Required): These are the annual recommendations from the Davis Fund Committee for allocations for 2009-2010. The Council's action is to approve these recommendations. A copy of the Committee's minutes, with their recommendations, is included in your packet.

Suggested Motion:

Motion to approve the 2009-2010 Davis Fund allocations as recommended by the Committee.

- (e) Update on LD 1410 – Brunswick/Harpswell Town Boundary: Manager Brown and Chair Daughtry will provide an update on what has been happening with this LD at the state level. Along with staff, they will be attending a work session with the State and Local Government Committee on May 13th and will have more information to share with the full Council and the public on Monday night.

Suggested Motion: No Motion Required.

PUBLIC HEARINGS:

74. This item is to hold a public hearing and approve an alcoholic beverage application from Innovation, Inc., D/B/A: Lillee's Public House at 148 Maine Street (old site of Provisions). Copies of their application and public hearing notice are included in your packet.

Suggested Motion:

Motion to approve an alcoholic beverage application from Innovation, Inc., D/B/A: Lillee's Public House at 148 Maine Street.

75. This item is the Town Charter required public hearing on the Municipal Budget for 2009-2010, and the CIP. No formal action is required by the Council at this meeting, with adoption to occur on June 1, 2009.

Suggested Motion:

No action is required.

76. In the past, the Council has taken action every fall to close Sawyer Road from December 1 to March 31, as required under Title 23 M.R.S.A. Subchapter VI, Section 2053. Upon review of the law, the Town can close this road for more than one year at a time. This would eliminate the requirement of coming before the Council each fall and going through what has been a standard closing procedure. After tonight's public hearing, the Council may take action to allow it be closed annually for the next ten years.

Suggested Motion:

Motion to closure Sawyer Road annually from December 1 to March 31, for a period of ten years until March 31, 2020.

77. This item is to hold a public hearing and adopt a bond ordinance for air quality improvements at the junior high school. This has been an ongoing project. The total amount of the bond is not to exceed \$410,000. Mr. Eldridge and School Department representatives will be at the meeting to answer any questions. Copies of the public hearing notice and draft ordinance are included in your packet.

Suggested Motion:

Motion to adopt an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$410,000 to Finance the Acquisition and Installation of Heating, Ventilation, Cooling, and Related Equipment at the Brunswick Junior High School.

78. This item is to hold a public hearing and adopt a bond ordinance for renovation of Hawthorne School so the Superintendent's Office can move there. The bond amount is not to exceed \$450,000, but with the elimination of around \$75,000 for Cable TV capabilities for the meeting room, there will be a reduction in the amount spent. Mr. Eldridge and School Department representatives will be at the meeting to answer any questions. Copies of the public hearing notice and draft ordinance are included in your packet.

Suggested Motion:

Motion to adopt an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$450,000 to Finance Improvements at Hawthorne School in order to Convert the Property to Educational and Office Uses.

79. This item is to hold a public hearing and adopt a bond ordinance to finance energy conservation measures for the School Department facilities. The amount is not to exceed

\$1,000,000, and this cost is expected to be recouped in energy savings. Mr. Eldridge and School Department representatives will be at the meeting to answer any questions. Copies of the public hearing notice and draft ordinance are included in your packet.

Suggested Motion:

Motion to adopt an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance School Department Energy Conservation Measures.

NEW BUSINESS ITEMS:

80. This item is to set a public hearing for June 1, 2009, on Zoning Ordinance amendments relative to Municipal Shoreland Zoning so that our ordinance is in agreement with revised Chapter 1000 of the “State of Maine Guidelines for Municipal Shoreland Zoning Ordinance.” The DEP has given municipalities until July 1, 2009, to make these changes. The Planning Board has reviewed the proposed language, making minor revisions, and voted unanimously to support the attached amendments. Copies of Ms. Levesque’s memo and the draft amendments are included in your packet.

Suggested Motion:

Motion to set a public hearing for June 1, 2009, on Municipal Shoreland Zoning amendments to be in agreement with revised Chapter 1000 of the “State of Maine Guidelines for Municipal Shoreland Zoning Ordinance.”

81. This item is to set a public hearing on proposed increases in the emergency medical service fees to reflect the increased cost to provide these services. Mr. Eldridge will be able to answer any questions. A copy of draft ordinance amendments is included in your packet.

Suggested Motion:

Motion to set a public hearing for June 1, 2009, on ordinance amendments to Chapter 9 (Human Services) of the Municipal Code of Ordinances to increase emergency medical service fees.

82. At the request of Council, this item allows the Council to discuss the possibility of receiving Federal Stimulus money to fund the renovation of the Central Fire Station. Copies of a memo from Manager Brown and the Federal Emergency Management Agency funding options are included in your packet. Renovation costs are being finalized and will be provided as a supplement to the packet.

Suggested Motion:

No motion required.

83. This item would allow the Town to begin the process of applying for a \$50,000 Community Development Block Grant to finance the extension of three phase power to 228 Old Portland Road. The grant will facilitate the relocation and expansion of Maine Machine & Tool LLC, a precision manufacturer for military aviation, medical and high-end residential markets, which is constrained at its present location (2 Industry Road). The CDBG funds would leverage an estimated \$618,000 in private investment and will

result in the retention of three jobs and the creation of four new jobs in the short-term. The Council's first action will be to set a public hearing for June 1, 2009, and after that, they can give staff permission to apply for this grant.

Suggested Motion:

Motion to set a public hearing for June 1, 2009, to take public comments on a Community Development Block Grant on behalf of Maine Tool and Machine LLC to fund three phase power for their project.

CONSENT AGENDA:

(a) Approval of the Minutes of May 4, 2009: A copy of the draft minutes is included in your packet.

(b) Approval of Games of Chance Licenses and Bingo:

Knights of Columbus

2 Columbus Drive

Robert Rainville, Bingo Manager

This is the semi-annual approval of Games of Chance and Bingo.

(c) Approval of Utility Location Permits from Maine Natural Gas: These are applications for Utility Location Permits from Maine Natural Gas. Locations include Sills Drive, Pine Street, and Market Lane. Copies of a memo and the permits are included in your packet.

(d) Abatement of certain uncollectable outstanding real and personal property taxes: These taxes need to be abated since they are uncollectible due to absence or insolvency of the taxpayer. A copy of a memo from Mr. Eldridge is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Executive Session: Acquisition of property Per 1 M.R.S.A. §405(6) (C)

Suggested Motion:

Motion to go into executive session to discuss acquisition of property Per 1 M.R.S.A. §405(6)(C).

Suggested Motion:

Motion to adjourn the meeting.

MANAGER'S REPORT -A BACK-UP MATERIALS

FOR 2009 10

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/> 10 General Government <hr/>							
11000 Administration	469,569	494,569.00	386,249.56	26,251.11	8,105.00	100,214.44	79.7%
11050 Personnel Department	51,627	51,627.00	38,904.60	3,351.49	.00	12,722.40	75.4%
11100 Finance Department	648,654	667,251.00	484,435.67	41,724.15	363.97	182,451.36	72.7%
11150 Technology Services Dept	213,500	213,500.00	155,714.07	13,928.30	4,024.13	53,761.80	74.8%
11200 Municipal Officers	90,865	90,865.00	74,697.96	3,902.95	.00	16,167.04	82.2%
11220 Municipal Building	174,633	182,163.00	151,228.97	14,755.36	5,785.00	25,149.03	86.2%
11230 Risk Management	513,500	513,500.00	428,057.05	64,336.78	.00	85,442.95	83.4%
11240 Employee benefits	0	.00	.00	.00	.00	.00	.0%
11250 Cable TV	119,271	119,271.00	73,525.47	12,261.19	3,321.35	42,424.18	64.4%
11300 Assessing	293,917	293,917.00	221,186.81	20,613.27	1,449.48	71,280.71	75.7%
11400 Codes Enforcement	203,310	203,310.00	174,837.51	23,456.85	453.50	28,018.99	86.2%
11600 Town Clerk & Elections	342,599	342,599.00	249,520.90	19,453.68	315.00	92,763.10	72.9%
11900 Planning Department	241,652	242,347.00	170,714.52	10,066.56	447.24	71,185.24	70.6%
11940 Natural Resources Departme	86,615	86,615.00	60,135.22	6,000.37	46.53	26,433.25	69.5%
11950 Economic Development Dept	264,550	264,550.00	162,332.63	11,388.67	.00	102,217.37	61.4%
TOTAL General Government	3,714,262	3,766,084.00	2,831,540.94	271,490.73	24,311.20	910,231.86	75.8%
<hr/> 20 Public Safety <hr/>							
12100 Fire Department	2,627,885	2,627,885.00	2,063,769.74	199,724.56	24,401.15	539,714.11	79.5%
12200 Police Department	3,969,302	3,969,302.00	3,177,184.50	288,714.76	774.15	791,343.35	80.1%
12210 Police Special Detail	0	.00	9,642.04	362.24	.00	-9,642.04	100.0%
12310 Streetlights	185,000	185,000.00	132,364.21	13,594.34	.00	52,635.79	71.5%
12320 Traffic Signals	13,100	13,100.00	15,394.10	1,447.34	.00	-2,294.10	117.5%
12330 Hydrants	312,000	312,000.00	237,675.00	77,925.00	.00	74,325.00	76.2%
12340 Civil Emergency Preparedne	4,000	4,000.00	4,154.96	520.04	.00	-154.96	103.9%
TOTAL Public Safety	7,111,287	7,111,287.00	5,640,184.55	582,288.28	25,175.30	1,445,927.15	79.7%
<hr/> 30 Public Works <hr/>							
13100 Public Works Administratio	442,945	442,945.00	356,619.58	33,205.02	2,388.55	83,936.87	81.1%
13110 PW General Maintenance	691,021	691,021.00	418,048.97	55,400.12	67,869.94	205,102.09	70.3%
13120 PW Winter Maintenance	810,602	810,602.00	820,741.23	12,587.84	106.58	-10,245.81	101.3%
13130 Refuse Collection	566,878	566,878.00	402,798.87	46,051.23	.00	164,079.13	71.1%

FOR 2009 10

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
13140 Recycling	225,071	225,071.00	172,043.73	17,620.01	3,045.00	49,982.27	77.8%
13150 PW Central Garage	581,235	581,235.00	550,677.93	46,114.56	9,173.43	21,383.64	96.3%
TOTAL Public Works	3,317,752	3,317,752.00	2,720,930.31	210,978.78	82,583.50	514,238.19	84.5%
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40 Human Services							
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14100 General Assistance	147,828	147,828.00	119,749.21	3,414.75	2,308.57	25,770.22	82.6%
14120 Health & Social Services	2,600	2,600.00	1,948.14	649.12	.00	651.86	74.9%
TOTAL Human Services	150,428	150,428.00	121,697.35	4,063.87	2,308.57	26,422.08	82.4%
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45 Education							
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14500 School Department	33,620,870	33,620,870.00	23,853,056.37	2,577,095.34	.00	9,767,813.63	70.9%
TOTAL Education	33,620,870	33,620,870.00	23,853,056.37	2,577,095.34	.00	9,767,813.63	70.9%
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50 Recreation and Culture							
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15000 Recreation Administration	423,452	424,231.86	339,395.51	34,728.38	140.00	84,696.35	80.0%
15050 Rec Buildings and Grounds	695,196	695,196.00	493,419.91	35,568.20	13,902.42	187,873.67	73.0%
15100 Coffin Pond	63,138	63,138.00	37,947.09	193.99	98.60	25,092.31	60.3%
15300 Teen Center	5,000	5,000.00	5,000.00	.00	.00	.00	100.0%
15310 People Plus	70,000	70,000.00	70,205.50	205.50	.00	-205.50	100.3%
15400 Curtis Memorial Library	1,075,269	1,075,269.00	896,057.50	89,605.75	.00	179,211.50	83.3%
TOTAL Recreation and Culture	2,332,055	2,332,834.86	1,842,025.51	160,301.82	14,141.02	476,668.33	79.6%
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60 Intergovernmental							
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16000 County tax	1,088,467	1,088,467.00	1,088,467.00	.00	.00	.00	100.0%
TOTAL Intergovernmental	1,088,467	1,088,467.00	1,088,467.00	.00	.00	.00	100.0%
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70 Unclassified							
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FOR 2009 10

70	Unclassified	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
17000	Promotion and Development	58,661	52,661.00	44,803.20	2,941.58	1,759.00	6,098.80	88.4%
17010	Assistance to St. Johns	16,000	16,000.00	.00	.00	.00	16,000.00	.0%
17020	Cemetery Care	2,500	2,500.00	2,750.00	.00	.00	-250.00	110.0%
17030	Wage Adjustment Account	95,000	95,000.00	34,306.05	.00	.00	60,693.95	36.1%
17050	High School Spring Street	229,479	229,479.00	192,841.16	12,388.13	5,502.00	31,135.84	86.4%
17060	Industry Road Building	0	.00	1,909.49	1,909.49	.00	-1,909.49	100.0%
	TOTAL Unclassified	401,640	395,640.00	276,609.90	17,239.20	7,261.00	111,769.10	71.7%
80 Debt Service								
18000	2000 CIP G/O Bonds	352,000	352,000.00	16,000.00	.00	.00	336,000.00	4.5%
18010	2003 High School Refunding	0	.00	.00	.00	.00	.00	.0%
18020	2006 CIP G/O Bonds	300,000	300,000.00	300,000.00	48,000.00	.00	.00	100.0%
	TOTAL Debt Service	652,000	652,000.00	316,000.00	48,000.00	.00	336,000.00	48.5%
	GRAND TOTAL	52,388,761	52,435,362.86	38,690,511.93	3,871,458.02	155,780.59	13,589,070.34	74.1%

** END OF REPORT - Generated by Julie Henze **

REPORT OPTIONS

Sequence	Field #	Total	Page Break	Year/Period: 2009/10
Sequence 1	2	Y	N	Print revenue as credit: Y
Sequence 2	9	Y	N	Print totals only: Y
Sequence 3	0	N	N	Suppress zero bal accts: Y
Sequence 4	0	N	N	Print full GL account: N

Double space: N
Report title: APRIL 2009 EXPENDITURE REPORT
Roll projects to object: N
Incl inception to soy: N
Carry forward code: 1
Print journal detail: N
From Yr/Per: 2009/ 1
To Yr/Per: 2009/12
Include budget entries: N
Incl encumb/liq entries: N
Sort by JE # or PO #: J
Detail format option: 1

Print Full or Short description: F
Print MTD Version: Y
Print Revenues-Version headings: N
Format type: 2
Print revenue budgets as zero: N
Include Fund Balance: N
Include requisition amount: N

