

**BRUNSWICK TOWN COUNCIL**

**Agenda**

**December 7, 2009**

**7:00 P.M.**

**Municipal Meeting Room**

**Maine Street Station**

**16 Station Avenue**

Pledge of Allegiance

Roll Call

Public Comment:

Correspondence:

Adjustments to the Agenda:

**MANAGER'S REPORT:**

- (a) Council Committee Updates
- (b) Report regarding the Mere Point Boat Launch's first full season
- (c) Reminder of Holiday Reception

**PUBLIC HEARINGS:**

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

**Full-Time Spirituous, Vinous & Malt**

CGS INC

D/B/A: Brunswick's House of Pizza

137 Maine Street

Helen Stevenson

**HEARING/ACTION**

173. The Town Council will hear public comments regarding amending the General Assistance Ordinance Maximums to be adopted on an emergency and regular basis, and will take any appropriate action. (Manager)

**HEARING/ACTION**

174. The Town Council will hear public comments regarding an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$750,000 to Finance Improvements at 35 Union Street, and will take any appropriate action. (Manager)

**HEARING/ACTION**

175. The Town Council will hear public comments regarding amending the Code of Ordinances, Chapter 11, Marine Activities Structures and Ways, relative to the shellfishing process, to be adopted on an emergency and regular basis, and will take any appropriate action. (Manager)

**HEARING/ACTION**

**NEW BUSINESS:**

176. The Town Council will hear a report from the Land for Brunswick's Future Board regarding their proposed Property Acquisition Evaluation Process, and will take any appropriate action. (Councilor Pols)

**ACTION**

177. The Town Council will consider setting a public hearing for January 19, 2010, on amendments to the Code of Ordinances, Chapter 5, Buildings and Building Regulations, relative to increasing permitting fees, and will take any appropriate action. (Manager)

**ACTION**

178. The Town Council will consider taking public comments on January 19, 2010, on the proposed Development Review Fees Schedule and changes to the Minor Modifications Policy, and will take any appropriate action. (Manager)

**ACTION**

179. The Town Council will discuss a proposed Road Acceptance Ordinance, and will determine if any future action is necessary. (Chair Daughtry)

**DISCUSSION**

180. The Town Council will consider setting a public hearing regarding changes to the weapons target practice areas, under Chapter 17 of the Municipal Code of Ordinances, and will take any appropriate action. (Chair Daughtry and Councilor Watson)

**ACTION**

181. The Town Council will consider sending a letter of support for the reappointment of Gary Brown to the Mid-Coast Regional Redevelopment Authority, and will take any appropriate action. (Chair Daughtry and Councilor Pols)

**ACTION**

182. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Manager)

**ACTION**

**CONSENT AGENDA**

- (a) Approval of the Minutes of November 16, 2009
- (b) Approval of Games of Chance for the Brunswick Lodge of Elks
- (c) Approval of Quit Claim Deed to revert property located at tax map U051 Lot 001 Sub 000, back to the owner.

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

**Brunswick Town Council  
Agenda  
December 7, 2009  
Council Notes and Suggested Motions**

**MANAGER'S REPORT:**

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

*Suggested Motion:* No Motion Required

- (b) Report regarding the Mere Point Boat Launch's first full season: Tom Farrell and Dan Devereaux will report back to the Council on how the first full year of the boat launch went. A copy of a memo from Officer Devereaux regarding calls for service and operations there is included in your packet.

*Suggested Motion:* No Motion Required

- (c) Reminder of Holiday Reception: This is to remind the public that the Town Employees will be sponsoring a public Holiday Reception on December 21, 2009, after the Council meeting at the new train station location.

*Suggested Motion:* No Motion Required.

**PUBLIC HEARINGS:**

172. This item is the required public hearing on a new Alcoholic Beverage License for Brunswick's House of Pizza, which is moving to 137 Maine Street. They do not have a liquor license at their current location on Pleasant Street. There will be a small bar area and the hours of operation will be weekdays 11:00 a.m. to 10:00 p.m. and on Friday and Saturdays until 11:00 p.m. The owner will be at your meeting to answer any questions you may have. A copy of their application is included in your packet.

*Suggested Motion:*

Motion to approve an Alcoholic Beverage License for Brunswick's House of Pizza at 137 Maine Street.

173. The item is the required public hearing prior to adoption of the General Assistance Ordinance Maximums to be adopted on an emergency and regular basis. Copies of the public hearing notice and proposed maximums are included in your packet.

*Suggested Motion:*

Motion to adopt General Assistance Ordinance Maximums to be enacted on an emergency and regular basis.

174. This item is the required public hearing for the bond ordinance to pay for the renovations to the Union Street School so People Plus and the Teen Center can use the building. We have requested that People Plus provide the Council with membership demographics. This information will be provided to the Council as soon as available. Per your request from the last meeting, Manager Brown has prepared a scope of the work to be done. Copies of the public hearing notice, draft bond ordinance, and a memo from the Manager are included in your packet.

*Suggested Motion:*

Motion to adopt an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$750,000 to Finance Improvements at 35 Union Street.

175. This item is the public hearing on these amendments as recommended by the Marine Resource Committee. Many of the proposed changes are housekeeping in nature, while others affect the licensing process and the committee's structure. Suzan Wilson, Chair of this Committee, and Dan Devereaux will be at your meeting to respond to any questions either the Council or public may have. This ordinance will need to be enacted on an emergency and regular basis to ensure that it is in place prior to the beginning of the next licensing year. Copies of the public hearing notice, a memo from the Committee's Chair, and the proposed amendments are included in your packet.

*Suggested Motion:*

Motion to adopt amendments to the Code of Ordinances, Chapter 11, Marine Activities Structures and Ways, relative to the shellfishing process, to be adopted on an emergency and regular basis.

**NEW BUSINESS:**

176. This item is sponsored by Councilor Pols since he is the Council member on this board. Tom Rumpf and other members of the Land for Brunswick's Future Board will present their recommendation for a Property Acquisition Evaluation Process. If the Council supports this process, the Board is requesting the Council accept it. Copies of a memo from the Board and the proposed Process are included in your packet.

*Suggested Motion:*

Motion to accept the proposed Property Acquisition Evaluation Process as drafted by the Land for Brunswick's Future Board.

177. This item is to have the Council consider setting a public hearing on amendments to the Code of Ordinances, Chapter 5, Buildings and Building Regulations, relative to increasing permitting fees. These fees were presented at your last meeting and received your support to be brought back. With the holidays and change of Council, we are recommending setting the public hearing for the second meeting in January. This will also allow the public and effected parties time to review the proposed changes. Copies of the draft ordinance, a memo from Jeff Hutchinson and comparisons to other communities' fees are included in your packet.

Suggested Motion:

Motion to set a public hearing for January 19, 2010, on amendments to the Code of Ordinances, Chapter 5, Buildings and Building Regulations, relative to increasing permitting fees.

178. This item is to discuss the proposed Development Review Fees Schedule and Minor Modification Policy changes. At your last meeting, there was support to bring this back to the Council at this meeting. To make these changes does not require a public hearing, but to allow maximum public notification, the Council may wish to set an item to take public comments the same night the Building permits fees are up for public hearing on January 19, 2010. Copies of a memo from Anna Breinich and comparisons to other communities are included in your packet.