FOR 2009 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>10 Taxes</u>						
111190 41101 Property Taxes	28,137,454	28,137,454.00	28,261,734.19	-189,295.42	-124,280.19	100.4%*
111190 41103 Deferred Property Taxe	-200,000	-200,000.00	.00	.00	-200,000.00	.0%
111190 41104 Tax Abatements	-75,000	-75,000.00	-17,881.30	.00	-57,118.70	23.8%
111190 41105 Interest on Taxes	50,000	50,000.00	71,772.77	6,454.03	-21,772.77	143.5%*
111190 41106 Tax Lien Costs Revenue	9,000	9,000.00	16,120.78	24.28	-7,120.78	179.1%*
111190 41107 Tax Lien Interest Reve	0	.00	23,658.97	.00	-23,658.97	100.0%*
111190 41109 Payment in Lieu of Tax	180,000	180,000.00	109,424.94	.00	70,575.06	60.8%*
111190 41197 BETE reimbursement	0	.00	47,239.00	.00	-47,239.00	100.0%*
111190 41198 Homestead exemption re	385,235	385,235.00	382,290.00	.00	2,945.00	99.2%*
111191 41110 Excise Tax - Auto	2,500,000	2,500,000.00	1,993,098.04	221,046.61	506,901.96	79.7%*
111191 41111 Excise Tax Boat/ATV/Sn	23,000	23,000.00	13,331.60	5,100.80	9,668.40	58.0%*
TOTAL Taxes	31,009,689	31,009,689.00	30,900,788.99	43,330.30	108,900.01	99.6%
TOTAL REVENUES	31,009,689	31,009,689.00	30,900,788.99	43,330.30	108,900.01	
<u>20 Licenses & Fees</u>						
121411 42100 Building Permits	25,000	25,000.00	20,024.50	1,835.80	4,975.50	80.1%*
121411 42101 Electrical Permits	19,000	19,000.00	11,032.62	1,795.00	7,967.38	58.1%*
121411 42102 Plumbing Permits	16,000	16,000.00	7,393.50	861.75	8,606.50	46.2%*
121411 42103 Zoning Board Fees	375	375.00	225.00	75.00	150.00	60.0%*
121411 42105 Mobile Home Permits	750	750.00	185.00	.00	565.00	24.7%*
121411 42106 Institutional Permits	20,000	20,000.00	10,905.00	.00	9,095.00	54.5%*
121411 42107 Alts/Addns Permits	13,000	13,000.00	7,164.60	.00	5,835.40	55.1%*
121411 42108 Comm/Indus Permits	24,000	24,000.00	7,184.00	.00	16,816.00	29.9%*
121411 42109 Multiple Dwellings	10,000	10,000.00	.00	.00	10,000.00	.0%*
121411 42110 Accessory Structures	5,000	5,000.00	3,373.00	.00	1,627.00	67.5%*
121611 42200 Hunting & Fishing Lice	2,020	2,020.00	1,223.25	207.50	796.75	60.6%*
121611 42201 Dog License Fee	2,212	2,212.00	2,463.00	58.00	-251.00	111.3%*
121611 42202 Vital Statistics	38,000	38,000.00	42,357.00	4,675.00	-4,357.00	111.5%*
121611 42203 General Licenses	22,725	22,725.00	20,075.50	797.50	2,649.50	88.3%*
121611 42204 Victulars Licenses	19,950	19,950.00	8,455.00	6,525.00	11,495.00	42.4%*
121611 42205 Shellfish Licenses	21,740	21,740.00	18,975.00	750.00	2,765.00	87.3%*
121611 42206 Neutered/Spayed Dog Li	3,910	3,910.00	4,302.00	80.00	-392.00	110.0%*
121611 42207 Passport Fees	11,125	11,125.00	7,400.00	1,050.00	3,725.00	66.5%*
121611 42208 Postage Fees	0	.00	13.89	14.85	-13.89	100.0%*
121611 42209 Passport Picture Reven	1,440	1,440.00	1,536.00	300.00	-96.00	106.7%*
121911 42300 Planning Board Appl Fe	10,000	10,000.00	7,512.65	550.00	2,487.35	75.1%*

FOR 2009 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
122121 42400 Fire Permits	1,500	1,500.00	960.00	.00	540.00	64.0%*
122221 42500 Conc Weapons Permits R	400	400.00	395.00	.00	5.00	98.8%*
123131 42600 Public Works Opening F	500	500.00	984.00	40.00	-484.00	196.8%*
TOTAL Licenses & Fees	268,647	268,647.00	184,139.51	19,615.40	84,507.49	68.5%
TOTAL REVENUES	268,647	268,647.00	184,139.51	19,615.40	84,507.49	
30 Intergovernmental						
131132 43103 Highway Grant Fund	230,000	230,000.00	173,997.00	.00	56,003.00	75.7%*
131142 43104 State General Assistan	24,000	24,000.00	26,251.66	18,663.07	-2,251.66	109.4%*
131190 43102 State Tax Exemption Re	15,000	15,000.00	.00	.00	15,000.00	.0%*
131192 43101 State Revenue Sharing	2,000,000	2,000,000.00	1,625,309.10	97,714.44	374,690.90	81.3%*
131192 43105 Emergency Management	0	.00	284,208.13	284,208.13	-284,208.13	100.0%*
131192 43106 Snowmobile Receipts	1,500	1,500.00	1,966.14	.00	-466.14	131.1%*
134546 43120 State Education Subsid	14,558,692	14,558,692.00	12,024,121.29	1,110,379.21	2,534,570.71	82.6%*
134546 43121 State Adult Educ. Subs	30,000	30,000.00	32,552.73	1,282.81	-2,552.73	108.5%*
134546 43150 Federal Education Subs	800,000	800,000.00	1,372,405.33	241,218.67	-572,405.33	171.6%*
TOTAL Intergovernmental	17,659,192	17,659,192.00	15,540,811.38	1,753,466.33	2,118,380.62	88.0%
TOTAL REVENUES	17,659,192	17,659,192.00	15,540,811.38	1,753,466.33	2,118,380.62	
40 Charges for services						
141111 44110 Agent Fee Auto Reg	36,000	36,000.00	30,513.18	3,900.18	5,486.82	84.8%*
141111 44111 Agent Fee Boat/ATV/Sno	2,500	2,500.00	1,096.00	289.00	1,404.00	43.8%*
141111 44140 Housing Services Fees	590,000	590,000.00	501,382.98	50,951.22	88,617.02	85.0%*
141611 44131 Advertising Fees	0	.00	1,380.28	210.97	-1,380.28	100.0%*
142121 44155 Ambulance Service Fees	630,000	630,000.00	671,115.00	121,950.28	-41,115.00	106.5%*
142121 44166 Special Detail - Fire	1,000	1,000.00	1,244.10	.00	-244.10	124.4%*
142221 44161 Witness Fees	8,600	8,600.00	4,513.04	463.04	4,086.96	52.5%*
142221 44162 Police Reports	4,100	4,100.00	3,014.00	210.50	1,086.00	73.5%*
142221 44163 School Resource Office	68,600	68,600.00	68,542.20	.00	57.80	99.9%*
142221 44165 Special Detail - Polic	6,000	6,000.00	11,186.06	382.36	-5,186.06	186.4%*
143131 44174 PW Labor & Materials	1,000	1,000.00	300.00	.00	700.00	30.0%*
143431 44175 Recycling Revenue	20,000	20,000.00	18,126.42	73.17	1,873.58	90.6%*
144545 44100 School Tuition, etc	1,057,000	1,057,000.00	675,771.08	.00	381,228.92	63.9%*
145051 44187 Coffin Pond	25,000	25,000.00	11,465.80	.00	13,534.20	45.9%*
TOTAL Charges for services	2,449,800	2,449,800.00	1,999,650.14	178,430.72	450,149.86	81.6%
TOTAL REVENUES	2,449,800	2,449,800.00	1,999,650.14	178,430.72	450,149.86	

FOR 2009 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>50 Fines & Penalties</u>						
151621 45103 Unlicensed Dog Fines	6,700	6,700.00	10,915.00	500.00	-4,215.00	162.9%*
152121 45104 False Alarm Fire	3,400	3,400.00	1,815.00	100.00	1,585.00	53.4%*
152221 45100 Ordinance Fines	1,400	1,400.00	700.00	.00	700.00	50.0%*
152221 45101 Parking Tickets	7,000	7,000.00	12,665.00	810.00	-5,665.00	180.9%*
152221 45102 Leash Law Fines	500	500.00	800.00	75.00	-300.00	160.0%*
152221 45105 False Alarm Police	2,700	2,700.00	975.00	25.00	1,725.00	36.1%*
152221 45106 Restitution	0	.00	1,130.00	.00	-1,130.00	100.0%*
TOTAL Fines & Penalties	21,700	21,700.00	29,000.00	1,510.00	-7,300.00	133.6%
TOTAL REVENUES	21,700	21,700.00	29,000.00	1,510.00	-7,300.00	
<u>60 Interest earned</u>						
161193 46100 Interest Earned	275,000	275,000.00	107,999.51	1,853.77	167,000.49	39.3%*
TOTAL Interest earned	275,000	275,000.00	107,999.51	1,853.77	167,000.49	39.3%
TOTAL REVENUES	275,000	275,000.00	107,999.51	1,853.77	167,000.49	
<u>70 Donations</u>						
171952 47000 BDC Contrib to Econ De	73,335	73,335.00	.00	.00	73,335.00	.0%*
TOTAL Donations	73,335	73,335.00	.00	.00	73,335.00	.0%
TOTAL REVENUES	73,335	73,335.00	.00	.00	73,335.00	
<u>90 Other</u>						
191011 49000 Administration Miscell	2,000	2,000.00	20.00	.00	1,980.00	1.0%*
191111 49000 Finance Miscellaneous	2,500	2,500.00	3,486.14	178.10	-986.14	139.4%*
191111 49101 Workers Comp Reimb	2,000	2,000.00	15,282.00	-456.27	-13,282.00	764.1%*
191111 49105 Postage & Handling	3,000	3,000.00	2,458.00	260.00	542.00	81.9%*
191111 49106 W/C Proceeds	0	.00	456.27	456.27	-456.27	100.0%*
191111 49210 Insurance Proceeds	0	.00	17,498.88	.00	-17,498.88	100.0%*
191192 49100 Cable Television	195,000	195,000.00	113,036.24	.00	81,963.76	58.0%*

FOR 2009 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191194 49150 Gen Govt Asset Sales	0	.00	2,668.83	.00	-2,668.83	100.0%*
191311 49000 Assessing Miscellaneous	0	.00	5.00	.00	-5.00	100.0%*
191411 49000 Codes Miscellaneous	500	500.00	663.25	112.00	-163.25	132.7%*
191611 49000 Town Clerk Miscellaneous	1,800	1,800.00	1,548.50	143.50	251.50	86.0%*
191911 49000 Planning Miscellaneous	0	.00	8,215.36	5.00	-8,215.36	100.0%*
191941 49000 Natural Resources Misc	0	.00	1,350.00	.00	-1,350.00	100.0%*
192121 49000 Fire Miscellaneous	1,000	1,000.00	99.89	.00	900.11	10.0%*
192194 49151 Fire Vehicle Sales	0	.00	500.00	.00	-500.00	100.0%*
192221 49000 Police Miscellaneous	0	.00	25,774.48	1,193.52	-25,774.48	100.0%*
192294 49153 Police Vehicle Sales	29,000	29,000.00	12,600.00	.00	16,400.00	43.4%*
193131 49000 Public Works Miscellan	3,500	3,500.00	87.54	.00	3,412.46	2.5%*
194141 49103 General Assistance Rec	1,000	1,000.00	8,214.51	.00	-7,214.51	821.5%*
194545 49000 School Miscellaneous R	85,000	85,000.00	354,123.08	145,178.42	-269,123.08	416.6%*
195051 49000 Recreation Miscellaneous	0	.00	2.18	.00	-2.18	100.0%*
199994 48100 General Fund Transfer	0	.00	59,923.56	59,923.56	-59,923.56	100.0%*
TOTAL Other	326,300	326,300.00	628,013.71	206,994.10	-301,713.71	192.5%
TOTAL REVENUES	326,300	326,300.00	628,013.71	206,994.10	-301,713.71	
GRAND TOTAL	52,083,663	52,083,663.00	49,390,403.24	2,205,200.62	2,693,259.76	94.8%

** END OF REPORT - Generated by Julie Henze **

REPORT OPTIONS

Sequence	Field #	Total	Page Break	Year/Period: 2009/10
Sequence 1	5	Y	N	Print revenue as credit: N
Sequence 2	0	N	N	Print totals only: N
Sequence 3	0	N	N	Suppress zero bal accts: Y
Sequence 4	0	N	N	Print full GL account: N

Double space: N
Roll projects to object: N
Incl inception to soy: N
Carry forward code: 1
Print journal detail: N
From Yr/Per: 2009/ 1
To Yr/Per: 2009/12
Include budget entries: N
Incl encumb/liq entries: N
Sort by JE # or PO #: J
Detail format option: 1

Report title:
APRIL 2009 REVENUE REPORT

Print Full or Short description: F
Print MTD Version: Y
Print Revenues-Version headings: Y
Format type: 2
Print revenue budgets as zero: N
Include Fund Balance: N
Include requisition amount: N

**MANAGER'S REPORT –
B and C
NO BACK-UP
MATERIALS**

**MANAGER'S REPORT -D
BACK-UP MATERIALS**

Nathaniel Davis Committee Meeting Minutes
Wednesday, May 6, 2009

The meeting was called to order at 6:30 p.m. in the Brunswick Town Hall by Mille Stewart, Chair. Also present were Arlene Morris, Sandy Updegraph, David Knight, Lois Widmer, and Joanne Rush Peabody. The Minutes of the meeting of May 14, 2008 were unanimously approved.

There was a discussion that each of the members of the committee ought to think of 1-2 people within the Brunswick Community that they know and who they might suggest as future members of this Committee.

Elections of officers involved Millie reporting the following: in June, 2009 Mille Stewart, Sandy Updegraph, and Arlene Morris were up for renewal of a three year term. Lois Widmer and a currently vacant position were up in 2010. David Knight and Joanne Rush Peabody's terms were up in 2011. Mille Stewart announced that although she might be willing to renew as a member of this committee she wanted someone else to assume the chair.

Although David Knight was nominated to be chair, he presented to the Committee a concern that he serves on the Board of the Brunswick Downtown Association, something he has announced at each Davis Committee meeting. He asked the opinion of the Committee if this would be a conflict of interest.

It was mentioned by Millie Stewart that in a small town many people must serve multiple roles. The Committee unanimously agreed that so long as anyone announced any possible conflict and recused themselves from voting on any specific grant application that no conflict existed. With that important issue being put before the Committee, and being unanimously resolved, the Committee unanimously elected David Knight as Chair, and Joanne Rush Peabody as Secretary.

The remainder of the meeting was dedicated to hearing from the applicants and deciding on what recipients would be recommended to the Town Council, and for what amounts. There were 9 applicants seeking \$12,600.00 for the \$7,000.00 available.

Results of the deliberations (note: there was again a discussion of the wish to have grants cover as much of the calendar year as possible):

Memorial Day Parade Committee (May)

2,000

Brunswick Downtown Assn. <i>Music on the Mall Series</i> (June/Aug)	1,800
Five Rivers Arts Alliance <i>Art Fair</i> (Sept.)	800
Brunswick Downtown Assn. <i>Holiday Event and Decorations</i> (Nov.)	400
Brunswick Downtown Assn., <i>2008 Outdoor Arts Festival</i> (Aug.)	1,000
Longfellow Days (Feb. – March 1)	500
Arts are Elementary (September – April)	500
	\$7,000

Although the members of the Committee unanimously felt that all of the applicants were very worthy organizations, the following organizations were not recommended to receive grants because of limited funds and their applications did not match the mission of the Davis Fund: Friends of the Curtis Memorial Library (the feeling was the focus of the Committee normally has been on events reaching out to the Brunswick community versus construction projects that benefit the community), and Tri-County Literacy (feeling that although the project was focused on Brunswick citizens that it was more a social services endeavor versus an event that provided “pleasure to the citizens of Brunswick”).

There being no further business the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

David Knight
Secretary

**MANAGER'S REPORT –E
NO BACK-UP
MATERIALS**

**ITEM #74
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 Old Times Record Building, 6 Industryl Road Brunswick, at 7:00 P.M. on 5/18/2009 on the following Alcoholic Beverage license applications:

Full-Time Spirituous, Vinous & Malt

INNOVATION, INC

D/B/A: LILLEE'S PUBLIC HOUSE

148 MAINE ST

CHRIS PILLSBURY

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

**Department of Public Safety
Division**

Liquor Licensing & Inspection



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL-OPTINONAL FOOD (Class I-A)

HOTEL (Class I,II,III,IV)

CLASS A LOUNGE (Class X)

CLUB-ON PREMISE CATERING (Class I)

CLUB (Class V)

GOLF CLUB (Class I,II,III,IV)

TAVERN (Class IV)

OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
CHRIS PIUSBERT DOB: 07/06/70			Lilec's Public House		
ROBERT MAGDA DOB: 02/16/77					
Address			Location (Street Address)		
11 TOWN HALL PLAZE			148 MAINE STREET		
City/Town State Zip Code			City/Town State Zip Code		
BRUNSWICK ME 04011			BRUNSWICK ME 04011		
Mailing Address			Mailing Address		
- SAME AS ABOVE -			- SAME AS ABOVE -		
City/Town State Zip Code			City/Town State Zip Code		
BRUNSWICK ME 04011			BRUNSWICK ME 04011		
Telephone Number		Fax Number	Business Telephone Number		Fax Number
725-4060		725-4062	N/A		
Federal I.D. #			Seller Certificate #		

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: 7/1/09
Requested inspection date: JUNE '09 Business hours: 11 am - 10:11 pm
9. Business records are located at: 11 TOWN HALL PLAZE BRUNSWICK, ME 04011
10. Is/are applicants(s) citizens of the United States? YES NO

STATE OF MAINE
Liquor Licensing & Inspection Unit
 164 State House Station
 Augusta, Maine 04333-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: INNOVATION INC
 Business D/B/A Name: LILEE'S PUBLIC HOUSE / BACK STREET BISTRO
2. Date of Incorporation: JULY 2004
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
CHRIS PIUSBURY	GRAY, ME TOPSHAM, ME	7/16/70	50	PRES
ROBERT MABOJA	TOPSHAM, ME	2/16/77	50	V.P.

6. What is the amount of authorized stock? 1000 Outstanding Stock? 1000
7. Is any principal officer of the corporation a law enforcement official? () YES () NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES () NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: _____ City/Town _____ On: _____ Date _____

Chris Piusbury Date: 5/4/09
 Signature of Duly Authorized Officer

CHRIS PIUSBURY
 Print Name of Duly Authorized Officer

Item # 75 and #76

**NO BACK-UP
MATERIALS**

Item # 77

BACK-UP MATERIALS

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

In accordance with 30-A M.R.S.A. and Section 211 of the Charter of the Town of Brunswick, Maine, notice is hereby given that the Municipal Officers for the Town of Brunswick will hold a Public Hearing in the Meeting Room at the old Times Record Building, 6 Industry Road, Brunswick, Maine, at 7:00 p.m. on Monday, May 18, 2009 to consider the following:

Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$410,000 to Finance the Acquisition and Installation of Heating, Ventilation, Cooling, and Related Equipment at the Brunswick Junior High School

All interested person are invited to attend the public hearing and will be given the opportunity to be heard.

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

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

Frances M. Smith
Town Clerk of Brunswick, Maine

TOWN OF BRUNSWICK, MAINE

ORDINANCE

Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$410,000 to Finance the Acquisition and Installation of Heating, Ventilation, Cooling, and Related Equipment at the Brunswick Junior High School

Section 1. The issue and sale of the Town's general obligation bonds (and notes in anticipation thereof) be and hereby is authorized in the aggregate principal amount not to exceed Four Hundred Ten Thousand Dollars (\$410,000), and the proceeds of said bonds and notes be and hereby are appropriated to finance the cost of acquiring and installing heating, ventilation, cooling, and related equipment at the Brunswick Junior High School (the "Project"), to reimburse the Town for any prior expenditures on the Project or to refinance the notes, as the case may be.

Section 2. The Town Manager be, and hereby is, authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents, including construction agreements and contracts, purchase and sale agreements, leases, instruments, deeds or other instruments of conveyance, documents and certificates as may be necessary or appropriate as determined by the Town Manager, in connection with the Project or the issuance of the bonds or notes, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof; provided that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

Section 3. The bonds hereby authorized shall have a term not to exceed 25 years from the date of issuance thereof (whether issued at one time or from time to time) and shall otherwise mature on such date or dates, shall be subject to redemption, shall bear interest at such rate or rates up to a maximum average annual rate of 8.00%, shall be in such minimum denominations, and shall be in such form and to otherwise contain such terms and provisions as the officers or officials executing the same may approve, their approval to be conclusively evidenced by their execution thereof, such bonds to be signed by the Treasurer and to be countersigned by the Chairman of the Town Council, to have the seal of the Town affixed thereon and attested by its Clerk.

Section 4. The maturity(ies), interest rate(s) and sale price of such bonds shall be either set out to bid or negotiated by the Treasurer in such manner as he deems appropriate and in the best interest of the Town and the financing of the above-referenced Project and the Treasurer be and hereby is authorized to provide that any of the bonds hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The Treasurer of the Town is hereby authorized to select the underwriter for the bonds and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 5. The Treasurer be and hereby is authorized to select the underwriter for the bonds and notes and the Treasurer of the Town be and hereby is authorized and empowered to

execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

Section 6. The Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town, and that the distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes be and hereby is approved.

Section 7. The Treasurer of the Town is hereby authorized to select the registrar, paying agent, and transfer agent (the "Transfer Agent") for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. That the bonds and notes hereinbefore authorized shall be transferable only on the registration books of the Town kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof (or such other minimum denomination as the Treasurer, in his discretion, may approve) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond or note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 8. In lieu of physical certificates of the bonds and notes hereinbefore authorized, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of bonds, and the Treasurer be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 9. The Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized, all such bonds and notes to bear the original signature of the Treasurer and Chairman of the Town Council, and in case any officer of the Town whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 10. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the bonds and notes authorized to be issued hereunder shall be

used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.

Section 11. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

Section 12. The Treasurer be and hereby is authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town’s intention that the Treasurer, with advice of bond counsel, make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.

Section 13. Any or all of the bonds issued hereunder may be consolidated with and become a part of any other issue of notes or bonds authorized to be issued by any previous or subsequent order or ordinance of the Town Council of the Town of Brunswick.

Section 14. The Treasurer, Chairman of the Town Council, and Clerk and other proper officials of the Town be, and hereby are, individually authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be necessary or desirable in order to effect the completion of the Project, the issuance, sale, and delivery of the bonds and notes authorized hereby, and the acceptance of the Other Funds in accordance with the terms and provisions of this Ordinance.

Section 15. In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

Section 16. The term “cost” or “costs” as used herein and applied to the Project, or any portion thereof, includes all items reflected in the estimated project budget provided to the Council and included with the minutes of this meeting, and also includes: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of demolition and removal, construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental

studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

Section 17. Any investment earnings on the proceeds of the bonds and notes authorized hereunder and any other unexpended proceeds thereof be and hereby are appropriated for the following purposes:

1. To any costs of the Project in excess of the principal amount of the bonds;
2. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to interest on the bonds or notes or to the Town's General Fund;
3. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter, State law or the Internal Revenue Code.

Section 18. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.

Section 19. If any of the officers or officials of the Town who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes hereinbefore authorized so signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officers and officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

Section 20. If the Treasurer, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

Proposed to Town Council: May 4, 2009
Public Hearing:

Adopted by Town Council:

Item # 78

BACK-UP MATERIALS

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

In accordance with 30-A M.R.S.A. and Section 211 of the Charter of the Town of Brunswick, Maine, notice is hereby given that the Municipal Officers for the Town of Brunswick will hold a Public Hearing in the Meeting Room at the old Times Record Building, 6 Industry Road, Brunswick, Maine, at 7:00 p.m. on Monday, May 18, 2009 to consider the following:

Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$450,000 to Finance Improvements at Hawthorne School in order to Convert the Property to Educational and Office Uses

All interested person are invited to attend the public hearing and will be given the opportunity to be heard.

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

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

Frances M. Smith
Town Clerk of Brunswick, Maine

TOWN OF BRUNSWICK, MAINE

ORDINANCE

Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$450,000 to Finance Improvements at Hawthorne School in order to Convert the Property to Educational and Office Uses

Section 1. The issue and sale of the Town's general obligation bonds (and notes in anticipation thereof) be and hereby is authorized in the aggregate principal amount not to exceed Four Hundred Fifty Thousand Dollars (\$450,000), and the proceeds of said bonds and notes be and hereby are appropriated to finance improvements at Hawthorne School in order to convert the property to educational and office uses (the "Project"), to reimburse the Town for any prior expenditures on the Project or to refinance the notes, as the case may be.

Section 2. The Town Manager be, and hereby is, authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents, including construction agreements and contracts, purchase and sale agreements, leases, instruments, deeds or other instruments of conveyance, documents and certificates as may be necessary or appropriate as determined by the Town Manager, in connection with the Project or the issuance of the bonds or notes, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof; provided that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

Section 3. The bonds hereby authorized shall have a term not to exceed 25 years from the date of issuance thereof (whether issued at one time or from time to time) and shall otherwise mature on such date or dates, shall be subject to redemption, shall bear interest at such rate or rates up to a maximum average annual rate of 8.00%, shall be in such minimum denominations, and shall be in such form and to otherwise contain such terms and provisions as the officers or officials executing the same may approve, their approval to be conclusively evidenced by their execution thereof, such bonds to be signed by the Treasurer and to be countersigned by the Chairman of the Town Council, to have the seal of the Town affixed thereon and attested by its Clerk.

Section 4. The maturity(ies), interest rate(s) and sale price of such bonds shall be either set out to bid or negotiated by the Treasurer in such manner as he deems appropriate and in the best interest of the Town and the financing of the above-reference Project and the Treasurer be and hereby is authorized to provide that any of the bonds hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The Treasurer of the Town is hereby authorized to select the underwriter for the bonds and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 5. The Treasurer be and hereby is authorized to select the underwriter for the bonds and notes and the Treasurer of the Town be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

Section 6. The Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town, and that the distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes be and hereby is approved.

Section 7. The Treasurer of the Town is hereby authorized to select the registrar, paying agent, and transfer agent (the “Transfer Agent”) for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. That the bonds and notes hereinbefore authorized shall be transferable only on the registration books of the Town kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof (or such other minimum denomination as the Treasurer, in his discretion, may approve) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond or note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 8. In lieu of physical certificates of the bonds and notes hereinbefore authorized, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of bonds, and the Treasurer be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 9. The Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized, all such bonds and notes to bear the original signature of the Treasurer and Chairman of the Town Council, and in case any officer of the Town whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 10. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the bonds and notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.

Section 11. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

Section 12. The Treasurer be and hereby is authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town's intention that the Treasurer, with advice of bond counsel, make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.

Section 13. Any or all of the bonds issued hereunder may be consolidated with and become a part of any other issue of notes or bonds authorized to be issued by any previous or subsequent order or ordinance of the Town Council of the Town of Brunswick.

Section 14. The Treasurer, Chairman of the Town Council, and Clerk and other proper officials of the Town be, and hereby are individually authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be necessary or desirable in order to effect the completion of the Project, the issuance, sale, and delivery of the bonds and notes authorized hereby, and the acceptance of the Other Funds in accordance with the terms and provisions of this Ordinance.

Section 15. In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

Section 16. The term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes all items reflected in the estimated project budget provided to the Council and included with the minutes of this meeting, and also includes: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of demolition and removal, construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction;

and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

Section 17. Any investment earnings on the proceeds of the bonds and notes authorized hereunder and any other unexpended proceeds thereof be and hereby are appropriated for the following purposes:

1. To any costs of the Project in excess of the principal amount of the bonds;
2. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to interest on the bonds or notes or to the Town's General Fund;
3. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter, State law or the Internal Revenue Code.

Section 18. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.

Section 19. If any of the officers or officials of the Town who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes hereinbefore authorized so signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officers and officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

Section 20. If the Treasurer, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

Proposed to Town Council: May 4, 2009

Public Hearing:

Adopted by Town Council:

Item # 79

BACK-UP MATERIALS

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

In accordance with 30-A M.R.S.A. and Section 211 of the Charter of the Town of Brunswick, Maine, notice is hereby given that the Municipal Officers for the Town of Brunswick will hold a Public Hearing in the Meeting Room at the old Times Record Building, 6 Industry Road, Brunswick, Maine, at 7:00 p.m. on Monday, May 18, 2009 to consider the following:

Ordinance Authorizing Issuance of Bonds and Notes or in Principal Amount not to Exceed \$1,000,000 to Finance School Department Energy Conservation Measures

All interested person are invited to attend the public hearing and will be given the opportunity to be heard.

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

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

Frances M. Smith
Town Clerk of Brunswick, Maine

TOWN OF BRUNSWICK, MAINE

ORDINANCE

Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance School Department Energy Conservation Measures

Section 1. The issue and sale of the Town's general obligation bonds (and notes in anticipation thereof) be and is hereby authorized in the aggregate principal amount not to exceed One Million Dollars (\$1,000,000), and the proceeds of said bonds and notes be and hereby are appropriated to finance the Brunswick School Department's energy conservation measures (the "Project"), to reimburse the Town for any prior expenditures on the Project or to refinance the notes, as the case may be.

Section 2. The Town Manager be and hereby is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents, including construction agreements and contracts, purchase and sale agreements, leases, instruments, deeds or other instruments of conveyance, documents and certificates as may be necessary or appropriate as determined by the Town Manager, in connection with the Project or the issuance of the bonds, or notes, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof; provided that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

Section 3. The bonds hereby authorized shall have a term not to exceed 25 years from the date of issuance thereof (whether issued at one time or from time to time) and shall otherwise mature on such date or dates, shall be subject to redemption, shall bear interest at such rate or rates up to a maximum average annual rate of 8.00%, shall be in such minimum denominations, and shall be in such form and to otherwise contain such terms and provisions as the officers or officials executing the same may approve, their approval to be conclusively evidenced by their execution thereof, such bonds to be signed by the Treasurer and to be countersigned by the Chairman of the Town Council, to have the seal of the Town affixed thereon and attested by its Clerk.

Section 4. The maturity(ies), interest rate(s) and sale price of such bonds shall be either set out to bid or negotiated by the Treasurer in such manner as he deems appropriate and in the best interest of the Town and the financing of the above-reference Project and the Treasurer be and hereby is authorized to provide that any of the bonds hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The Treasurer of the Town is hereby authorized to select the underwriter for the bonds and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 5. The Treasurer be and hereby is authorized to select the underwriter for the bonds and notes and the Treasurer of the Town be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 6. The Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town, and that the distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes be and hereby is approved.

Section 7. The Treasurer of the Town is hereby authorized to select the registrar, paying agent, and transfer agent (the “Transfer Agent”) for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. That the bonds and notes hereinbefore authorized shall be transferable only on the registration books of the Town kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof (or such other minimum denomination as the Treasurer, in his discretion, may approve) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond or note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 8. In lieu of physical certificates of the bonds and notes hereinbefore authorized, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of bonds, and the Treasurer be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 9. The Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized, all such bonds and notes to bear the original signature of the Treasurer and Chairman of the Town Council, and in case any officer of the Town whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 10. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the bonds and notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.

Section 11. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

Section 12. The Treasurer be and hereby is authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town's intention that the Treasurer, with advice of bond counsel, make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.

Section 13. Any or all of the bonds issued hereunder may be consolidated with and become a part of any other issue of notes or bonds authorized to be issued by any previous or subsequent order or ordinance of the Town Council of the Town of Brunswick.

Section 14. The Treasurer, Chairman of the Town Council, and Clerk and other proper officials of the Town be, and hereby are, individually authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be necessary or desirable in order to effect the completion of the Project, the issuance, sale, and delivery of the bonds and notes authorized hereby, and the acceptance of the Other Funds in accordance with the terms and provisions of this Ordinance.

Section 15. In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

Section 16. The term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes all items reflected in the estimated project budget provided to the Council and included with the minutes of this meeting, and also includes: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of demolition and removal, construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction;

and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

Section 17. Any investment earnings on the proceeds of the bonds and notes authorized hereunder and any other unexpended proceeds thereof be and hereby are appropriated for the following purposes:

1. To any costs of the Project in excess of the principal amount of the bonds;
2. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to interest on the bonds or notes or to the Town's General Fund;
3. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter, State law or the Internal Revenue Code.

Section 18. The Treasurer and Chairman of the Town Council be and hereby are individually authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.

Section 19. If any of the officers or officials of the Town who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes hereinbefore authorized so signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officers and officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

Section 20. If the Treasurer, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

Section 21. In addition to the authority to issue the bonds and notes herein authorized, and not in lieu thereof, the Town hereby is authorized to execute and deliver a municipal lease purchase agreement, for and on behalf of the Town, with a stated principal amount not to exceed \$1,000,000 with respect to the lease financing of the Project, with a term of not more than 25 years (the "Lease Agreement"), which Lease Agreement shall be in such form and contain such terms and conditions, not inconsistent

herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof.

Section 22. The Town Manager be and hereby is authorized to negotiate, execute, and deliver, for and on behalf of the Town of such other documents and certificates as may be necessary or appropriate as determined by the Town Manager in connection with the Lease Agreement (including any consent to an assignment of the Lease Agreement), which documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof.

Section 23. The Treasurer and the Town Manager be and hereby are authorized to take all action and to deliver all certificates, agreements, instruments and other documents with respect to the Lease Agreement as they would be with respect to the bonds and notes authorized therein.

Section 24. In the event the Town enters into the Lease Agreement with respect to the Project, the authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of the Lease Agreement, the proceeds of which bonds and notes, if issued and at the discretion of the Treasurer, are authorized to be used to refinance said Lease Agreement.