Suggested Motion:

Motion to seek public comments on January 19, 2010, on the proposed Development Review Fees Schedule and changes to the Minor Modifications Policy.

179. Chair Daughtry is sponsoring this item to continue the discussion from the last meeting on creating a road acceptance ordinance. John Foster is working on a draft ordinance for your review and discussion. A copy of the draft ordinance will be provided to the Council on Thursday afternoon for you to include in your packet. At your meeting, the Council can decide what direction you would like to take after this discussion.

Suggested Motion:

There is no proposed motion since this is a discussion item.

180. This proposed language relative to weapons target ranges was first discussed at Councilor Watson's request in August 2008. At that time the item was tabled so he and Chair Daughtry could work through some concerns she had with impacted neighbors. They recently worked on the draft language to address those concerns. The revised language now comes to the Council to see if you wish to set a public hearing. Copies of the draft language and a list of current licensed ranges are included in your packet.

Suggested Motion:

Motion to set a public hearing for \_\_\_\_\_ regarding changes to the weapons target practice areas, Chapter 17-1, of the Municipal Code of Ordinances.

181. Chair Daughtry and Councilor Pols are sponsoring this item so the Council can consider sending a letter of support for the reappointment of Gary Brown to the Mid-Coast Regional Redevelopment Authority. A copy of a draft letter is included in your packet.

Suggested Motion:

Motion to send a letter of support for the reappointment of Gary Brown to the Mid-Coast Regional Redevelopment Authority.

182. At this time the Appointments Committee will make nominations to fill vacancies on Town Boards and Committees. Copies of the applications are included in your packet.

*Suggested Motion:*

Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

**CONSENT AGENDA**

- (a) Approval of the Minutes of November 16, 2009: A copy of the minutes is included in your packet for your review and approval.
- (b) Approval of Games of Chance for the Brunswick Lodge of Elks: This is the semi-annual approval of these games for the Elks. A copy of their letter of request is included in your packet.
- (c) Approval of Quit Claim Deed to revert property located at tax map U051 Lot 001 Sub 000, back to the owner: This item will deed back a property to its owner as the person has paid owed taxes. A copy of the Quit Claim Deed is included in your packet.

*Suggested Motion:*

Motion to approve the Consent Agenda.

*Suggested Motion:*

Motion to adjourn the meeting.

# MANAGER'S REPORT - A NO BACK UP MATERIALS

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# MANAGER'S REPORT - B BACK UP MATERIALS

# Office Memo



To: Gary Brown Town Manager  
From: Daniel Devereaux MRO/HM  
CC: Brunswick Town Council, Tom Farrell Parks Director, Fran Smith Town Clerk,  
Marc Hagan Cmdr.  
Date: 10-13-2009  
Re: Merepoint Boat Launch Report

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Mr. Brown,

Please see the below detailed call analysis of the activity at the Merepoint Boat Launch from January 1<sup>st</sup> 2009 to October 13<sup>th</sup> 2009. The majority of operation and management activities by the Parks and Recreation Department and Public Works are not included in this report.

Patrol Officers, not including the Marine Division, conducted 146 random checks at all hours throughout day and night. Of those 146 checks, officers initiated 5 calls for service, ranging from unattended vehicles to lost property. No criminal or civil violations were noted by police patrol officers over the course of the above time frame. There were 7 calls for police service from citizens, 3 unattended vehicles, 1 broken down vehicles, 1 illegal dumping of fish remains, 1 fireworks, 1 speeding, and 1 dog at large call.

The Police Marine Division conducted 169 checks throughout that time period with 15 officer initiated calls for service, 10 shellfish inspections, 2 unattended boats, 1 missing navigational buoy, and 2 found property. The Marine Division received 14 requests for overnight parking; these requests were granted and based on the individual's activity on the water that required them to leave their vehicle and trailer in the lot overnight. These activities included overnight fishing trips and island camping adventures. The Marine Division also assisted Crookers and Parks and Recreations Staff in the inspection of the pit privies located on sight. Some minor grade adjustments were done to help alleviate ground water infiltration into the privy tanks. The marine division will continue to monitor the privies.

The Harbor Master Division spent 146 hours on the water and underway patrolling in the direct vicinity of the Merepoint Boat Launch. During that time the Harbor

Master Division conducted 12 boat safety inspections, with no major violations noted, assisted two broken down boaters, searched for two reported vessels that had broken free of moorings, and addressed three wake violations and 1 bow riding violations. The Harbor Master Division issued three verbal and 1 written warning. The division also documented the location of 104 moorings with global positioning coordinates in the direct vicinity and continually monitored commercial marina activities as well as the floating sewage pump out stations. No criminal violations were noted during that time. The Division in coordination with the Brunswick Fire Department, United States Coast Guard, and the Brunswick Parks and Recreation hosted a Boating Safety and Flare demonstration at the boat launch. This event was well attended and it is intent to continue boating education out reach at the launch site. The Harbormaster also escorted the annual Mere Point Memorial Day boat parade, that takes place from the tip of Merepoint to Paul's Marina.

Along with the documented activities this division also engaged in several healthy conversations with neighboring abutters and users of this facility over the course of the spring and summer. With these conversations came several valid suggestions that may help improve the user's experience, some of which have already been addressed.

As well as the presence provided by this division it should be noted that the Maine Marine Patrol and Maine Department of Inland Fisheries and Wildlife also visited the site on numerous occasions throughout the summer.

This was the first full year of operation of the Merepoint Boat Launch. Even though this year could be considered slow, due to the heavy rainfall, the boat launch did near capacity on three different occasions, with no specific problems noted. With the anticipation of the increased usage of the boat launch in the upcoming years it is the intent of the Police Marine Division to continue to provide a solid presence at the boat launch, both on land and in the water. We will continue to work closely with Brunswick Parks and Recreation, Maine Department of Inland Fisheries and Wildlife, Brunswick Public Works, Maine Marine Patrol, United States Coast Guard, and neighboring abutters and users to help provide a safe and healthy experience while using the launch and those waterways that surround it.

If you have any questions please feel free to contact me.

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**MANAGER'S REPORT - C  
NO BACK UP MATERIALS**

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ITEM 172

BACK UP MATERIALS



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

### **PUBLIC HEARING**

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 12/7/2009 on the following Alcoholic Beverage license applications:

#### **Full-Time Spirituous, Vinous & Malt**

CGS INC

D/B/A: Brunswick's House of Pizza  
137 Maine Street

Mrs. Helen Stevenson,

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**

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.