Proposed to Town Council: May 4, 2009
Public Hearing:

Item # 80

BACK-UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6660

FAX 207-725-6663

MEMO

To: Gary Brown, Acting Town Manager

Cc: Anna Breinich, Director of Planning and Development; Jeff Hutchinson, Codes Enforcement Officer

From: Vanessa Levesque, Natural Resources Planner

Date: May 13, 2009

Re: Planning Board Review of Required Shoreland Zoning Changes

The Maine Department of Environmental Protection (DEP) has given municipalities until July 1, 2009 to bring their shoreland zoning regulations into agreement with new State guidelines. In Brunswick, we incorporate the shoreland zone regulations into the Natural Resource Protection Zone (NRPZ). In addition, some of the components of the State guidelines are in other sections of our ordinance (e.g. non-conformity).

The Planning Board held a public hearing on Tuesday, May 12th to review the proposed amendments to the Brunswick Zoning Ordinance sections related to shoreland zoning. The Planning Board made a few minor modifications and then voted unanimously to send the amendments back to the Town Council with their endorsement. The attached draft reflects Planning Board modifications.

The DEP also offered to review the amendment language for consistency with State regulations, and was provided with the same draft that the Planning Board assessed. Comments from DEP will be available prior to the Town Council public hearing. DEP must provide final approval of the amendments after they have been adopted by the Town.

There are numerous minor changes in wording that do not have significant impact on the content of the regulations. The major, substantive proposed changes are summarized below.

- The NRPZ will specifically include protection of coastal bluffs as well as three newly-delineated, specific high value wetland types that protect waterfowl and wading bird habitat, including nesting and feeding areas.
- The Clearing or Removal of Vegetation for Development section has been extensively modified to revise the point system used in determining how much vegetation may be removed, and to close a loophole that allowed small caliper trees to be removed.

- The Commercial Marine Activities section has been replaced with a broader section on Piers and Docks that more closely resembles required State guidelines and which provides much more specific guidance regarding construction of docks and piers, and other structures extending below the high water line. Commercial marine activities are still referred to Section 306.7.
- Roads and driveways providing access to permitted structures within the shoreland zone are now specifically required to abide by setbacks except for that portion necessary for direct access.
- We are recommending that the Town repeal the Timber Harvesting section of the ordinance and allow the State to administer and enforce statewide standards for timber harvesting in the shoreland zone.
- We are recommending that the Signs section of the NRPZ simply refer to the Signs section of the Zoning Ordinance to avoid duplication or contradiction.
- A new sub-section has been created in the Non-Conformity section (304) specifically for the NRPZ and related paragraphs have been moved to this section.
- If an entire non-conforming structure can be relocated beyond the required setback, no portion of the reconstructed structure may now be less than the setback requirement. In addition, if vegetation was removed in the setback to reconstruct a structure, it must be replanted. Specific guidelines are provided for the replanting of vegetation.
- The Appeals section of the Ordinance (703.4) has been changed to require that appeal requests and decisions be sent to DEP.
- Definitions have been added or changed as needed.

In addition to the proposed amendments above, the DEP requested a few changes that we have not made in our ordinance. Most of these are not applicable to Brunswick because of the structure of our ordinance (e.g. we do not use the shoreland zoning map divisions suggested by DEP). The primary section we choose not to adopt is DEP's language to allow for some specific types of retaining walls not necessary for erosion control. DEP allowed municipalities to choose not to adopt this language providing we are not less restrictive. Brunswick currently regulates retaining walls in the shoreland zone and we suggest not making the exceptions allowed by the State. We have also chosen not to adopt some of the definitions as written by the State if we already have a functionally similar definition.

At this point, I request that the Town Council set a Public Hearing for June 1st to review the proposed amendments. On June 1st the Council would hold the hearing and adopt the Ordinance, so that it would go into effect by July 1st.

Thank you very much. Please feel free to contact me should you have any questions.

211 NATURAL RESOURCE PROTECTION ZONE (NRPZ)

211.1 DEFINITION OF ZONE

The Natural Resource Protection Zone consists of the following areas:

- A. **Shoreland Area:** ~~The land area located within two hundred and fifty (250) feet of the normal high water line of any river or saltwater body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy five (75) feet of the normal high water line of a stream. (Amended 11/18/02 R)~~
All land areas within 250 feet, horizontal distance, of the:
- normal high-water line of any river,
 - upland edge of a coastal wetland, including all areas affected by tidal action, or
 - upland edge of a freshwater wetland,
- and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.
- This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.
- B. **Special Flood Hazard Area:** Any land in the floodplain lying within the 100-year flood boundary as delineated on the Flood Insurance Rate Map of the Town as part of the National Flood Insurance Program.

211.2 ADDITIONAL REQUIREMENTS FOR THE SHORELAND AREA

211.2.A PRINCIPAL AND ACCESSORY STRUCTURES

211.2.A.1

No new principal or accessory structures, except structures which require direct access to the water as an operational necessity (including but not limited to piers, docks, retaining walls and public waterfront trails, but excluding recreational boat storage buildings) shall be located within any of the following areas:

- a. Areas within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river ~~or tidal area~~; or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. (Amended 11/18/02 R)
- b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) ~~as of January 1, 1973 as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP,~~ and as shown on the Brunswick Official Zoning Map; ~~with exception of those areas which are currently developed.~~ These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values (see also section 211.2.A.3). (Amended 5/17/99 E/R)
- c. Water and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination.
- ed. Flood plains adjacent to tidal ~~areas~~waters, rivers and flood plains along artificially formed great ponds along

rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps Flood Boundary and Floodway Maps or the flood of record.

~~de.~~ Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

~~ef.~~ Areas of two (2) or more contiguous acres of wetlands which are not part of a freshwater or coastal wetland and which are not surficially connected to a river, tidal ~~area-waters~~ or stream during the period of normal spring-high water. (Amended 11/18/02 R)

~~fg.~~ Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

211.2.A.2

Proposals for new Principal and Accessory structures requiring direct access to the water as an operational necessity are subject to the provisions of section 306.7.

211.2.A.3 Special Resource Protection Permit

Properties that were created prior to June 6, 1994 and that are located in a Resource Protection Area as defined under 211.2.A.1(b); and those properties created prior to November 18, 2002 that lie within the Natural Resource Protection Zone of a stream created after November 18, 2002 may be developed with single family residential structures by a Special Resource Protection Permit if the Staff Review Committee makes a positive finding that the applicant has demonstrated that all of the following conditions are met: (Amended 9/4/01 R, 11/18/02 R)

1. There is no location on the property, other than a location within the Resource Protection Area, where the structure can be built.
2. The lot was established and recorded in the Cumberland County Registry of Deeds prior to June 6, 1994 if applying for a Special Resource Protection Permit in the Resource Protection Area, or November 18, 2002 if applying for a Special Resource Protection Permit in a stream NRPZ created after November 18, 2002.
3. ~~The All~~ proposed ~~location of all~~ buildings, sewage disposal systems and other improvements are:
 - a. Located on natural ground slopes of less than 20%; and
 - b. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.
If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.
4. The total ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a waterbody or upland edge of a coastal or freshwater wetland to the greatest practical extent, but not less than 125 feet, horizontal distance; or not less than ~~25-75~~ feet, horizontal distance from a stream. In determining the greatest practical extent, the Staff Review Committee shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands. (Amended 9/4/01 R, 11/18/02 R) (Amended 5/17/99 E/R)

211.2.B AGRICULTURE

211.2.B.1

All spreading ~~or disposal~~ of manure shall be accomplished in conformance with the ~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the University of Maine Soil and Water Conservation Commission in July 1972, or the latest revision thereof.~~ Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

211.2.B.2

Manure shall not be stored or stockpiled within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river, or tidal ~~area~~ waters; or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. ~~Within five (5) years of the effective date of this ordinance~~ aAll manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. ~~Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.~~

211.2.B.3

Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, ~~or the spreading, disposal or storage of manure~~ within the Shoreland Area shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this ordinance. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District Office.

211.2.B.4

~~After the effective date of this ordinance, n~~Newly established fields which require tilling of soil shall not be permitted within seventy-five (75) feet, horizontal distance, of the normal high water line of any river, tidal area-waters or stream; nor of the upland edge of a coastal or freshwater wetland.

The tilling of fields associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such tilling is conducted in accordance with a Soil and Water Conservation Plan.

211.2.B.5

~~After the effective date of this ordinance, n~~Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of normal high water line of a river, tidal area coastal or freshwater wetland or stream; ~~nor within twenty five (25) feet, horizontal distance of the upland edge of a coastal or freshwater wetlands.~~

Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

211.2.C BEACH CONSTRUCTION

Before beach construction is commenced, an applicant must obtain a permit from the Department of Environmental Protection and site plan approval by the Planning Board.

211.2.D CLEARING OR REMOVAL OF VEGETATION FOR DEVELOPMENT ACTIVITIES OTHER THAN TIMBER HARVESTING

211.2.D.1

Except to allow for development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high water line of a river, tidal ~~area-waters~~ or stream; seventy-five (75) feet, horizontal distance, from the upland edge of a coastal or freshwater wetland; a buffer strip of vegetation shall be preserved as follows: (Amended 11/18/02 R)

- a. There shall be no cleared opening greater than 250 s.f. in the forest canopy (~~or other existing woody vegetation if a forested canopy is not present~~) as measured from the outer limits of the tree ~~or shrub~~ crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks ~~and/or shrub stems~~ is ~~permitted-allowed~~ provided that a cleared line of sight to the water through the buffer strip is not created.
- b. Selective cutting of trees within the buffer strip is ~~permitted-allowed~~ provided that a well distributed stand of trees and other ~~natural~~ vegetation is maintained. For the purposes of ~~this s~~Section ~~211.2.D.1~~ a "well-distributed stand of trees ~~and other vegetation~~" shall be defined as maintaining a rating score of ~~12-24~~ or more in any 25 foot by ~~25-50~~ foot ~~square-rectangle~~ (~~625-1250~~ s.f.) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet above ground level (inches)	Points
2-4 in.	1
>4-12 <8 in.	2
>8 <12 in.	4
<u>12 in or greater</u>	<u>8</u>

Note: As an example, if a 25-foot x ~~25-50~~ foot plot contains ~~three (3)~~four (4) trees between 2 and 4 inches in diameter, ~~two trees between 4 and 8 inches in diameter~~, three trees between ~~4-8~~ and 12 inches in diameter, and ~~three-two~~ trees over 12 inches in diameter, the rating score is: ~~(3x14x1) + (2x2) + (3x23x4) + (3x42x8) = 21-36~~ points Thus, the 25 foot by ~~25-50~~ foot plot contains trees with ~~21-36~~ points. Trees ~~totalling~~totaling 9-12 points (~~21-36-12-24 = 9-12~~) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- i. The 25 foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- ii. Each successive plot must be adjacent to, but not overlap a previous plot;
- iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- v. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 211.2.D.1 "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangular areas. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a foot path or other permitted uses as described in Section 211.2.D.1 paragraph 1a-paragraphs 1(a)

and (b) above.

- d. Pruning of tree branches, on the bottom 1/3 of the tree is ~~permitted~~allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

~~The provisions contained in s~~Section 211.2.D.1 ~~shall does~~ not apply to those portions of public recreational facilities adjacent to public swimming areas. ~~C as long as~~ cleared areas, ~~however, shall beare~~ limited to the minimum area necessary.

211.2.D.2

~~At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, stream, or the upland edge of a wetland. In those areas not within the strip of land described in paragraph D.1. above, except to allow for the development of permitted uses,~~ there shall be ~~permitted-allowed~~ on any lot, in any ten (10) year period, selective cutting of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40%) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for ~~development~~any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland area or ten thousand (10,000) square feet, whichever is greater, including land previously ~~developed~~cleared.

211.2.D.3

~~Cleared-Legally existing cleared~~ openings ~~legally in existence on the effective date of this ordinance~~ may be maintained, but shall not be enlarged, except as ~~permitted-allowed~~ by this ~~e~~Ordinance. This rule applies specifically to continued maintenance, but not enlargement of lawns, gardens, and agricultural fields and pastures in existence at the effective date of this amendment. (11/18/02 R)

211.2.D.4

Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of ~~this s~~Section 211.2.D.

211.2.D.5

The clearing of vegetation shall be limited to that which is necessary for permitted uses in the following areas:

- a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973, as amended.
- b. Flood plains adjacent to tidal ~~areas~~waters, rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Boundary and Floodway Maps or the flood of record.
- c. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
- d. Areas of two (2) or more contiguous acres of wetlands which are not part of a freshwater or coastal wetland and which are not surficially connected to a river, tidal ~~area~~waters or stream during the period of normal spring-high water. (11/18/02 R)

- e. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs. Land along the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map.

211.2.D.6

The vegetation clearing standards of this ordinance can be exceeded on a temporary basis with prior written approval of the Codes Enforcement Officer under the following conditions:

- a. The work shall be completed by a qualified professional under the supervision of a public natural resource agency or municipal department exclusively for the purpose of controlling the spread of invasive species and restoring natural areas.

- b. Woody species removed that exceed the required stand scoring limits are non-native invasive species including: Norway Maple (*Acer platanoides*), Japanese barberry (*Berberis thunbergii*), Asiatic bittersweet (*Celastrus orbiculata*), glossy buckthorn (*Frangula alnus*), Morrow’s honeysuckle (*Lonicera morrowii*), Japanese honeysuckle (*Lonicera japonica*), Tartarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), or other species identified as woody invasive plants by the Maine Natural Areas Program (MNAP).

If removal of these species exceeds the required stand scoring limits, native species will be planted to return the area to compliance with the “well distributed stand” definition as specified in 211.2.D.1.b prior to the start of the next growing season.

- c. Non-native invasive woody species under three (3) feet in height and herbaceous invasive species including Japanese knotweed (*Fallopia japonica*), purple loosestrife (*Lythrum salicaria*), and other species identified as invasive plants by the Maine Natural Areas Program (MNAP) can be removed if the area is replanted and monitored for the successful establishment of native species at an equal or greater density than the species removed.

- d. Temporary erosion control measures shall be installed prior to the start of the activity if the invasive species removal effort has the potential to result in erosion of soil into the resource.

- e. All disturbed areas shall be permanently stabilized.

(Amended 11/18/02 R)

211.2.E EROSION AND SEDIMENTATION CONTROL

211.2.E.1

Activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Planning Board or Codes Officer in accordance with this ordinance for approval and shall include, where applicable, provisions for:

- a. Mulching and revegetation of disturbed soil.

- b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

- c. Permanent stabilization such as retaining walls or rip-rap.

211.2.E.2

In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

211.2.E.3

Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

211.2.E.4

Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
- b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
- c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

211.2.E.5

Natural and artificial drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

211.2.F MINERAL EXPLORATION AND EXTRACTION

All mineral exploration and extraction must conform to requirements of Section 306.6 of this ordinance. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A special exception from the Zoning Board of Appeals shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, ~~so as~~ to restore disturbed areas and to protect the public health and safety. Mineral extraction may be permitted under the following conditions:

211.2.F.1.

A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe, in detail, procedures to be undertaken to fulfill the requirements of ~~paragraph 4~~Section 211.2.F.3 below.

211.2.F.2.

No new gravel pits may be developed within the Shoreland Area unless it can be demonstrated that no reasonable alternative exists outside the zone. When gravel pits must be located within the zone, they shall be set back as far as practicable, and, at a minimum, in conformance with the setback standards below.

No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred twenty five (125) feet, horizontal distance, of the normal high water line of a river or tidal ~~area~~waters; or one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or seventy-five (75) feet, horizontal distance, of a stream. Gravel pits shall be screened from ~~a the river resource(s)~~ by ~~existing~~ vegetation. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

~~3. Unless authorized pursuant to the Natural Resource Protection Act, Title 28, M.R.S.A. Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within seventy five (75) feet, horizontal distance, of the normal high water line of a stream. Extraction operations shall not be permitted within seventy five (75) feet of any property line, without written permission of the owner of such adjacent property.~~

211.2.F.3.

Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

- a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on-site may be buried or covered on-site.
- b. The final graded slope shall be two and one half to one (2 1/2:1) or flatter.
- c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional top soil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

211.2.F.4.

The Planning Board may impose such other considerations as necessary to minimize adverse impacts associated with mineral extraction operations on surrounding uses and resources.

211.2.G

COMMERCIAL MARINE ACTIVITIES – PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND

- a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- b. The location shall not interfere with existing developed or natural beach areas.
- c. The facility shall be located so as to minimize adverse effects on fisheries.
- d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- e. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- f. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Codes Enforcement Officer that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- a.g. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of waterbody or within a wetland shall be converted to residential dwelling units.
- h. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- i. Commercial marine activities and piers, docks, wharves, breakwaters, causeways, marinas, bridges and other structures projecting into water bodies must conform to the provisions outlined in Section 306.7.