<b>BUREAU USE ONLY</b>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES**

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTIONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,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)	
CGS INC		Brunswick House of Pizza	
DOB: 9/22/08			
DOB:			
DOB:		Location (Street Address) Currently @ 85 Pleasant St Brunswick, ME 04011	
Address		moving to 137 Main Street	
85 Pleasant Street		City/Town	State
Brunswick		Brunswick	Me
Me 04011		Zip Code	04011
Mailing Address		47 Beechwood Drive	
City/Town	State	City/Town	State
207-729-0085		TOPsham	Me
Zip Code		Zip Code	04086
Telephone Number	Fax Number	Business Telephone Number	Fax Number
		729-0085	
Federal I.D. #		Seller Certificate #	
262810479		1136044	

- 3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
- 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: Helen Stevenson
- 8. If business is NEW or under new ownership, indicate starting date: New location  
Requested inspection date: Dec 10, 2009 Business hours: S-Th 11am-10pm FRI + SAT 11am-11pm
- 9. Business records are located at: Lappas Income Tax Services 105 Wesslie Road
- 10. Is/are applicants(s) citizens of the United States? YES  NO  Waltham, Mass 02451

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Helen Irene (Copland) Stevenson maiden name	11-02-1971	Brunswick, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
47 Beechwood Drive, Topsham Me 04086 - 182 Webster St. Lewiston, Me 0424

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: Savings Bank of Maine Attn: Anita Nored P.O. Box 190 Gardner, ME 04345

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) full service pizzeria, bar with delivery on food items.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: Nov 17, 2009

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 914 feet Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Brunswick Maine on Nov-18, 20 09  
Town/City, State Date

Helen Stevenson Please sign in blue ink  
Signature of Applicant or Corporate Officer(s) Signature of Applicant or Corporate Officer(s)

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ITEM 173

BACK UP MATERIALS



TOWN OF BRUNSWICK  
PUBLIC HEARINGS

THE **BRUNSWICK TOWN COUNCIL** will hold a **public hearing** at their regular meeting on Monday, December 7, 2009, 7:00 p.m. in the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, to receive public comment relative to the proposed General Assistance Ordinance Maximums.

If approved, this ordinance will be enacted on an emergency and regular basis.

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

Fran Smith, Town Clerk

Times Record: November 13, 2009



Town of Brunswick  
Human Services  
54 Cumberland Street  
Brunswick, ME 04011  
207-725-6661  
FAX 207-725-6636

Date : October 16, 2009  
To: Gary Brown, Town Manager  
Town Council  
From: Judy Hardy-Goddard, GA Administrator  
Re: Adoption of GA Maximums

### **The Adoption Process**

The municipal officers adopt the local General Assistance Ordinance and yearly Appendices. The law requires that the municipal officers adopt the ordinance and/or Appendices *after notice and hearing*. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

### **Filing of GA Ordinance and/or Appendices**

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS.

### **Appendix A**

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 2009-2010 HUD Fair Market Rent

(FMR) values that will become effective on October 1, 2009. These maximum levels of assistance are established by Maine General Assistance law (22 MRSA (4305(3-B)) and **cannot** be altered by action of the municipal officers.

	2008/09	2009/10
1 person household	641	667
2 person household	767	798
3 person household	990	1030
4 person household	1255	1305
5 person household	1505	1565

### Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 2009-2010 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services (DHHS). Note that the Appendix B maximums in this packet remain unchanged from the mid-year increase that was made in March 2009, due to the federal economic stimulus package. If the municipal officers wish to amend these maximum levels of food assistance, a local survey must be developed and provided to DHHS to justify the proposed alterations.

1 person household	\$200.00
2 person household	\$367.00
3 person household	\$526.00
4 person household	\$668.00
5 person household	\$793.00

### Appendix C

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2009-2010 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure "housing" cost.

	Unheated		Heated	
	2008/09	2009/10	2008/09	2009/10
Bedrooms				
1	519.00	562.00	590.00	631.00
2	661.00	718.00	761.00	814.00
3	782.00	849.00	906.00	969.00
4	982.00	1072.00	1163.00	1247.00

### Appendix D

There was no change or increase in the electric service amounts.

### **Appendix E**

Fuel is calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

October 100 gallons  
January 225 gallons  
April 125 gallons

November 200 gallons  
February 225 gallons  
May 50 gallons

December 200 gallons  
March 125 gallons

### **Appendix F**

Appendix F, which lists maximums for personal care and household supplies, is not one of the appendices for which new values must be calculated each year.

If you have further question, please feel free to contact me at 725-6661 or by email [jhardygoddard@brunswickme.org](mailto:jhardygoddard@brunswickme.org).

Thank-you

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ITEM 174

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 Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, Brunswick, Maine, at 7:00 p.m. on Monday, December 7, 2009 to consider the following:

**Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$750,000  
to Finance Improvements at 35 Union Street**

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 \$750,000 to Finance Improvements at 35 Union Street**

**WHEREAS**, the Town owns land and buildings in Brunswick, Maine at 35 Union Street formerly occupied by the Brunswick School Department (the "Union Street Property"); and

**WHEREAS**, the Town desires to make improvements to the property to become a new headquarters for the People Plus Center;

**WHEREAS**, pursuant to the Site Remediation and Joint Development Agreement dated January 31, 2007, relating to the Maine Street Station Project (the "JDA"), the building currently housing the People Plus Center has been deeded by the Town to JHR Development; and

**WHEREAS**, the People Plus Center must relocate its operations and headquarters;

**NOW, THEREFORE**, following a public hearing the following Ordinance is hereby enacted:

**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 Seven Hundred Fifty Thousand Dollars (\$750,000), and the proceeds of said bonds and notes be and hereby are appropriated to finance improvements at 35 Union Street in order to convert the property to use as the People Plus Center and other related or ancillary 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 architectural and engineering contracts, 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.** The Town Manager is authorized to accept contributions for the Project and to make applications for federal and state grant funds, said contributions and grants to be used in lieu of or in addition to bond proceeds authorized hereunder. The Town Manager is authorized to accept contribution and grants on behalf of the Town and said amounts are hereby appropriated to fund any portion of the Project. The total amount appropriated under this Ordinance shall not be greater than the amount of bond proceeds plus any contributions and grants.

Proposed to Town Council:  
Public Hearing:  
Adopted by Town Council:

November 16, 2009  
December 7, 2009

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: December 2, 2009

RE: Union Street project

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This memo is to provide the Council with updated information since the last Council meeting on November 16.

Drawings have been finalized pending project funding approval and scope of work.

A committee consisting of the Public Works Director and Assistant Director, the Finance Director, Councilor Knight, Charles Frizzle from the People Plus Board, Susan Cole and myself interviewed 3 contractors this afternoon (Wednesday, December 2, 2009). I anticipate that we may have a recommended contractor in place for the Council meeting on December 7. We will be working in concert with the recommended contractor and the architect to deliver the project at the approved budget.

Part of the approach that we are taking on this project is to limit the involvement of the contractors, subcontractors etc to Brunswick businesses. The three contractors interviewed are local businesses that have each done work for the town in the past.

The scope of the project is quite extensive. It includes the following activities:

1. Replacement of the heating system.
2. Installation of a fire suppression (sprinklers) system.
3. Installation of an elevator to serve the different levels.
4. Adding insulation to improve energy efficiency.
5. Demolition of exterior ramp.
6. Removal of asbestos.
7. Demolition of sections of interior partitions.
8. Build-out of new interior partitions creating more office and program space.
9. Finishing (painting, ceilings, flooring) of surfaces.
10. Possible installation of air conditioning



PDT Project No. 09-088

# PeoplePlus

## PROGRESS SET- 24 NOVEMBER 2009

CLIENT:

PEOPLEPLUS  
BRUNSWICK, MAINE

ARCHITECT:



ARCHITECTS  
49 DARTMOUTH STREET  
PORTLAND, MAINE 04101  
207-775-1059  
www.pdtarchs.com

CONSULTANTS:

- STRUCTURAL  
Lincoln-Haney Engineering  
Brunswick, ME
- MECHANICAL, ELECTRICAL PLUMBING  
Bennett Engineering  
Freeport, ME
- CIVIL
- COST ESTIMATING  
Conestco  
Raymond, MA
- SPECIFICATIONS  
Lowell Specifications  
Freeport, ME

DRAWING LIST

DWG NO Drawing Title

CIVIL DRAWINGS

L-1 SITE PLAN

ARCHITECTURAL DRAWINGS

A0J SYSTEMS SHEET  
DU DEMO PLANS  
A1J FLOOR PLANS  
A2J REFLECTED CEILING PLANS  
A3J ROOF PLAN  
A4J EXTERIOR ELEVATIONS  
A5J BUILDING SECTIONS



ARCHITECTS  
49 DARTMOUTH STREET  
PORTLAND, MAINE 04101  
207-775-1059  
www.pdtarch.com

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**People Plus**  
BRUNSWICK, MAINE



JOB NO.  
09-088

DRWN. CHK.  
AJR

SCALE:  
1/8"=1'-0"

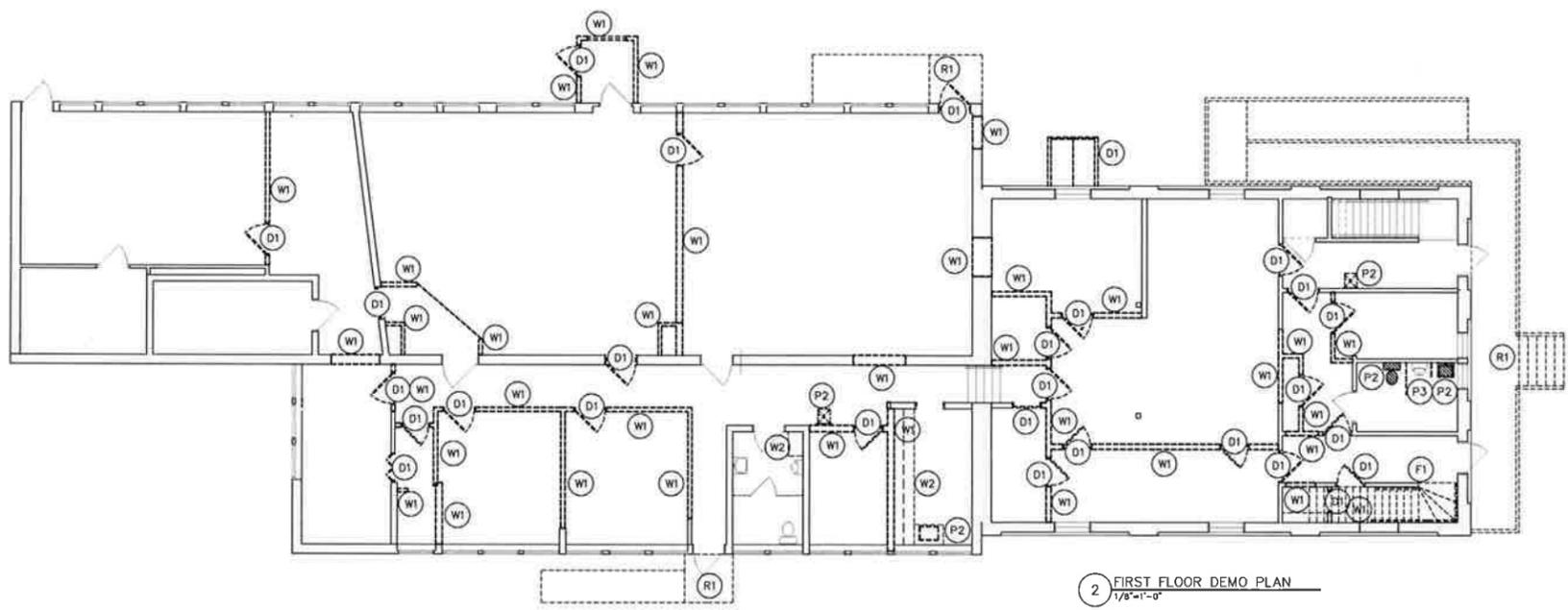
ISSUE  
PROGRESS SET

TITLE  
DEMOLITION PLANS

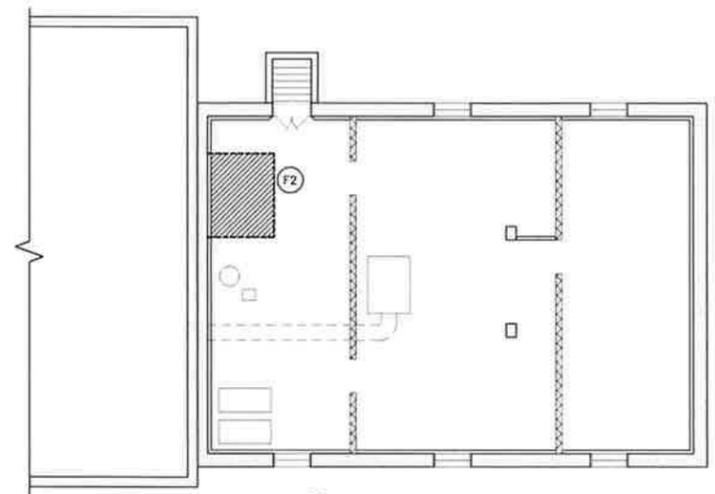
SHEET  
D.I.I



3 SECOND FLOOR DEMO PLAN  
1/8"=1'-0"



2 FIRST FLOOR DEMO PLAN  
1/8"=1'-0"



1 BASMENT DEMO PLAN  
1/8"=1'-0"

DEMOLITION KEY NOTES	
(W1)	REMOVE WALL.
(W2)	REMOVE CABINETS & COUNTERTOP.
(F1)	REMOVE STAIRS & FRAMING
(F2)	EXCAVATE PORTION OF CELLAR FLOOR AS NEEDED TO MEET 7'-6" AFF TO BOTTOM OF STRUCTURE.
(F3)	REMOVE CARPETING
(D1)	REMOVE DOOR, FRAME & HARDWARE.
(P1)	REMOVE PLUMBING FIXTURE. SAVE EXISTING PIPING RUNS FOR NEW FIXTURES
(P2)	REMOVE PLUMBING FIXTURE. REMOVE PLUMBING LINES IN WALL AND CAP LINES THAT ARE TO REMAIN.
(P3)	REMOVE TOILET PARTITIONS
(R1)	REMOVE EXISTING WOOD DECK & RAMPS.
(C1)	REMOVE EXISTING SAT CEILING

- GENERAL DEMO PLAN NOTES**
- REMOVE ALL EXISTING FLOOR FINISH MATERIALS.
  - REMOVE ALL EXISTING SAT CEILING.

LEGEND	
	EXISTING WALL TO REMAIN
	WALL TO BE DEMOLISHED
	NEW WALL
	EXISTING DOOR TO REMAIN
	EXISTING DOOR TO BE DEMOLISHED
	NEW DOOR



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Locality, November 23, 2009 10:58 AM MAJUNCTION\_AJNR11\_100909.DWG

\\P:\ARCHITECTS\PROJECTS\BRUNSWICK\BRUNSWICK\_CAD\DWG\FINAL\MAJUNCTION



2 VIEW FROM SOUTHEAST CORNER  
NTS



1 VIEW FROM SOUTHWEST CORNER  
NTS



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People Plus  
BRUNSWICK, MAINE

JOB NO.  
09-088

DRWN. CHK.  
AJR

SCALE:  
NTS

ISSUE  
PROGRESS SET

TITLE  
PROPOSED NEW  
ADDITION

SHEET  
SKP

---

ITEM 175

BACK UP MATERIALS



TOWN OF BRUNSWICK  
PUBLIC HEARINGS

THE **BRUNSWICK TOWN COUNCIL** will hold a **public hearing** at their regular meeting on Monday, December 7, 2009, 7:00 p.m. in the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, to receive public comment relative to changes to the Code of Ordinance, Chapter 11, Marine Activities, Structures and Ways, relative to the Shellfish Licensing process.