Note: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C. Permits may also be required from the Army Corps of Engineers if

located in navigable waters.

~~Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet long and other structures projecting into water bodies are marine activities. In addition to federal or state permits which may be required for such structures, they must conform to the provisions outlined in Section 306.7.~~

~~No new structures built on, over or adjacent to a marine activity shall exceed a height of twenty feet (20') measured vertically from the existing grade elevation or the normal high water level over which such new structure is built. No existing structures built on, over or adjacent to a marine activity shall be converted to a residential dwelling.~~

211.2.H ROADS AND DRIVEWAYS

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

211.2.H.1

Unless no reasonable alternative exists as determined by the Planning Board, roads and driveways shall be set back at least one hundred twenty-five (125) feet, horizontal distance, from the normal high-water line of a river or tidal area waters; one hundred twenty-five (125) feet, horizontal distance, from the upland edge of any coastal or freshwater wetland; seventy-five (75) feet from the normal high water line of a stream. If no reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the protected resource(s). Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the protected resource(s).

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

~~This paragraph shall neither~~ Section 211.2.H.1 does not apply to approaches to water crossings ~~nor~~ to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 211.2.H.1 except for that portion of the road or driveway necessary for direct access to the structure.

211.2.H.2

New roads and driveways are prohibited in the areas described in section 211.2.A.1. except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the those areas, ~~or as approved by the Planning Board~~ upon a finding that no reasonable alternative route or location is available outside of those areas, in which case the road and/or driveway shall be set back as far as practicable from the protected resource.

211.2.H.3

Existing public roads may be expanded within the legal road right-of-way regardless of ~~its~~ their setback from a water body, stream or wetland.

211.2.H.4

Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 211.2.E.

211.2.H.5

Road and driveway grades shall be no greater than ten (10) percent except for ~~short~~ segments of less than two hundred (200) feet.

211.2.H.6

In order to prevent road ~~and driveway~~ surface drainage from directly entering a protected resource, roads ~~and driveways~~ shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope in horizontal width between the outflow point of the ditch or culvert and the normal high water line of a river, tidal ~~area-waters, of a~~ stream, or upland edge of a coastal or freshwater wetland. The unscarified buffer strip along a stream shall be twenty-five (25) feet in horizontal width. ~~Road-s~~Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

211.2.H.7

Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified bufferstrips before the flow ~~in the road or ditches~~ gains sufficient volume or head to erode the road, ~~driveway~~ or ditch.

To accomplish this, the following shall apply:

- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced ~~along the~~along the road, ~~or driveway~~ at intervals no greater than indicated in the following table:

Road Grade (in percent)	Spacing (in feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- b. Drainage dips may be used in place of ditch relief culverts only where the ~~road~~ grade is ten (10) percent or less.
- c. On ~~road~~ sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed ~~across the road~~ at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road ~~or driveway~~.
- d. Ditch relief shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

211.2.H.8

Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads ~~and driveways~~ shall be maintained on a regular basis to assure effective functioning.

211.2.I TIMBER HARVESTING

Section 211.2.I in its entirety is to be repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the Bureau of Forestry will administer and enforce the statewide standards for timber harvesting in shoreland areas.

211.2.I.1 Timber Harvesting shall conform with the following provisions:

- a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - i. Within seventy-five (75) feet, horizontal distance, of the normal high-water line of a river, tidal ~~area-waters~~

or stream; or within seventy-five (75) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

ii. In areas outside of those described in paragraph i. above, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

c. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a river, tidal ~~area~~ waters or stream. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground. Any debris that falls below the normal high- water line of a water body shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soils and the normal high water line of a river, tidal ~~area~~ waters, or stream; or upland edge of a coastal or freshwater wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the river, tidal ~~area~~ waters, stream, coastal wetland or freshwater wetland, provided however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the protected resource.

In addition, an unscarified strip of vegetation of at least seventy-five (75) feet in width shall be retained between the exposed mineral soils and the normal high-water line of a stream.

211.2.J CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing and permitting procedures and the following:

211.2.J.1.

The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings, shall be set back a minimum horizontal distance of one hundred twenty-five (125) feet, horizontal distance, from the normal high-water mark line of a river or tidal ~~area~~ waters, or the upland edge of a coastal or freshwater wetland; seventy-five (75) feet, horizontal distance from the normal high water line of a stream .

211.2.J.2.

All campgrounds are subject to approval of the Planning Board through site plan review and the Department of

Human Services.

211.2.K SANITARY STANDARDS

As well as meeting all requirements of the State of Maine Subsurface Wastewater Disposal Rules, all on-site septic systems located within the Shoreland Area shall meet the following additional standards:

211.2.K.1

All parts of all types of subsurface wastewater disposal systems shall be setback a minimum horizontal distance of one hundred twenty-five (125) feet from the normal high water line of a river or tidal ~~area~~waters; one hundred twenty-five feet from the upland edge of a coastal or freshwater wetland; seventy-five (75) feet from the normal high water line of a stream (Amended 5/21/01).

The clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than one hundred twenty-five (125) feet, horizontal distance from the normal high water line of a river, tidal ~~area~~waters, or coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, from the normal high water line of a stream. A holding tank is not allowed for a first-time residential use in the shoreland zone.

211.2.K.2

The Local Plumbing Inspector may approve a request concerning the setback of a replacement subsurface wastewater disposal system, if a report, prepared by a soils scientist or site evaluator registered in the State of Maine, is submitted and accepted stating that

- a. the existing system is failing
- b. no suitable location exists outside the setbacks and
- c. the proposed location meets the required setbacks to the great extent.

(Amended 5/21/01)

211.2.K.3

Setbacks for new subsurface wastewater disposal facilities in the Shoreland Zone cannot be reduced by variances.

211.2.L OVERBOARD DISCHARGE SYSTEMS

Overboard discharge from a sewage disposal system, in which sewage, chlorinated or otherwise, flows into a protected resource is prohibited. Systems licensed prior to the passage of this amendment may continue as long as they are in compliance with all appropriate state law and do not involve expansion of the existing system.

211.2.M WATER QUALITY

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body .stream or wetland.

211.2.N SIGNS

~~Identification signs cannot be more than 10 square feet and rental signs can not be more than 3 square feet. All other signs shall not exceed 6 square feet in size. The use of signs in the NRPZ must adhere to Sections 601 through 604.~~

211.2.O INDIVIDUAL PRIVATE CAMPSITES

Individual, private campsites not associated with campgrounds are ~~permitted~~-allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this ordinance, or thirty thousand (30,000) s.f. of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be setback one hundred twenty five (125) feet, horizontal distance, from the normal high water line of a river or tidal ~~area~~waters, or from the upland edge of a coastal or freshwater wetland; seventy-five (75) feet, horizontal distance from the normal high water line of a stream.
3. Only one recreational vehicle shall be allowed on a campsite. The rRecreational vehicles shall not be located on any type of permanent foundation and no structure(s) except canopies shall be attached to the recreation vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter shall be limited to one thousand (1,000) s.f.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off site, written authorization from the receiving facility or land owner is required.
6. No recreational vehicles, tent or similar shelter shall be placed on-site for more than one hundred and twenty (120) days per year.

211.2.P SOILS

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by a state certified professional. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevations, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

211.2.Q ARCHAEOLOGICAL SITES

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission, shall be submitted to that Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the commission prior to rendering a decision on the application. A list of Historic Places, compiled by the Maine Historic Preservation Commission, will be kept on file in the ~~planning~~ Planning and Codes Enforcement Offices.

A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

211.2.R PARKING AREAS

211.2.R.1

Parking areas shall meet the shoreline setback requirements for structures. If the Planning Board finds that no reasonable alternative exists, the setback requirement for parking areas serving public or private boat launching facility may be reduced to no less than fifty (50) feet from the normal high water line of a river, tidal ~~area~~waters, stream; or no less than fifty (50) feet from the upland edge of a coastal or freshwater wetland.

211.2.R.2

Parking areas shall be designed to prevent stormwater runoff from flowing directly into a protected resource, and where feasible, to retain all runoff on site.

211.2.R.3

Parking areas shall conform with the design and performance standards of Section 512. In addition parking spaces for vehicles with boat trailers shall be 40' in length.

211.2.S STORM WATER RUNOFF

211.2.S.1

All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

211.2.S.2

Direct discharge of stormwater into any water body shall be avoided.

211.2.S.3

Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

211.2.T ESSENTIAL SERVICES

211.2.T.1

Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

211.2.T.2

The installation of essential services, other than road-side distribution lines, is not ~~permitted~~allowed in the Shoreland Area except to provide services to a permitted use within the district, or except where the applicant demonstrates that no reasonable alternative exists. Where ~~permitted~~allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

211.2.T.3

Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

CHAPTER THREE: SPECIFIC DIMENSIONAL AND USE PROVISIONS

The purpose of this Chapter is to set forth more specific requirements than those found in Chapter 2. These requirements pertain to circumstances found throughout the Town in all zones. The standards set forth in this Chapter shall prevail over the requirements of any other chapter, with the exception that any conflicting standards found in an Overlay Zone shall prevail.

[Sections omitted for ease of editing and review]

304 NON-CONFORMITY

304.1 CONTINUANCE

The non-conforming use of land, building or structure existing on the effective date of this Ordinance may be continued, even though such use does not conform to this Ordinance. (Amended 1/19/99 R)

304.2 DISCONTINUANCE

If the nonconforming use of land, building or structure is discontinued for thirty-six (36) consecutive months, as determined by the Codes Enforcement Officer, it may thereafter be developed only as a permitted use or Special Permit in accordance with Section 701 except as modified in section 304.2.A. (Amended 1/19/99 R)

304.2.A Discontinuance in the APZ ~~and NRPZ~~

If the nonconforming use of land, building or structure in the APZ ~~or NRPZ~~ is discontinued for twelve (12) consecutive months, as determined by the Codes Enforcement Officer, it may thereafter be developed only as a permitted use, or Special Permit in accordance with Section 701. (Amended 1/19/99 R)

304.3 CHANGE OF USE

A non-conforming use may be changed to a permitted use in the zoning district in which it is located; for Non-Classified or Omitted Uses, a Special Permit must be obtained from the Planning Board pursuant to Section 701.

304.4 STRUCTURES DAMAGED OR DESTROYED BY FIRE OR OTHER DISASTER

304.4.A Where a structure which houses a non-conforming use, or a structure which does not comply with current zoning provisions is destroyed by fire or other disaster, the owner of the structure has two years during which to obtain a building permit to restore it to its original condition or lose any vested rights. (Amended 1/20/04 R)

~~304.4.B Reconstruction and Replacement in NRPZ~~

~~Reconstruction or replacement of non-conforming structures that have been damaged or destroyed by more than 50% of their market value is allowed under the following conditions:~~

- ~~1. A building permit is obtained for reconstruction or replacement within one year and; (Amended 1/20/04 R)~~
- ~~2. to the greatest extent practical, the structure meets setback requirements.~~
- ~~3. In no case shall a structure be reconstructed or replaced in a manner that increases its non-conformity.~~

~~The Staff Review Committee shall review all reconstruction or replacement of structures damaged by over 50% using the standards listed in this section and section 211.3.E. For structures with 50% or less damage, the Codes Enforcement Officer may issue a building permit provided the structure is reconstructed in place and meets the standards listed in this section. (Amended 1/19/99 R, 10/15/01 R)~~

304.5 EXPANSION OF A NON-CONFORMING USE

304.5.A As Of Right

Any non-conforming use may be expanded by not more than 1,000 square feet over a 5-year period as a matter of right, provided that no new non-conformity is created.

304.5.B By Special Exception

A non-conforming use may be expanded by Special Exception by the Zoning Board of Appeals, in accordance with Section 703.3 of this Ordinance, provided that no new non-conformity is created.

304.6 EXPANSION OF NON-CONFORMING BUILDING OR STRUCTURE WITHOUT VARIANCE

A building or structure that is non-conforming with regard to dimensional requirements may be expanded, altered and/or replaced subject to the following. (Amended 6/19/00 R)

304.6.A The expansion alteration and/or replacement shall not cause a new non-conformity. (Amended 6/19/00 R)

304.6.B The construction of an additional story or upper floor space over an existing first floor space, where the first floor is located within a required setback is allowed and is not considered to increase the non-conformity or create a new non-conformity.

304.6.C The expansion may occur within a required setback if an existing non-conforming setback exists, and the expansion does not extend beyond the non-conforming setback line established by the building or structure which is being expanded.

~~304.6.D **Expansions in NRPZ.** A non-conforming structure may be added to or expanded after obtaining a permit from the Codes Enforcement Officer if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (1) and (2) below. (Amended 10/15/01 R)~~

~~304.6.D.1 If any portion of a structure is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the structure existing as of January 1, 1989 shall not be expanded, as measured in floor area or volume, by 30% or more during the lifetime of the structure. (Amended 10/15/01 R)~~

~~304.6.D.2 Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:~~

~~a. The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Codes Enforcement Officer, basing its decision on the criteria specified in Section 304.7, below;~~

~~b. The completed foundation does not extend beyond the exterior dimensions of the structure; and~~

~~c. The foundation does not cause the structure to be elevated by more than three (3) feet.~~

(Amended 10/15/01 R)

~~304.7 RELOCATION~~

~~A non-conforming structure may be relocated within the boundaries of the parcel on which it is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by Staff Review Committee and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and Rules. In no case shall a structure be relocated so that it is more non-conforming. (Amended 1/19/99 R, Amended 10/15/01 R)~~

~~In determining whether the building relocation meets the setback to the greatest practical extent, the Staff Review Committee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. It is the responsibility of the applicant to provide this information to the Board. (Amended 1/19/99 R)~~

304.87 NON-CONFORMING LOTS

304.87-A Where a non-conforming lot of record was part of a subdivision approved in conformance with Town and State subdivision regulations and statutes, said lot may be constructed upon in accordance with the zoning requirements in effect at the time the lot was lawfully established, provided the proposed use is a permitted one. However, such zoning requirements shall apply only to new construction upon a vacant lot. (Amended 1/19/99 R)

304.87-B For any non-conforming lot of record lawfully established prior to the existence of subdivision review or where a subdivision review was not required in accordance with appropriate laws, and where the lot area or frontage, or both, is less than the minimum standard of this ordinance, said lot may be used as permitted in the zoning district in which it is located, provided the minimum yard setback requirements are complied with. (Amended 1/19/99 R)

304.87.C Where a non-conforming lot cannot meet the yard setback requirements of this ordinance, the Zoning Board of Appeals may grant a variance in accordance with Section 703.2. No variance shall be granted if the lot is in common ownership with an adjacent lot, and the combined lot satisfies ordinance requirements. (Amended 1/19/99 R)

304.8 NON-CONFORMITY IN THE NATURAL RESOURCE PROTECTION ZONE (NRPZ)

~~Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more con-forming.~~

304.8.A Discontinuance in the NRPZ

If the nonconforming use of land, building or structure in the NRPZ is discontinued for twelve (12) consecutive months, as determined by the Codes Enforcement Officer, it may thereafter be developed only as a permitted use, or Special Permit in accordance with Section 701.

304.8.A.1 Change of Use in the NRPZ

The use of a non-conforming structure may be changed to another use in accordance with Section 702. A written application must be submitted to the Planning and Development Department demonstrating that the new use will have no greater adverse impact on the water body, stream, or wetland, or on the adjacent properties and resources than the existing use.

To determine that no greater adverse impact will occur, the written documentation from the applicant must assess the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

304.8.B **Reconstruction and Replacement in NRPZ**

Reconstruction or replacement of non-conforming structures that have been damaged or destroyed, regardless of the cause, by more than 50% of their market value is allowed under the following conditions:

1. A building permit is obtained for reconstruction or replacement within one year and; (Amended 1/20/04 R)
 - a. To the greatest extent practical, the structure meets water body, stream or wetland setback requirements.
 - b. In no case shall a structure be reconstructed or replaced in a manner that increases its non-conformity.

2. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 304.9.C below, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 304.9.D below.

The Staff Review Committee shall review all reconstruction or replacement of structures damaged by over 50% using the standards listed in this section and section 211.3.E.

For non-conforming structures with 50% or less damage, the Codes Enforcement Officer may issue a building permit provided the structure is reconstructed in place and meets the standards listed in this section. (Amended 1/19/99 R, 10/15/01 R)

304.8.C **Expansions in NRPZ.** A non-conforming structure may be added to or expanded after obtaining a permit from the Codes Enforcement Officer if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (1) and (2) below. (Amended 10/15/01 R)

304.8.C.1 If any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure existing as of January 1, 1989 shall not be expanded, as measured in floor area or volume, by 30% or more during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 304.9.B, and is less than the required setback from a water body, stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989

had been expanded by 30% in floor area and volume since that date. (Amended 10/15/01 R)

304.8.C.2

~~Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided: Whenever a new, enlarged, or replacement foundation is constructed under a non-confirming structure, the~~

~~a. The structure and new foundation are must be~~ placed such that the setback requirement is met to the greatest practical extent as determined by the Codes Enforcement Officer, basing its decision on the criteria specified in Section ~~304.7, below~~ 304.9.D; below. ~~If:~~

~~b. The completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 304.9.C.1 above;~~ and

~~e. The foundation does not cause the structure to be elevated by more than three (3) feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.~~

(Amended 10/15/01 R)

304.8.D

RELOCATION IN THE NRPZ

A non-confirming structure may be relocated within the boundaries of the parcel on which it is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by Staff Review Committee and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and Rules. In no case shall a structure be relocated so that it is more non-confirming. (Amended 1/19/99 R, Amended 10/15/01 R)

In determining whether the building relocation meets the setback to the greatest practical extent, the Staff Review Committee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. It is the responsibility of the applicant to provide this information to the Board. (Amended 1/19/99 R)

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Staff Review Committee shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- i. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- i-ii. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

CHAPTER SEVEN: ADMINISTRATION AND ENFORCEMENT

701 Special Permits for Unclassified and Omitted Uses

Unclassified and Omitted Uses (See Chapter Two, Part One, Section 2) may be allowed upon the issuance of a Special Permit by the Planning Board and upon ratification by the Town Council as described in Section 701.1.

[Sections omitted for editing and review ease]

703.4 Appeals to the Zoning Board of Appeals

A. Making An Appeal.

1. Administrative review appeals from decisions of the Codes Enforcement Officer, Planning Board or Village Review Board shall be taken no later than 30 days after the decision is rendered. Variance appeals and special exception appeals do not require a prior decision of the Codes Enforcement Officer or a board and are not subject to this time limit.
2. Such appeal shall be made by filing in the Office of the Codes Enforcement Officer a written notice of appeal specifying the grounds for such appeal. For an appeal seeking a variance or special exception, the applicant shall submit:
 - a. A sketch drawn to scale or photograph showing lot lines, location of existing buildings and other physical features pertinent to the variance request.
 - b. A concise written statement stating what variance or special exceptions is requested.
3. Upon being notified of an appeal, the Codes Enforcement Officer, the Planning Board or Village Review Board, as the case may be, shall transmit to the Zoning Board all of the papers specifying the record of the decision appealed from. Each appeal shall be accompanied with the fee designated by the Town Council. The Zoning Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days after the filing of the appeal.
4. A copy of each variance request located in the NRPZ, including the application and all supporting information supplied by the applicant, shall be forwarded by the Codes Enforcement Officer to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Zoning Board of Appeals. Any comments received from the Commissioner prior to the action by the Zoning Board of Appeals shall be made part of the record and shall be taken into consideration by the Zoning Board of Appeals.

B. Procedure on Appeal

1. At least seven (7) days prior to the date of the hearing on such appeal, the Zoning Board shall cause to be published in one issue in a newspaper of general circulation in Brunswick a notice which includes:
 - a. The name of the person appealing.
 - b. A brief description of the property involved, including the street address.
 - c. A brief description of the decision appealed from, or the nature of a variance or special exception.
 - d. The time and place of the Zoning Board's hearing.

2. At least ten (10) days prior to the date set for hearing, the Board shall give similar written notice to:
 - a. All property owners of record whose properties lie within 200 feet (200') of the perimeter of the affected property,
 - b. The person making the appeal, and
 - c. The Codes Enforcement Officer, Planning Board or Village Review Board, as the case may be, and any other person requesting notice.
3. The notice will be sent via U.S. Mail, postage prepaid to those persons as listed on the town's tax records.

C. Hearings

1. In hearing an administrative review appeal from a decision of the Codes Enforcement Officer, Planning Board or Village Review Board, the Zoning Board of Appeals shall
 - a. Examine all application documents, Ordinance requirements and Finding of Fact and Conclusions prepared by the Codes Enforcement Officer or Board whose decision is being appealed.
 - b. Determine on the basis of the entire record presented to the Codes Enforcement Officer or the Board whose decision is appealed from whether the Codes Enforcement Officer or such Board could reasonably have found the facts and reached the conclusions upon which the decision under appeal was based.
 - c. Determine whether the prior Board's decision was based on substantial evidence.
 - d. Not substitute the judgement of the Zoning Board of Appeals for the judgement of the Codes Enforcement Officer or the Board whose decision is under appeal.
 - e. If the Zoning Board finds that the Codes Enforcement Officer or the Board was not erroneous in its review of the application, the original determination shall be upheld.
2. The Zoning Board may find that all or portions of the decision were faulty, in which case the Board may remand that portion of the application to the Codes Enforcement Officer, Planning Board or Village Review Board for reconsideration, with recommendations that the prior Board make additional findings of fact and conclusions to enable the Zoning Board of Appeals to complete its evaluation of the appeal. In the case of such a remand, the appeal before the Board of Appeals shall remain pending until the Codes Enforcement Officer or Board whose decision is on appeal acts on the remand and reports its action to the Board of Appeals, which shall then make a final decision on the appeal. The decision of the Board of Appeals to remand is not final action by the Board of Appeals and is not appealable to Superior Court.
3. At a hearing on any appeal, the appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the chair. All persons at the hearing shall abide by the order of the chair.
4. At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause.
5. If a party does not attend a hearing and is not otherwise represented, its case will be deemed to have been withdrawn without prejudice to refile the appeal. The filing fee will not be refunded to any applicant

whose appeal is withdrawn in this manner.

6. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

703.5 Decisions of the Zoning Board of Appeals

- A. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to:
 1. reverse any order, requirement, decision or determination of the Codes Enforcement Officer, Planning Board or Village Review Board;
 2. to grant a variance;
 3. to grant a special exception; or
 4. to decide in favor of the applicant on any matter which the Board is required to decide under this Ordinance.
- B. The Zoning Board shall decide all appeals within at least thirty (30) days after hearing, unless the Board and the applicant agree to a longer time, and shall issue a written decision on all Appeals.
- C. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion is presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Codes Enforcement Officer, Planning Board or Village Review Board, as the case may be, and the Municipal Officers within seven (7) days of the decision date.
- D. A special exception or variance granted under the provisions of this Ordinance by the Zoning Board of Appeals shall expire if the work or change involved is not completed within two (2) years of the date on which the special exception or variance is granted.
- E. All variances granted by the Zoning Board of Appeals shall be recorded in the Cumberland County Registry of Deeds in accordance with 30-A M.R.S.A. Section 4353(5).
- F. Once an appeal has been denied, a second appeal of a similar nature with regard to the same building or property may not be brought to the Board within six months. (Amended 6/19/00 R)
- G. Appeals may be taken as permitted by law from any decision of the Zoning Board of Appeals to Superior Court.
- H. For appeal decision located in the NRPZ, the Zoning Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Zoning Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

CHAPTER ONE: GENERAL PROVISIONS

[Sections omitted for ease of editing and review]

111 Definitions

Accessory Structure. A structure subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use.

Accessory Use. A use customarily incidental and subordinate to the principal use or building, and that occupies no more than 40% of the floor area of all structures on a lot.

ADJACENT GRADE: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Amended 1/19/99 R)

AGRICULTURAL CLEARING: A clearing created to support the production of traditional agricultural crops including grazing areas for livestock, fields used for the production of hay, straw, and other fruit, grain, and vegetable crops, Christmas tree farms, and orchards, etc. This definition does not include mineral extraction. (Amended 3/6/06 R)

AGRICULTURE: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruit and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. (Amended 1/19/99 R)

Alteration. The addition, demolition or construction of any building on a pre-existing site, including the removal or addition of facade materials, the addition of floor area to a site, the erection of fences or the addition of signage, and the creation of new impervious surfaces.

Architectural or Archaeological Significance. A site, structure, object or artifact that is listed, or is eligible to be listed on the National or Maine Register of Historic Places, or that contributes archaeologically, culturally or architecturally to the history of the Town of Brunswick.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in section 211.3 of this ordinance. (Amended 1/19/99 R)

Assisted Living: A residence for people with disabilities that prevent them from living on their own. The residence provides private rooms or apartments with common areas for dining, socializing and programs along with daily meals, personal services, limited nursing and 24 hour care. (Amended 9/4/01)

Auto Graveyard. A yard, field, or other area used to store three or more unserviceable, discarded, worn-out, or junked motor vehicles.

BASAL AREA: The area of cross-section of a tree stem, including bark, at 4 1/2 feet above ground level.

BASAL AREA, RESIDUAL: The sum of the basal area of trees remaining on a harvested site.

BASE FLOOD: A flood having a one percent chance of being equaled or exceeded in any given year commonly called the 100-year flood. (Amended 1/19/99 R)

BASEMENT: Any area of building having its floor sub grade (below ground level) on all sides. For shoreland zoning purposes, basement means any portion of a structure with a floor-to-ceiling height of 6 feet or more and having

more than 50% of its volume below the existing ground level.(Amended 1/19/99 R)

Bed and Breakfast. A dwelling occupied by the owner as a principal place of residence with not more than 10 rooms which are rented on a per diem basis, where meals may be provided to those who rent rooms.

Boarding House. A building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two persons per room (excepting minor children) which are offered for rent, with or without meals. Includes a college fraternity or sorority.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. (Amended 1/19/99 R)

Business Office. A space used to conduct the administrative affairs of an organization, including the offices for academic or administrative staff of a post secondary school.

CAMPGROUND: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters. (Amended 1/19/99 R)

Canopy: the more or less continuous cover formed by tree crowns in a wooded area.

Club/Lodge. An association of persons for social or recreational purposes which may include the promotion of some common objective.

College Office. A space used to conduct the administrative affairs of a post secondary institution, including offices for academic and administrative staff.

Color Rendering Index (CRI). A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100. (Amended 5/20/02 R)

Common Development Plan . A proposed development approved by the Planning Board in accordance with Section 413. A common development plan may involve multiple new buildings or structures on a single lot, multiple new buildings or structures on multiple lots, or a single new building or a redevelopment building on an individual lot or multiple lots. (Amended 5/20/02 R)

Communication Tower. A structure used for transmitting or receiving radio, microwave, or similar electromagnetic signals, not including antennae and satellite dishes designed for ordinary home or farm use.

Community Center. A building which provides a meeting place for a local, non-profit community organization on a regular basis.

Congregate Living. A residence that provides private rooms or apartments with common areas for dining, socializing and programs. Housekeeping services are provided, but residents are relatively self-sufficient. (Amended 9/4/01 R)

Contractor's Space. A facility that contractors utilize for the storage, inventory and prefabrication of materials associated with construction.

Contributing Structure. A structure which contributes to the historic or traditional architectural character of the Village Review Zone.

Conformity/Conforming. Complying with use, density, dimension, and other standards of this ordinance.

Conservation Easement. A perpetual restriction on the use of land, created in accordance with the provisions of 33 M.R.S.A. Section 476 through 479(B), for the purposes of conserving open space, agricultural land, or natural, cultural, historic and scenic resources.

Convenience Store. A store of not more than 2,000 square feet that primarily sells grocery items, that may sell take out food items, and that incorporates, or is accessory to, a gasoline service station. (Amended 7/5/05 R)

Cook's Corner Master Plan. The Cook's Corner Master Plan dated June 1998 for the development of the Cook's Corner area prepared by the Cook's Corner Master Plan Committee as approved and amended by the Town Council. (Amended 5/20/02 R)

Curb Cut. An entry into a road or right-of-way for vehicular traffic.

Day Care Center. A Day Care Facility for Children, as defined in Title 22 M.R.S.A. Chapter 1673, Section 8301; Home Babysitting Services, as defined in Title 22 M.R.S.A. Chapter 1673, Section 8305; and Adult Day Care Programs, as defined in Title 22 M.R.S.A. Chapter 1679, Section 8601.

Demolition. The removal of part or the whole of a structure.

DEVELOPMENT: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction or additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities. (Amended 1/19/99 R, 6/19/00 R)

Dimensional Requirement. Any requirement of this ordinance which regulates spatial aspects of land, structures and uses, including, not limited to, lot width, lot area, setbacks, height, impervious surface coverage and maximum building footprint and excluding density.

DISTURBANCE: For the purposes of the Rural Brunswick Smart Growth Overlay Districts, "disturbance" shall be defined as the area to be graded and/or permanently cleared of naturally occurring stands dominated by woody vegetation for activities included in 217.3.A. (Amended 3/6/06 R)

Drive-Through. Any structure through which a product or service is provided directly to a customer seated in an automobile including, but not limited to, take-out windows, banking terminals, automatic teller machines, pay telephones and other facilities commonly referred to as drive-up, drive-through or take-out. This definition excludes gasoline service stations, car washes, drive-in theatres and drive-in restaurants where orders are taken and food delivered to an automobile that remains in a parking space. (Amended 5/20/02 R)

Driveway. That portion of a lot set aside for vehicular access between the public or private road and the portions of the lot used for buildings, structures, parking or the other uses to which the lot is devoted.

Dwelling Unit. A group of rooms providing living quarters containing independent cooking, sleeping, and bathroom facilities for one household. Recreational vehicles are not dwelling units.

Educational Facility. Any building consisting primarily of classroom space which is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary and post-secondary schools.

ELEVATED BUILDING: For floodplain management purposes, an elevated building is a non-basement building

- a. built, in the case of a building in Zones A1-30 or A to have the top of the elevated floor, or in the case of a building Zones V1-30, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one

foot above the magnitude of the base flood.
(Amended 1/19/99 R)

Essential Services. Utilities such as natural gas, electricity, telecommunications, water and sewer services, including the lines, poles and pipes necessary to deliver the service but excluding communication towers and business and management offices of utilities.

EXPANSION OF A STRUCTURE: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

FIRST FLUSH: First flush is the volume generated by the first 1.25 inches of stormwater runoff. The first inch of runoff carries the majority of accumulated pollutants from impervious surfaces. (Amended 5/21/01)

EXPANSION OF USE: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. (Amended 1/19/99 R)

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents. (Amended 1/19/99 R)

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation by more than one foot in height. When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain. (Amended 1/19/99 R)

Floor Area. The total area, in square feet, of all floors of a building measured within the exterior walls, excluding unfinished attics and unfinished cellars. In the case of a use which occupies a portion of a building, the floor area shall be measured from the interior of the walls which defines the space.

Footprint. Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings.

Foundation, for Shoreland Area zoning purposes: the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions. (Amended 1/19/99 R)

Front Lot Line. That line which separates the lot from a public or private right-of-way. On corner lots, the front lot line shall be the line opposite the front of the principal building.

FUNCTIONALLY DEPENDENT USE: For floodplain management purposes, a functionally dependent use is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related

manufacturing facilities. (AMENDED 1/19/99 R)

Golf Course. An outdoor area laid out for the purpose of playing the game of golf, excluding miniature golf and golf driving ranges.

Grading. Excavation, alteration of land contours, grubbing, filling or stockpiling of earth materials.

Ground cover: small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of Structure. The vertical distance measured from the average ground elevation to the highest point on such structure. On a gabled roof height is measured from the midpoint between the eave and peak of the roof.

HISTORIC STRUCTURE: For floodplain management purposes, a historic structure is any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register;
- b. Certified or preliminary determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

(AMENDED 1/19/99 R)

Hotel or Motel. Establishment excluding "bed and breakfast" which provides sleeping accommodations for transient guests, with or without a dining room or restaurant.

Hazardous Matter. Substances identified by the Board of Environmental Protection under 38 M.R.S.A. Section 1319, as amended.

Household. One person, or a group of two or more persons living together in the same dwelling unit as a single housekeeping entity.

Impervious Surface. Any material covering the ground through which water does not readily penetrate, including but not limited to roofed structures, decks, concrete, stone, tar, asphalt, pavement, gravel, crushed stone and shale. (Amended 12/4/06 R)

Impervious Surface Coverage. The ratio between impervious surface and total land area of a lot expressed as a percentage.