If approved, this ordinance will be enacted on an emergency and regular basis. Copies of the proposed ordinance are available at the Town Clerk's office, or at <http://www.brunswickme.org/clerk/publichearings.htm>

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

Fran Smith, Town Clerk

Times Record: November 20, 2009

November 9, 2009

To: Brunswick Town Council  
From: Brunswick Marine Resources Committee (BMRC)  
Re: Revisions to Brunswick Town Ordinance Chapter 11,  
Article III "Shellfishing", Divisions 1.2.3.4.5.

Honorable Town Councilors,

On November 4, 2009 the BMRC voted unanimously to endorse the (attached) revisions to the ordinance referenced above. All of the revisions presented have been discussed at the BMRC meetings over the last several months. The final package incorporates the consensus of the committee, along with support from the public, who provided significant input along the way.

Committee members and staff worked diligently over the past year, reviewing the local shellfishing ordinance, looking to provide more efficient management and strengthen enforcement. This task is typically done by the BMRC every few years to ensure that our local ordinance remains consistent with the changing technological, regulatory and resource environment. The BMRC seeks to provide Brunswick residents and harvesters the best management practices for a sustainable local industry that is revenue generating, and a large part of our coastal Maine heritage.

Some of the proposed changes are of the "housekeeping" variety. The BMRC wants to streamline our procedures; and to give itself, staff and the public the benefit of newer, or alternative, modes of communication. We want to place a more appropriate level/proportion of responsibility on the committee and the licensed harvesters instead of the US Postal Service, Town Clerk's staff, Marine Wardens, etc. The revisions we propose reflect these intentions.

You will find the ordinance (attached) with strikethrough deletions and underline additions. We will submit an addendum, for the November 16 meeting, to briefly describe the BMRC rationale for each item.

The BMRC would like to thank the Town Council for the opportunity to present these new revisions. Marine Resource Officer Dan Devereaux and I will be available for a brief presentation of this package, at the November 16 Town Council meeting. We look forward to answering any questions that you may have.

Sincerely,

Suzan Wilson  
Chairman  
Brunswick Marine Resources Committee



**Proposed Ordinance Amendments  
To Chapter 11 Marine Activities, Structures and Ways  
Relative to Shellfish Licensing Process  
Drafted – 11/12/2009  
Minor Revisions per Town Attorney – 12/01/2009  
Public Hearing – 12/07/02009  
Adopted –  
Effective –**

**ARTICLE III.**

**SHELLFISHING\***

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\* **Cross References:** Conservation Commission, § 2-76 et seq.; parks and recreation areas, § 14-96 et seq.  
**State Law References:** Municipal Shellfish Conservation Programs, 12 M.R.S.A. § 6671 et seq.

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**DIVISION 1.**

**GENERALLY**

**Sec. 11-71. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Certified municipal shellfish conservation warden* shall mean the law enforcement officer appointed by the town council to enforce this chapter.

*Coastal waters* means all waters of the town within the rise and fall of the tide and within the marine limits of the jurisdiction of the town.

**Commercial Shellfish Harvester means a person who harvests shellfish with profit as a primary aim.**

*Immediate family* shall mean, spouse and children.

*Lot* shall mean the total number of softshell clams in bulk pile. Where softshell clams are in a box, barrel or other container, the contents of each box, barrel or other container constitutes a separate lot.

*Notification* shall mean, unless otherwise stated herein and for the purposes of hearing notices under this article, mailing by certified mail to the last known address.

*Possession* shall mean to have in one's custody or control, either personally or by another who is under one's control anywhere within the municipal boundaries.

*Resident* shall mean a person who has physically resided at a fixed, permanent, and principal home in the town for at least three (3) months next prior to the time his claim of residence is made.

*Shellfish* shall mean softshell clams (*Mya arenaria*), quahogs (*Mercenaria mercenaria*).

*Take* means to remove or attempt to remove a shellfish from its natural habitat.

(Ord. of 3-6-89, § 104; Ord. of 2-5-90, § 104; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

**Cross References:** Definitions and rules of construction generally, § 1-2.

### **Sec. 11-72. Authority.**

This article is enacted in accordance with 12 M.R.S.A. § 6671.

(Ord. of 3-6-89, § 101; Ord. of 2-5-90, § 101; Ord. of 2-18-92; Ord. of 3-16-99)

### **Sec. 11-73. Purpose.**

The purpose of this chapter is as follows:

- (1) To regulate the harvesting of shellfish in the town.
- (2) To provide management programs in the town for the **conservation sustainability** of shellfish in a manner consistent with the production of a reasonable yield to sustain commercial shellfish harvesters.

(Ord. of 3-6-89, § 102; Ord. of 2-5-90, § 102; Ord. of 2-18-92; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 2-6-01(1))

### **Sec. 11-74. Conservation, management of resources.**

It is hereby determined as follows:

- (1) The coastal waters of the town are a very valuable shellfish resource which is important to the local economy.
- (2) These marine resources are not an inexhaustible resource, and, therefore, they must be prudently managed in order to remain viable.
- (3) As part of the management process it is deemed vitally necessary to restrict the taking of shellfish by limiting shellfish licenses; restrict the size and quantity of shellfish which may be harvested; and, take other measures as outlined in this chapter.

(Ord. of 3-6-89, § 103; Ord. of 2-5-90, § 103; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99)

**Sec. 11-75. Enforcement.**

The chapter shall be enforced by the certified municipal shellfish conservation warden, or by any municipal shellfish conservation warden appointed by the town, who within one year of appointment must be certified by the commissioner of marine resources.  
(Ord. of 3-6-89, § 501; Ord. of 2-5-90, § 501; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 8-15-94; Ord. of 3-16-99)

**Sec. 11-76. Penalty.**

A person who violates this chapter shall be punished as provided in 12 M.R.S.A. § 6671.

A person who takes or possesses shellfish in violation of a municipal ordinance commits a **crime violation** with significant fines and license suspensions.  
(Ord. of 3-6-89, § 502; Ord. of 2-5-90, § 502; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1))

**Sec. 11-77. Amendment.**

A certified copy of an amendment to this article shall be filed with the commissioner of marine resources within twenty (20) days of its adoption to preserve its validity.  
(Ord. of 3-6-89, § 504; Ord. of 2-5-90, § 504; Ord. of 2-18-92, Ord. of 4-5-93; Emergency Ord. of 8-5-96; Ord. of 8-19-96; Ord. of 3-16-99; Ord. of 11-3-03)

**Secs. 11-78--11-95. Reserved.**

**DIVISION 2.**

**MARINE RESOURCE COMMITTEE\***

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\* **Cross References:** Boards, committees, commissions, § 2-51 et seq.

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**Sec. 11-96. Established, members, etc.**

There is hereby established a marine resource committee consisting of seven (7) members and two (2) alternates to be appointed by the town council. **If sufficient applications are available, The the** members must include three (3) town licensed resident commercial shellfish harvesters, three (3) residents of the community who do not possess a town or state **commercial** shellfish license and one (1) town licensed resident recreational shellfish harvester. **One (1) alternate must be a town licensed resident commercial shellfish harvester and one (1) alternate must be a member of the community who does not possess a town or state shellfish license. In the absence of a member either alternate may fill the vacancy to constitute a quorum, however that alternate may only vote in the category in which he/she has been appointed. The alternate may be from any category, and may act in the absence of a member. If sufficient applications are not available in a category after two (2) rounds of advertisements of the vacancy, the alternate will fill the vacancy and the alternate will be advertised.** Members and alternates shall be appointed for three (3) year terms. **Alternates shall be appointed for three year**

~~terms.~~ The town council shall appoint a person to fill a vacancy for the unexpired term. The committee shall choose a chairman, vice-chairman and secretary. The chairman shall preside at all meetings of the committee. The vice-chairman shall preside in the chairman's absence. ~~The secretary shall record and keep minutes of each meeting.~~ Minutes of each meeting shall be filed with the Town clerk. Any committee member who has three (3) or more unexcused absences from committee meetings in a year ~~shall~~ may be removed and replaced with a new member by the town council. (Ord. of 3-6-89, § 201; Ord. of 2-5-90, § 201; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 9-5-95; Ord. of 1-16-96; Emergency Ord. of 8-5-96; Ord. of 8-19-96, Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

### **Sec. 11-97. Powers and duties.**

The marine resource committee shall have the following powers and duties:

- (1) To administer and coordinate the shellfish-~~conservation~~ sustainability program.
- (2) To recommend to the town council how the money appropriated for shellfish ~~conservation~~ sustainability programs should be spent.
- (3) To survey the coastal waters to obtain and maintain current information on shellfish resources, including:
  - a. The determination of size frequency.
  - b. The determination of growth rate.
  - c. The estimation of the available standing crop.
  - d. The estimation of potential yield.
  - e. The identification of sources of harmful pollution.
  - f. The identification of other resource problems, such as green crab predation and mussel competition.
- (4) To determine the current level of use of the shellfish resources.
- (5) To cooperate with the Department of Marine Resources and others in carrying on experimental programs.
- (6) To prepare and promulgate a shellfish ~~conservation~~ sustainability plan in cooperation with the Department of Marine Resources based on the results of the shellfish survey, recommending area rotation, seeding, transplanting, predator control, and the opening and closing of the coastal waters.
- (7) To collect harvest data documenting local values of shellfish resources.

(8) To make an annual written report to the town and the Department of Marine Resources detailing funds available, expenditures made, shellfish population data, results of all conservation and experimental programs, enforcement activities, and sources of pollution, predation, competition and other resource problems.

(9) To establish annually in conjunction with the Department of Marine Resources the number of commercial shellfish harvesting licenses to be issued.

(Ord. of 3-6-89, § 202; Ord. of 2-5-90, § 202; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1))

**Secs. 11-98--11-110. Reserved.**

### **DIVISION 3.**

#### **SHELLFISH REGIONAL ADVISORY COMMISSION\***

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\* **Editors Note:** Former Div. 3, §§ 11-111--11-114, relative to the shellfish advisory commission, was deleted by an ordinance adopted Aug. 15, 1994, due to no remaining reciprocal agreements. The provisions of former Div. 3, derived from §§ 401--404 of an ordinance of March 6, 1989; §§ 401--404 of an ordinance of Feb. 5, 1990; an ordinance of Feb. 18, 1992; an ordinance of April 5, 1993; and an ordinance of Feb. 22, 1994.

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**Secs. 11-111--11-130. Reserved.**

### **DIVISION 4.**

#### **LICENSE\***

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\* **Cross References:** Licenses and business regulations, ch. 10.

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**Sec. 11-131. License required.**

A person shall not take or possess shellfish from coastal waters of the town without first obtaining a license from the town clerk or the town clerk's designee.

(Ord. of 3-6-89, § 301; Ord. of 2-5-90, § 301; Ord. of 3-4-91; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 3-16-99)

**Sec. 11-132. Categories.**

(a) There are six (6) types of licenses as follows:

(1) *Resident commercial shellfish license.* This license entitles the licensee to harvest any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.

(2) *Nonresident commercial shellfish license.* This license entitles the licensee to take or possess any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to

do so.

- (3) *Resident recreational shellfish license.* This license is available to residents and nonresident owners of real estate within the town as well as immediate family members of nonresident real estate owners within the town and entitles the licensee to take or possess no more than one (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
- (4) *Nonresident recreational shellfish license.* This license entitles the licensee to take or possess no more than (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
- (5) *Resident student shellfish license.* This license allows the licensee to harvest one (1) bushel of shellfish per tide from June 15th (inclusive) to September 1st (inclusive) from the coastal waters of the town to where and when it is otherwise lawful to do so.
- (6) *Nonresident student shellfish license.* This license allows the licensee to harvest one (1) bushel of shellfish per tide from June 15th (inclusive) to September 1st (inclusive) from the coastal waters of the town where and when it is otherwise lawful to do so.

(b) The town shall provide ten (10) percent of the resident commercial, recreational and student licenses to nonresidents.

(c) Any license issued under this division is subject to the partial or total closing of coastal waters under section 11-161 of this chapter.  
(Ord. of 3-6-89, § 304; Ord. of 2-5-90, § 304; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

### **Sec. 11-133. Qualification of licensee.**

- (a) *Residency qualifications.*
  - (1) An applicant for a resident commercial shellfish license shall be a resident of the town whose Brunswick shellfish license is not currently under suspension for a **second** closed area conviction pursuant to subsection 11-141(b) and whose state shellfish license is not currently under suspension **for a second closed area conviction.**
  - (2) An applicant for a non-resident commercial shellfish license is any person who is not a resident of the town whose Brunswick shellfish license is not currently under suspension for a **second** closed area conviction pursuant to subsection 11-141(b), and whose state shellfish license is not currently under suspension **for a second closed area conviction.**
  - (3) An applicant for a resident recreational shellfish license must be either a resident of the town or nonresident owner of real estate within the town or immediate family member of nonresident owner of real estate within the town and whose **municipal and state** shellfish license is not

currently under suspension. ~~pursuant to this chapter.~~

- (4) An applicant for a nonresident recreation shellfish license is any person who is not a resident of the town and whose municipal and state shellfish license is not currently under suspension, ~~pursuant to this chapter.~~
- (5) The place of residence of an applicant as stated on any other license is not determinative of the applicant's true place of residence. Where necessary the town clerk shall require the applicant to produce evidence of his residence before issuing the license.
- (6) An applicant for a resident student shellfish license shall be a resident of the town who has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application. The applicant shall be enrolled fulltime in a primary or secondary school or educational program.
- (7) An applicant for a nonresident student shellfish license shall be a nonresident of the town who has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application. The applicant shall be enrolled fulltime in a primary or secondary school or educational program.