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

Industry, Class II. Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space exceeding 20,000 square

feet or where more than 25 employees typically occupy the space at any given time.

Junkyard/Dumps. A yard, field, or other area used to store or dispose of old, discarded, worn-out, scrapped, or junked materials such as, but not limited to, plumbing, heating supplies, household appliances, furniture, lumber, rope, rags, batteries, paper trash, rubber debris, waste, and all scrap iron, steel, copper, brass, and other scrap ferrous or nonferrous material; includes garbage dumps, waste dumps, and sanitary landfills.

Kennel. Any establishment including cages, dog runs, and/or structures where more than three dogs more than six months old are kept for sale, boarding, or breeding.

Landmark Registry. A listing of historic sites, buildings and districts in the Town of Brunswick nominated by the Village Review Board and approved by ordinance of the Town Council.

Lane. A secondary access road located behind a house within a subdivision.

Leachable Materials. Liquid or solid materials including solid wastes, sludge, and agricultural wastes that are capable of releasing water-borne contaminants into the ground.

Level of Service. A technical measure which assesses the traffic impact associated with new or expanded uses, as defined by the American Institute of Traffic Engineers.

Lot/Parcel. An area of land with ascertainable boundaries, all parts of which are owned by the same person(s) or entities. A lot/parcel shall include both sides of a public or private way if under the same ownership.

Lot of Record. A parcel of land described in a recorded deed or shown on an approved and recorded Subdivision Plan and meeting zoning requirements at the time it was created.

Lot, Rear. A lot which is located to the rear of another lot which lacks the minimum road frontage required in the land use district, and access to which is either by a strip of land which is part of that lot or a deeded right of way over one or more of the front lots.

Lot Width. The width of a lot measured along the front line between the points of intersection of the side lot lines with the front lot line on a public or private right-of-way.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in section 211.3.E of this ordinance. (Amended 1/19/99 R)

MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION: For floodplain management purposes, a manufactured or mobile home park or subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured or mobile home lots for rent or sale. (Amended 1/19/99 R)

Marina. A business establishment having frontage on navigable water which, as its principal use, provides for hire moorings, slips, and/or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, setting of moorings, boat and tackle shops, and marine fuel service facilities.

Marine Activity. Construction including but not limited to piers, docks, wharves, breakwaters, causeways, marinas and bridges over 20 feet in length. Excluded are non-commercial structures which are: 1) accessory to a single or two-family dwelling and, 2) of a scale, design, location and function deemed not to warrant Special Exceptionor Development Review in the judgement of the Director of Planning and Development.(Amended 12/1/97 R, 6/19/00 R)

Media Studio. A studio used for the purpose of radio, television or cable broadcasting, or the recording of sound or production of films or video material.

Medical Office. A type of "Professional Office" being the office of a member of a recognized medical profession maintained for the conduct of that profession. (Amended 6/19/00 R)

Mineral Extraction. Any operation which removes within any 12 month period more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or similar mineral from its natural location for sale or use off-site.

MINOR DEVELOPMENT: See Section 402 For floodplain management purposes, a minor development is all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in section 211.3.E.5, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers. (Amended 1/19/99R)

Mixed Use. Any combination of residential and non-residential uses on the same lot or in the same building or building complex.

MOBILE HOME. A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning or electrical systems contained therein. For floodplain management purposes, the term mobile home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (Amended 1/19/99 R)

Modular Housing. A structure which is a type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities and includes the plumbing, heating, air-conditioning or electrical systems contained therein.

Motor Vehicle Service/Repair. An establishment where automobiles or other motorized vehicles and equipment are repaired or serviced. Includes small engine repair.

Municipal Facility. Any Town owned or leased facility which is provided to meet a municipal need, including, but not limited to, public elementary, middle and secondary schools. Facilities of the Brunswick-Topsham Water District and the Brunswick Sewer District are considered to be municipal facilities.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - For floodplain management purposes, the NGVD is the national vertical datum, whose standards was established in 1929, which is used by the National Flood Insurance Program (NFIP). The NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)". (Amended 1/19/99 R)

NATURALLY OCCURRING STANDS DOMINATED BY WOODY VEGETATION: an area of forest, shrub land, heath barren, or regenerating timber harvest. This definition does not include artificially planted Christmas tree farms or pine plantations. (Amended 3/6/06 R)

NEIGHBORHOOD STORE. A store of not more than 2,000 square feet, located on a collector street, that primarily sells grocery items, that may sell take out food items and that does not incorporate, and is not accessory to, a gasoline service station. (Amended 7/5/05 R)

NEW FLOODPLAIN CONSTRUCTION: Structures for which the "start of construction" commenced on or after the

effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures. (Amended 1/19/99 R)

Nonconforming Structure. A structure which does not meet one or more of the dimensional requirements of this ordinance but which was lawfully constructed before the adoption of the ordinance provisions which cause it to be non-complying.

Nonconforming Use. A lawful use of land, building or structure existing on the effective date of this ordinance which does not conform to the requirements of this ordinance.

Normal High-Water Line (non-tidal waters): That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. ~~In the case of wetlands adjacent to rivers and great ponds, the normal high water line is the upland edge of the wetland, and not the edge of the open water.~~ Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or stream during the period of normal high-water are considered part of the river or stream. (Amended 1/19/99 R)

Nursing Home: A residence for people who need 24-hour skilled nursing care and can no longer live independently. (Amended 9/4/01 R)

Outdoor Sales. An outdoor vendor operating from a portable facility located on a given site, involved with the dispensing of information or selling products including, but not limited to, prepared or unprepared food but not including flea markets, yard sales, garage sales, church events or other similar activities.

Outdoor Storage. The regular or extended storage of materials not inside a fully enclosed building. Recreational vehicles, boats and trucks shall be considered outdoor storage if placed within a required front, side or rear setback for a period longer than 60 days.

Parking Facility. A parking lot or garage which is used for the parking of vehicles of occupants, customers, patrons, employees or visitors of a building, structure or use located on a different parcel.

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

PERMANENT CLEARING: For the purposes of the Rural Brunswick Smart Growth Overlay Districts, “permanent clearing” shall be defined as the removal of 40% or more of the volume of trees, or the creation of a cleared opening in the forest canopy that is greater than 250 square feet as measured from the outer limits of the tree crown, neither of which is allowed to naturally regenerate. (Amended 3/6/06 R)

PESTICIDE: Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. (Amended 1/20/04 R)

Primary Road. Within the Town of Brunswick, Bath Road, Bunganuc Road from Casco Road to Freeport Line, Church Road, Durham Road, Maine Street, Mill Street, Old Bath Road, Pleasant Hill Road, Pleasant Street, River Road, Route 1, Route 24, and Route 123.

Principal Structure. A structure which houses the principal use of the lot.

Principal Use. The primary purpose for which land is used.

Private Road. An easement containing a road or driveway that serves as the principal access for more than one property.

Professional Office. The office of a member of a recognized profession maintained for the conduct of that profession.

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

RECREATIONAL VEHICLE - For floodplain management purposes, a recreational vehicle is a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(Amended 1/19/99 R)

Religious Institution. A building or site used for religious worship, religious retreat, or religious education.

Residence Hall. A facility owned by a post-secondary school to house its students.

Retail, Class I. A business whose principal use is the retail sale of consumer goods, having less than 5,000 square feet of gross floor area.

Retail, Class II. A business whose principal use is the retail sale of consumer goods, having 5,000 square feet or more of gross floor area.

Right of Way. The easement encompassing an existing or future public or private road.

RIVER: A free-flowing body of water including its associated flood plain and wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth. (Amended 1/19/99 R)

SALT MARSH: Areas ~~along of~~ coastal ~~waters-wetlands which-that~~ support salt-tolerant species, and where at average high tide during the growing season, the soil is ~~ir~~regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

SALT MEADOW: Areas ~~which-of a coastal wetland that~~ support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common three square occurs in fresher areas.

Scale. Factors which determine the intensity of a use, including but not limited to the size of buildings, the number of employees, residents, or customers, and the size and number of vehicles servicing the use.

Screening. The use of landscaping, fencing or site design techniques to minimize the view of a structure or use from a public road, public place or adjacent property.

Secondary Road. Any road not listed as a primary road in the definition of this Ordinance.

Service Business, Class 1. A business under 2,000 square feet in floor area where the principal use is the providing of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, laundries.

Service Business, Class 2. A business 2,000 square feet in floor area or greater where the principal use is the

provision of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, laundries.

Service Drop. Any utility line extension which does not cross or run beneath any portion of a water body.

Setback. The horizontal distance from a property line to a structure on a lot.

Shoreland Area: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline: the normal high-water line, or upland edge of a freshwater or coastal wetland.

Sign. An object, device or structure, or part thereof, situated outdoors or displayed in a window, free-standing or attached, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, by means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations or projected images.

Sign Face. The portion of a sign that includes words, letters, figures, designs and background.

Solid Waste. Unwanted or discarded material with insufficient liquid content to be free-flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural waste.

START OF CONSTRUCTION: a) For floodplain management purposes only, the date the flood hazard permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Amended 1/19/99 R)

b) For purposes other than floodplain management, start of construction shall include demolition, excavation, filling, grading, clearing of vegetation and construction of buildings or structures. Activities noted in section 404.3 are exempt from this definition. (Amended 6/19/00 R)

STREAM: A channel between defined banks created by the action of surface water and has two (2) or more of the following characteristics.

- A. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year under normal seasonal rainfall conditions.
- B. The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.
- C. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- D. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

This definition is based on physical characteristics that in case of development need to be field verified. The Town

has attempted to map streams throughout the community to serve as an initial guide for land owners and developers. This information is available in the Town Planning and Codes Enforcement Offices, but should not be considered a substitute for field verification.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland / wetland transition of bordering wetlands subject to periodic stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream.

Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale. (Amended 11/18/02 R)

STRUCTURE. An object built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with any other object constructed or erected with a fixed location on or in the ground. For floodplain management purposes, a structure also means a walled and roofed building or a gas or liquid storage tank that is principally above ground. This definition does not apply to customary lawn accessories such as fences, mailboxes, benches, and other such items as determined by the Codes Enforcement Officer. (Amended 1/19/99 R, 6/19/00 R)

Subdivision. The division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401(4), as amended.

Substandard Lot of Record. A substandard lot of record is a lot of record that was lawfully established prior to the effective date of this ordinance (or any preceding ordinance) which does not conform to one or more of the minimum lot size or dimensional requirements.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. (Amended 1/19/99 R)

Subsurface Wastewater Disposal System, For shoreland Area zoning purposes: any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping or any other fixture, mechanism, or apparatus used for those purposes. It does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

TIDAL AREA: An area subject to tidal action. Tidal Waters: all waters affected by tidal action during the maximum spring tide.

Timber Harvesting: The cutting and removal of wood products from their growing site and the attendant operation of cutting and skidding machinery, but not for the construction or creation of roads or the clearing of land approved for construction.(Amended 1/19/99 R)

Transportation Facility. A structure or land used primarily as an arrival or departure point or as a storage or repair

facility for busses, airplanes, limousines, taxis, trucks, and other modes of passenger or freight transportation other than private automobiles.

Units. The number of dwelling units, non-residential floor area converted to dwelling units or combination thereof.

Upland Edge of a Wetland: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Utility Facility. An installation used by a public utility to supply electric, gas, water, cable television, telephone, or other utility service. Included are such facilities as electric unit substations, power and communication transmission lines, pump stations, water towers, and telephone substations. Utility distribution facilities serving customers directly are considered customary accessory uses, not utility facilities. Excluded are communication towers.

VEGETATION: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level. (Amended 1/19/99 R)

Veterinary Office. A professional office for the practice of veterinary medicine and at which related services such as pet boarding and grooming may be offered.

Volume of a Structure. The cubic foot volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing and Storage. A use in which materials, goods, or equipment are stored for compensation or in connection with a business operation.

Water body – any great pond, river or stream

~~WATERCOURSE: Any stream, pond, lake, drainage channel other area of land that normally or seasonally channels the flow of water.~~

Water crossing – any project extending from one bank to the opposite bank of a river, stream or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance on these crossings.

Wetlands. Those areas of any size that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetland boundaries shall be delineated using the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, an inter-agency cooperative publication of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the U.S.D.A. Soil Conservation Service, January, 1989.

WETLANDS, COASTAL: All tidal and subtidal lands; ~~all lands below any identifiable debris line left by tidal action;~~ all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land ~~which that~~ is subject to tidal action during the ~~maximum spring~~ highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

WETLANDS, FLOODPLAIN The lands adjacent to a river, stream or brook which are inundated with flood water during a 100-year flood event and which under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

WETLANDS, FORESTED: A freshwater wetlands dominated by woody vegetation that is 6 meters tall (approximated twenty (20) feet) or taller.

WETLANDS, FRESHWATER: Fresh water swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river or stream, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Woody vegetation: live trees or woody, non-herbaceous shrubs.

Yard. The area between a lot line and the principal structure.

Yard, Front. A yard extending the width of a lot from sideline to sideline, between the front lot line and the nearest part of the principal structure on the lot.

Yard, Rear. The portion of a yard that is located behind the principal structure. A corner lot has no rear yard.

Yard, Side. A yard extending along a sideline of a lot from the front yard to the rear yard between the sideline and the nearest part of a principal structure on the lot.

Item # 81

BACK-UP MATERIALS

Town of Brunswick, Maine

**An Amendment to Chapter 9, Article III of the Municipal Code of Ordinances,
Town of Brunswick, Maine
To Increase Fees for Emergency Medical Services**

Chapter 9, Article III , Sec. 9-41. Fees., is amended as follows:

Sec. 9-41. Fees

The following fees shall be charged for emergency medical services provided by the town:

Non-Transport (billable)	\$150 <u>\$160</u>	per response
ALS Assist	\$250 <u>\$265</u>	per response
Basic Life Support (BLS)	\$350 <u>\$380</u>	per response
Advance Life Support (ALS)	\$500 <u>\$530</u>	per response
Advance Life Support 2 (ALS2)	\$650 <u>\$690</u>	per response
Loaded Mile	\$10 <u>\$11</u>	per mile

With the exception of ALS Assists, all invoices for services rendered by the town's emergency medical services unit shall be billed to the patient or the patient's insurer. ALS assists shall be billed to the emergency medical services provider requesting the assistance.

Item # 82

BACK-UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Acting Town Manager

DATE: May 13, 2009

RE: Possible Stimulus Funds for Central Fire Station

As you are aware, we have been advised that the Town of Brunswick may be eligible for funding through the American Recovery and Reinvestment Act (the so-called Stimulus Act) to renovate and expand Central Fire Station. I am enclosing language from the Act that addresses this matter.

The CIP has had a placeholder for this project for the past several years. The current CIP under consideration by the Council recommends an initial appropriation for design services in FY'12 and construction in FY'13. The total estimated cost in the CIP is \$6,150,000.

Upon being informed that we could be eligible for this funding, we made contact with the architect and builder that had been used for the construction of the Cooks Corner station. This was for budgeting purposes, we have not made a commitment to anyone for this project if it moves forward. Renovation costs are being finalized and will be provided as soon as available.

I have previously told the Council that we do not yet know what our match requirement may be. I have been told that it may be as much as 20% or it may be nothing at all.

I anticipate that this would be the first of several discussions on this matter if the Council supports our continued efforts to pursue this project.

FEDERAL EMERGENCY MANAGEMENT AGENCY

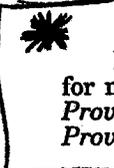
STATE AND LOCAL PROGRAMS

For an additional amount for grants, \$300,000,000, to be allocated as follows:

(1) \$150,000,000 for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163).

(2) \$150,000,000 for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

FIREFIGHTER ASSISTANCE GRANTS

 For an additional amount for competitive grants, \$210,000,000 for modifying, upgrading, or constructing non-Federal fire stations: *Provided*, That up to 5 percent shall be for program administration: *Provided further*, That no grant shall exceed \$15,000,000.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Notwithstanding section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the amount of any such loan issued pursuant to this section for major disasters occurring in calendar year 2008 may exceed \$5,000,000, and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues: *Provided*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

EMERGENCY FOOD AND SHELTER

For an additional amount to carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$100,000,000: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. Notwithstanding any other provision of law, the President shall establish an arbitration panel under the Federal Emergency Management Agency public assistance program to expedite the recovery efforts from Hurricanes Katrina and Rita within the Gulf Coast Region. The arbitration panel shall have sufficient authority regarding the award or denial of disputed public assistance applications for covered hurricane damage under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, or 5173) for a project the total amount of which is more than \$500,000.