(b) *Conservation time.* A licensed commercial shellfish harvester must obtain a total of ten (10) conservation credit points between ~~February 1 and December 1~~ between May 1 and February 15 ~~and~~ in order to remain eligible to obtain a license for the next licensing year. ~~This requirement to begin obtaining conservation credits will be effective February 1, 2006.~~

- (1) *Conservation credit activities.* Participation in any of the following activities results in the granting of conservation credit as specified:

Participation in any one (1) of the following activities shall deem a harvester eligible to receive two (2) conservation credit points per event attended:

- a) documented attendance at a Brunswick Marine Resource Committee meeting or Brunswick Marine Resource Committee public hearing.
- b) documented attendance at a regional or state shellfish committee meeting.
- c) documented attendance at a shellfish conference (i.e. Fisherman's Forum).

Participation in any one (1) of the following activities shall deem a harvester eligible to receive five (5) conservation credit points per event attended:

- a) participation in a Brunswick Marine Resource Committee sponsored shellfish reseeded project.
- b) participation in a Brunswick Marine Resource Committee sponsored experimental shellfish enhancement project.

- c) participation in Town of Brunswick annual shellfish surveys.
- d) participation in Town of Brunswick water quality monitoring event.
- e) participation in an organized coastal or environmental clean up along within the Town of Brunswick.
- f) participation in non-point pollution identification or remediation project within the Town of Brunswick.

A minimum of ~~three (3)~~ two (2) conservation projects shall be scheduled prior to the ~~April~~ May meeting of the Brunswick Marine Resources Committee.

Dates of the ~~three (3)~~ two (2) conservation projects scheduled by the Marine Resources Committee will be posted in Town Hall, ~~and included on the Town of Brunswick Shellfish Hotline telephone message. Any conservation projects scheduled subsequent to the April meeting will be noticed similarly.~~

A currently licensed harvester who does not complete the required conservation time credit will not receive a license for the next license year.

The accumulation of conservation credit must be completed by ~~December 1~~ February 15 of the current license year.

- (2) *Documentation of conservation credit.* Participation in any of the conservation credit activities specified in this section must be documented. Documentation shall be in the form of a signature on an event sign in sheet, name appearing as an attendee in official meeting minutes, receipt of conference registration, or records maintained by the Brunswick Marine Warden, in order for conservation credit points to be awarded. ~~Official minutes of Brunswick Marine Resource Committee meetings shall include a list of attendees present and shall be approved by a vote of the committee. Harvester attending a field activity (five (5) point category) shall receive a receipt of attendance from the shellfish warden. Copies of the receipt shall be held by the marine resource warden and submitted to the town clerk.~~

All records and conservation credit logs will be maintained by the shellfish warden and will be held in the shellfish warden's office.

- (3) *Determination of conservation credit completion.* By the second Monday in March ~~first business day of January~~ the shellfish warden shall compile documented conservation time of each individual harvester and forward a list of those harvesters determined to have satisfied the conservation credit requirement to the town clerk.

Harvesters included on the list submitted by the shellfish warden shall be eligible for a commercial license for the upcoming license year if a notice of intent has been filed by the deadline.

Harvesters will be notified of their status in terms of conservation credit completeness by the shellfish warden by October 31 for credits earned by October 15. A final status will be mailed by December 10. A compilation of harvester conservation credits earned up to December 31 will be posted on the marine resources board in the Brunswick Town Hall by first Monday in January of each year.

- (4) *Approved absence from conservation credit requirement.* Harvesters who have not completed a full ten (10) points of conservation credit in a given license year are only eligible for a license if their absence from participation in conservation credit activities are approved by the shellfish warden or marine resource committee.

Approved absences may include an extended and documented illness, or an extended illness of an immediate family member that is under the immediate care of the harvester.

Requests for a determination of approved absence must be made in writing to the shellfish warden and must be submitted to the Marine Resource Committee no later than December 15<sup>th</sup> February 10<sup>th</sup>. The request shall include evidence to support an approval of absence determination. The Marine Resource Committee will rule on the absence at its March meeting.

If the absence is approved, the harvester will be required to make up the remaining conservation credit points during the next license year.

If the absence is not approved, the harvester will not be eligible to obtain a license.

- (5) ~~*Appeal procedure.* A harvester may appeal any determination of eligibility made by the shellfish warden. Requests for appeals must be made in writing to the marine resource committee by December 31st. Appeals will be decided by the marine resource committee during its January meeting. Decisions shall be provided to the town clerk in writing no later than five (5) days after the meeting.~~

(Ord. of 3-6-89, § 307; Ord. of 2-5-90, § 307; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 11-2-05(1))

#### **Sec. 11-134. Application.**

(a) The application for a license required under this chapter shall be in the form of an affidavit. It shall contain the applicant's name, physical location of residence, mailing address, period of residence, date and place of birth, height, weight, eye and hair color, and such other necessary information as the town clerk may require. The resident address shall be the physical location of the residence. The mailing address shall be such that the applicant utilizes to receive mail from the U.S. Postal Service. It must be signed by the applicant and acknowledged by the town clerk. The town clerk shall note on the application the date the license was issued. The town clerk shall file the application with the records.

(b) An application for a student shellfish license shall also be in the form of an affidavit, which shall include:

- (1) Proof that the applicant has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the license year.
- (2) Proof of residency.
- (3) Proof of enrollment in a school or state approved educational program.
- (4) A letter of recommendation from the superintendent or equivalent official in the school or educational program.

An application for a student shellfish license shall include a statement in bold print: **THE RECEIPT OF A STUDENT SHELLFISH LICENSE OR LICENSES PROVIDES NO CREDIT IN THE COMMERCIAL LICENSE SELECTION PROCESS.**

(Ord. of 3-6-89, § 308; Ord. of 2-5-90, § 308; Ord. of 2-18-92, Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 2-6-01(1); Ord. of 11-3-03)

#### **Sec. 11-135. Misrepresentation; change of residence.**

(a) It shall be a violation of this article for any person to falsify or give false information in connection with a shellfish license application. In addition to any criminal penalties which may result from a violation of this chapter, the shellfish license granted to any person who gives false information on a shellfish license application shall be void after notice and hearing.

(b) A person holding a resident commercial shellfish license or a resident student shellfish license shall physically reside at a fixed, permanent, and principal home in the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.

(c) A person holding a resident recreational shellfish license shall physically reside at a fixed, permanent, and principal home in the town or be a nonresident owner of real estate within the town or immediate family member of nonresident real estate owner within the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.

(d) A person applying for, or holding a shellfish license under this chapter, shall notify the town clerk within ten (10) days of an address change, regardless of whether the address change is also a change of residency.

(Ord. of 3-6-89, § 310; Ord. of 2-5-90, § 310; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1))

#### **Sec. 11-136. Fees.**

The applicant for a license under this chapter shall pay a fee as follows:

- (1) Resident commercial shellfish license, two hundred dollars (\$200.00).

- (2) Nonresident commercial shellfish license, four hundred dollars (\$400.00).
- (3) Resident recreational shellfish license, fifteen dollars (\$15.00); over age sixty-two (62), free.
- (4) Nonresident recreational shellfish license, thirty dollars (\$30.00); over age sixty-two (62), free.
- (5) Resident student shellfish license, fifty dollars (\$50.00).

- (6) Nonresident student shellfish license, one hundred dollars (\$100.00).

(Ord. of 3-6-89, § 305; Ord. of 2-5-90, § 305; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1))

**Sec. 11-137. Exhibition of license.**

When any person is engaged in any activity which is licensed under this chapter, that person shall, on request of a certified municipal shellfish conservation warden, exhibit his license.