SEC. 602. The Administrator of the Federal Emergency Management Agency may not prohibit or restrict the use of funds designated under the hazard mitigation grant program for damage caused by Hurricanes Katrina and Rita if the homeowner who is an applicant for assistance under such program commenced work

Item # 83

**NO BACK-UP
MATERIALS**

**CONSENT AGENDA - A
BACK-UP MATERIALS**

-- DRAFT --
BRUNSWICK TOWN COUNCIL
MINUTES
May 4, 2009
7:00 P.M.
Old Times Record Building
6 Industry Road

Councilors Present: Chair M. Hallie Daughtry, W. David Watson, Benjamin J. Tucker, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, E. Benet Pols, Deborah R. Atwood, and Joanne T. King.

Councilors Absent: None.

Town Staff Present: Gary Brown, Acting Town Manager; Fran Smith, Town Clerk; John Eldridge, Finance Director; Paul Perzanoski, School Superintendent; Anna Breinich, Director of Planning and Development; Jim Oikle, Business Manager, School Department; Clark Labbe, Fire Chief; Tom Farrell, Parks and Recreation Director; Scott McKernan, Facilities Manager, School Department; Lt. Mark Waltz; and TV video crew.

Chair Daughtry called the meeting to order, asked for the Pledge of Allegiance, and for roll call.

PUBLIC COMMENT:

James Grant, 155 Jordan Avenue, spoke on the upcoming Memorial Day Parade.

CORRESPONDENCE:

Chair Daughtry clarified what she felt the rules of correspondence should be.

Councilor Klatt, Councilor Favreau, and Councilor King spoke on this subject.

Councilor Pols said Thornton Oaks residents were interested in having Councilors available for a breakfast.

Councilor Klatt said she would be available at Gelato Fiasco on May 9th from 3:30 p.m. to 5:30 p.m. to speak with constituents.

Adjustments to the Agenda:

The Council added a quit claim deed to the Consent Agenda.

MANAGER'S REPORT:

(a) **Council Committee Updates**

Town Council Minutes

May 5, 2009

Page 2

Updates were given on the following committees: Downtown Master Plan and Old High School Farewell Committee.

(b) Report on the State Budget

Senator Gerzofsky was unavailable, but Manager Brown provided an update.

(c) Town Proclamation recognizing Town Commons Day (Action Required)

Manager Brown read the proclamation.

Councilor Watson moved, Councilor Tucker seconded, to adopt the Proclamation for Town Commons Day. The motion carried with nine (9) yeas.

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

(d) Acceptance of the EDA grant for Maine Street Station (Action Required)

Manager Brown spoke on this item.

Councilor Watson, Councilor Knight, and Councilor Pols spoke on this item.

Councilor Knight moved, Councilor Favreau seconded, to accept and expend the Economic Development Administration grant in the amount of \$902,500.00 to be used for work at the Maine Street Station Project. The motion carried with nine (9) yeas.

(A copy of the Notice of Investment Award will be attached to the official minutes.)

(e) (ADDED) Possible CDBG Grants coming back to Council

Manager Brown spoke on this item.

(f) (ADDED) Possible Stimulus money to rebuild Central Fire Station

Manager Brown spoke on this item.

Councilor King and Councilor Klatt also spoke on this item.

(g) (ADDED) Hearing on Harpswell/Brunswick Boundary Legislation

Manager Brown spoke on this item.

(h) (ADDED) Possible Base Tour

Manager Brown spoke on this item.

(i) (ADDED) Certificate of Achievement for Excellence in Financial Reporting

Manager Brown spoke on this item.

NEW BUSINESS ITEMS:

66. The Town Council will hear public comments on the proposed budget and CIP, and no action is required.

Manager Brown spoke on the proposed 2009-2010 budget, citing a 1.6% increase and no new debt in the Capital Improvement Plan.

Chair Daughtry opened the floor for public comment.

Suzan Wilson spoke on this item.

Councilor Atwood, Councilor Pols and Councilor King spoke on this item.

67. The Town Council will discuss enacting an ordinance governing fowl and poultry, and determine if any future action is necessary.

Chair Daughtry and Councilor Pols presented this item.

Michele Joyce and **Rowan Joyce**, 290 Maine Street, spoke in support of this item.

Becky Shepherd, 106 Union Street, spoke in support of this item.

Councilor King, Councilor Knight, Councilor Atwood, and Councilor Watson spoke on this item.

Councilor Favreau moved, Councilor Watson seconded, to send proposed ordinance amendments relative to fowl and poultry to the Planning Board for their review and recommendations, as well as to the Village Review Board if the Planning Board supports allowing poultry in the Village Review Zone. The motion carried with nine (9) yeas.

68. The Town Council will consider approving a Service Level Agreement with INFORME for vehicle re-registrations and boat re-registrations, and will take any appropriate action.

Manager Brown and John Eldridge spoke on this item on behalf of staff.

Councilor Watson and Councilor Pols spoke on this item.

Councilor King moved, Councilor Watson seconded, to allow the Town to enter into a Service Level Agreement with INFORME for vehicle re-registrations and boat re-registrations. The motion carried with nine (9) yeas.

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

- 69. The Town Council will consider setting a public hearing for May 18, 2009, regarding the closing of Sawyer Road from December 1 to March 31, as permitted under Title 23 M.R.S.A. Subchapter VI, Section 2053, for a period of ten years, and will take any appropriate action.**

Manager Brown spoke on this item on behalf of staff.

Councilor Watson and Councilor King spoke on this item.

Councilor King moved, Councilor Watson seconded, to set a public hearing for May 18, 2009, regarding the closing of Sawyer Road from December 1 to March 31, as permitted under Title 23 M.R.S.A. Subchapter VI, Section 2053, for a period of ten years. The motion carried with nine (9) yeas.

- 70. The Town Council will consider setting a public hearing for May 18, 2009, for an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$410,000 to Finance the Acquisition and Installation of Heating, Ventilation, Cooling, and Related Equipment at the Brunswick Junior High School, and will take any appropriate action.**

Manager Brown and Mr. Eldridge spoke on this item on behalf of staff.

Scott McKernan, Facilities Director for School Department, spoke on this item.

Councilor Favreau, Councilor Knight, Councilor King, and Councilor Pols spoke on this item.

Councilor Tucker moved, Councilor Watson seconded, to set a public hearing for May 18, 2009, for an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$410,000 to Finance the Acquisition and Installation of Heating, Ventilation, Cooling, and Related Equipment at the Brunswick Junior High School. The motion carried with nine (9) yeas.

- 71. The Town Council will consider setting a public hearing for May 18, 2009, for an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$450,000 to Finance Improvements at Hawthorne School in order to Convert the Property to Educational and Office Uses, and will take any appropriate action.**

Mr. Eldridge and Mr. McKernan on this item on behalf of staff.

Paul Perzanoski, Superintendent of Schools, also spoke on this item.

Councilor Watson, Councilor King, and Councilor Pols spoke on this item.

Councilor Knight moved, Councilor Favreau seconded, to set a public hearing for May 18, 2009, for an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$450,000 to Finance Improvements at Hawthorne School in order to Convert the Property to Educational and Office Uses. The motion carried with nine (9) yeas.

72. The Town Council will consider setting a public hearing for May 18, 2009, for an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance School Department Energy Conservation Measures, and will take any appropriate action.

Mr. McKernan and Mr. Eldridge spoke on this item on behalf of staff.

Councilor Knight, Councilor Klatt, and Chair Daughtry spoke on this item.

Councilor King moved, Councilor Watson seconded, to set a public hearing for May 18, 2009, for an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance School Department Energy Conservation Measures. The motion carried with nine (9) yeas.

73. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action.

Councilor Knight nominated the following:

Kurt Stinson – Conservation Commission

Charles Vaughan – Marine Resources Committee - no license holder

They were appointed with a vote of nine (9) yeas.

CONSENT AGENDA

- (a) Minutes of April 27, 2009
- (b) Appoint Warden and Deputy Warden for the June 9, 2009 Referendum Election
- (c) Approval of extended Registrar's Hours for the June 9, 2009 Referendum Election
- (d) Quit Claim Deed

Councilor Pols moved, Councilor Favreau seconded, to approve the consent agenda. The motion carried with nine (9) yeas.

Executive Session: Acquisition of property Per 1 M.R.S.A. § 405(6)(C)

Councilor Watson moved, Councilor Favreau seconded, to go into executive session to discuss Acquisition of property Per 1 M.R.S.A. §405(6)(C). The motion carried with nine (9) yeas.

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

Town Council Minutes

May 5, 2009

Page 6

The meeting adjourned at 10:00 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.

Frances M. Smith

Town Clerk

May 11, 2009

May 18, 2009

Date of Approval

Council Chair

**CONSENT AGENDA - B
NO BACK-UP
MATERIALS**

**CONSENT AGENDA - C
BACK-UP MATERIALS**

MEMORANDUM

TO: Gary Brown, Acting Town Manager
FROM: John A. Foster, Director, PWD
DATE: May 11, 2009
SUBJECT: Utility Location Permits – From Maine Natural Gas

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

Application ULP 2009-01, Sills Drive Maine Natural Gas seeks authorization to install a 4" gas main along Sills Drive. The gas main will extend, from the existing gas main located in the grass east of Sills Dr and south of Bath Rd, south down the sidewalk about 995 feet to a point just south of College St.

Application ULP 2009-02, Pine Street Maine Natural Gas seeks authorization to install about 2340 feet of 4" gas main on Pine Street. The gas main will extend, from the existing gas main in the shoulder on the south side of Bath, southeasterly in the shoulder down the south side of Pine St to a point northwesterly of McLellan St. Then cross Pine St and continue southeasterly about 500 feet.

Application ULP 2009-03, Market Lane Maine Natural Gas seeks authorization to install a 2" gas main along Market Lane. The gas main will extend, from the existing gas main located on the east side of Maple Street, along the north edge of Market Lane about 435 feet.

1. Maine Natural is responsible for determining the bounds of the public easement in which the infrastructure is being installed.
2. The gas lines shall have a minimum of 36 inches of cover as proposed on the applications.
3. The final location of the gas line is subject to adjustment, as determined necessary by the Town Engineer, to provide adequate clearance from any actual underground facilities as determined by field verification by each utility.
4. Installation across public ways paved within the past 5 years will be done by directional boring.
5. 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 April 27, 2009

Permit Number: 2009-01
(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: Sills Drive
Starting Point: Bath Road End Point: College Street

Maine Natural Gas proposes to install a 4-inch Medium Density Polyethylene (MDPE) gas main on Sills Drive. The proposed 4" gas main extension will extend from Bath Road to College Street. The extension will run approximately 995 feet and run along the east side of Sills Drive.

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: Gary A. Kenny

Print Name and Title: Gary A. Kenny, P.E. - Manager of Engineering & Operations

*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.

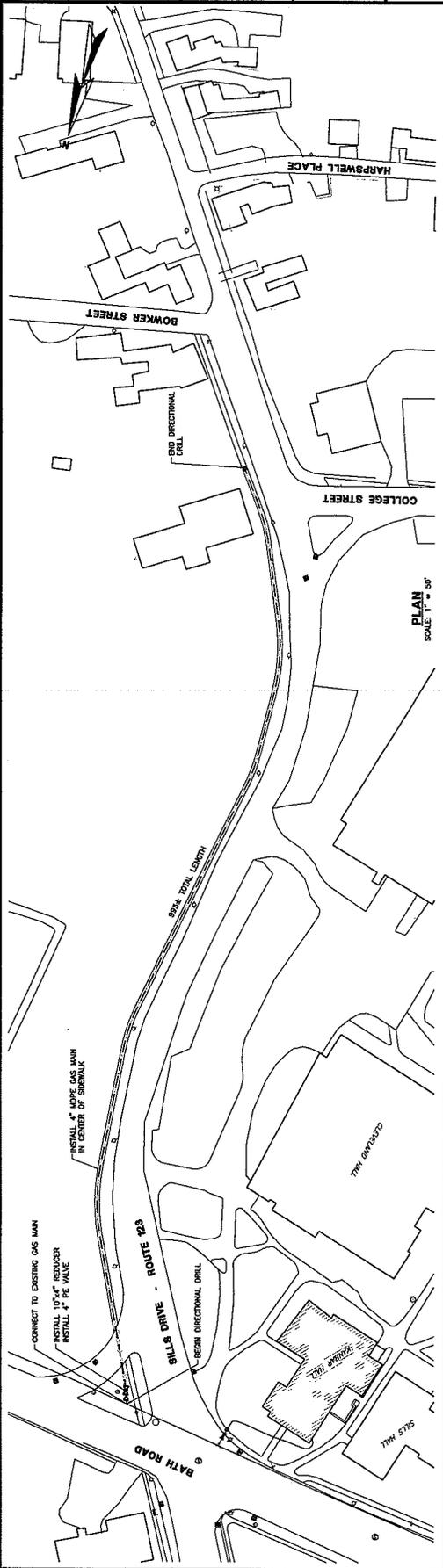
DATE	10/17/13
SCALE	AS SHOWN
PROJECT NO.	2013-01
ISSUE NO.	1
DATE	
APPROVED BY	
DATE	
CHECKED BY	
DATE	
DESIGNED BY	
DATE	
PROJECT NO.	
ISSUE NO.	
DATE	
APPROVED BY	
DATE	
CHECKED BY	
DATE	
DESIGNED BY	
DATE	

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Maine Natural Gas
 4 Industrial Parkway
 Brunswick, Maine 04011

MAINE NATURAL GAS
GAS MAIN INVENTORY MAPPING
BRUNSWICK MAINE
GAS MAIN EXTENSION
SILL ROAD - ROUTE 123

DRAWING
1 OF 1



PRELIMINARY
NOT FOR CONSTRUCTION

NOTE: OPEN TRENCH EXCAVATION IN ALL AREAS UNLESS OTHERWISE DESIGNATED FOR DIRECTIONAL DRILL.

DATE: _____
 DESCRIPTION: 8" 4" WPE 4" PC 8" 4"
 TOTAL FOOTAGE: _____ SIZE: _____ LENGTH: _____
 CONTRACTOR: _____
 TEST WTD: _____ PSI _____ HRS (S) _____
 PIPE INFORMATION: _____ MIN: _____ MED: _____

Town of Brunswick
Public Works Department

Application for Utility Location Permit

DATE April 27, 2009

Permit Number: 2009-02
(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: Pine Street
Starting Point: Bath Road End Point: Near Abijah Street

Maine Natural Gas proposes to install a 4-inch Medium Density Polyethylene (MDPE) gas main on Pine Street. The proposed 4" gas main extension will extend from Bath Road to Abijah Street. The extension will run approximately 2,340 feet and run along the south side (1,842 feet) up to approximately McLellan Street before shifting to the north side (498 feet) of Pine Street.

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

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

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

Name of Newspaper: _____

Signature of Utility: Gary A. Kenny

Print Name and Title: Gary A. Kenny, P.E. - Manager of Engineering & Operations

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

**Town of Brunswick
Public Works Department**

Application for Utility Location Permit

DATE May 11, 2009

Permit Number: 2009-03
(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: Market Lane
Starting Point: Maple Street End Point: Near Federal Street

Maine Natural Gas proposes to install a 2-inch Medium Density Polyethylene (MDPE) gas main on Market Lane. The proposed 2" gas main extension will extend from Maple Street and end just prior to Federal Street. The extension will run approximately 435 feet along the north side of Market Lane.

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: _____

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Signature of Utility: Gary A. Kenny

Print Name and Title: Gary A. Kenny, P.E. - Manager of Engineering & Operations

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CONSENT AGENDA - D BACK-UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE FINANCE DIRECTOR

28 FEDERAL STREET
BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6652

FAX 207-725-4107

Date: May 11, 2009
To: Town Council
From: John S. Eldridge, Finance Director
Subject: Uncollectable Real and Personal Property Taxes to be abated

Pursuant to section 841(3) of title 36 M.R.S.A., I request that certain outstanding real and personal property taxes be abated. These taxes cannot be collected due to absence or insolvency of the taxpayer.

Insolvency	1 account	\$ 705.38
Absence	12 accounts	<u>2,520.98</u>
	Total:	\$ 3,226.36