(Ord. of 3-6-89, § 301 (1, 2); Ord. of 2-5-90, § 301(1), (2); Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99)

**Sec. 11-138. Consent to inspection for shellfish.**

A certified municipal shellfish conservation warden, within the warden's jurisdiction, has all the search powers of a marine patrol officer under Title 12, Section 6025(4). Those powers currently include the power to search without a warrant, upon probable cause, any watercraft or container containing marine organisms possessed or taken in violation of law.

(Ord. of 3-6-89, § 301 (3); Ord. of 2-5-90, § 301 (3); Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1))

**Sec. 11-139. Stopping for inspection.**

It shall be unlawful for the operator of a motor vehicle, boat, vessel, or conveyance of any kind, or any person:

- (1) *Stopping.* To fail or refuse to stop immediately upon request or signal of any certified municipal shellfish conservation warden in uniform.
- (2) *Remaining stopped.* After he has so stopped, to fail to remain stopped until the certified municipal shellfish conservation warden in uniform reaches his immediate vicinity and makes known to that operator the reason for the request or signal.
- (3) *Standing by.* To fail or refuse to stand by immediately for inspection on request of any certified municipal shellfish conservation warden in uniform.
- (4) *Throwing or dumping items.* Who has been requested or signaled to stop by a certified municipal shellfish conservation warden in uniform to throw or dump into any coastal waters any shellfish, or any pail, bag, barrel or other container of any type or the contents thereof before the certified

municipal shellfish conservation warden in uniform has inspected the same.  
(Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99)

**Editors Note:** Former § 11-139, relative to a prohibition on night shellfish harvesting, was amended in its entirety by an ordinance adopted Feb. 18, 1992. The provisions of former § 11-139 derived from § 301(4) of an ordinance adopted March 6, 1989 and § 301(4) of an ordinance adopted Feb. 5, 1990.

### **Sec. 11-140. Limitation on number of licenses.**

(a) The shellfish resources are limited. A commercial, recreational or student shellfish harvester can be expected to harvest a certain volume of shellfish per year; therefore, the number of shellfish harvesters must be controlled to preserve the shellfish resource. The number of available shellfish licenses of each type will vary from year to year according to the findings and estimates of the marine resource committee and the state marine resource regional biologist based on data concerning resource capabilities and management requirements consistent with proper resource utilization as determined by shellfish population surveys conducted pursuant to section 11-97. Prior to the first Friday in March, the Marine Resource Committee will set the number of recreational licenses. ~~There shall be no limitation by number or time frame for resident recreational licenses.~~ Commencing with the first Monday of April, the town clerk shall issue resident recreational licenses until the allotted numbers have been issued. Commencing with the first Monday in April, the town clerk shall maintain a chronological list of nonresidents seeking recreational shellfish licenses. When the number of resident recreational shellfish licenses reaches a number where a nonresident recreational shellfish license may be issued, the town clerk shall by telephone and U.S. mail attempt notification of the applicant with the highest priority on the list. That person shall purchase the license within seven (7) business days from the date notification is attempted. If the purchase is not made in that time period, that person loses their priority and the town clerk shall attempt notification of the next person on the list using the same process.

(b) The following procedure will be followed to control commercial shellfish license availability:

(1) ~~Prior to January 1 of each year, the town clerk shall notify by mail all commercial shellfish license holders from the then expiring license period and those persons who filed a notice of intent in either of the past two (2) years that an applicant for a commercial shellfish license for the coming license period must notify the town clerk of that person's intent to seek a resident or nonresident commercial shellfish license for the coming license period. The notice of intent shall be on the form prepared by the town clerk, shall be mailed as stated above and shall be available at the town clerk's office.~~ Prior to January 15 of each year, the Town Clerk will make available a notice of intent. The notice shall also be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation which the municipal officers consider effective in reaching persons affected no later than by January 15 not less than ten (10) days prior to the first Friday of February and shall be posted in the municipal offices no later than January 15 until the end of business on the second Friday of March. ~~until the end of business on the first Friday of February.~~

Any person who does not complete and return to the town clerk by 4:30 p.m. on ~~the first Friday in February~~ the second Friday of March a fully completed notice of intent on the form prepared by the town clerk along with two (2) proofs of residency, shall not be eligible to be an applicant for a resident or non-resident commercial license in the next coming license period, and if the person does not file a notice of intent for two (2) successive license periods, shall not be considered as previously having held a Brunswick resident or nonresident commercial shellfish

license.

The notice of intent must be delivered in person, and must be received by the town clerk by the above deadline. In the event the Brunswick Municipal Offices are closed during any portion of the normal office hours on the second Friday of March ~~first Friday of February~~, the deadline for submitting a notice of intent shall be extended to the close of business on the next normal business day the municipal offices are open.

An applicant on active military duty, whether because of enlistment or activation by a proper authority, may preserve, but not advance, that applicant's status in the commercial license selection process by returning a notice of intent to the town clerk by the second Friday of March ~~the first Friday in February~~. The active duty applicant need not deliver the notice of intent in person. The active duty applicant must include proof from a military authority that the applicant is on active duty and that the applicant is a resident of Brunswick, Maine, as defined in this chapter. The applicant is not required to participate further in the commercial license selection process, and the applicant shall not be reduced in the commercial license classes in any year the applicant complies with this paragraph.

- (2) Prior to the second Friday of January, Prior to the first Friday in March, the marine resource committee will establish the number of commercial shellfish licenses to be made available.

The Brunswick Marine Resource Committee shall use the following procedure protocols in order to determine the number of resident commercial shellfish licenses.

~~The standing crop of harvestable shellfish shall be determined by shellfish population surveys for the upcoming shellfish license year. The average yield a harvester could expect to harvest on any given day will be one and one half (1 1/2) bushels of shellfish. The number of harvestable days for shellfishing in any license year shall be two hundred forty five (245) days, resulting from no night harvesting a projected forty seven (47) day rainfall/PSP closure, and seventy three (73) day closure due to winter conditions.~~

~~The committee shall divide the total standing crop by the number of harvestable days, then divide the resulting number by average one and one half (1.5) bushels per harvester per day. The final number will be the number of licenses to be issued to resident commercial harvesters. Nonresident commercial shellfish harvesters will be an additional ten (10) percent of that number. Total standing crop ÷ (one and one half (1.5) bushels per harvester per day ÷ (two hundred forty five (245) days = number of resident commercial shellfish licenses.~~

a) Shellfish population surveys; conducted in accordance with the Maine Department of Marine Resources Municipal Shellfish Management Program. A complete shellfish inventory including all growing areas within the Town of Brunswick jurisdiction shall be completed every two years, or upon the recommendation of the marine resources officer or the marine resources committee.

b) Standing crop analysis; as determined by the shellfish population surveys

c) License availability; based on the standing crop analysis

d) Historical harvest data: as determined by the Maine Department of Marine Resources Municipal Shellfish Management Program.

e) Harvester and public input.

f) The Committee must take into account all of the above factors in determining the number of resident commercial shellfish licenses to be made available. However, the final number of licenses made available shall not vary more than 15% from the number determined solely by the standing crop analysis under criterion (c) above.

- (3) The marine resources committee will notify the town clerk in writing prior to the second Friday of ~~March~~ ~~January~~ of the number of commercial shellfish licenses, by type and class, to be made available for issue.

If the town is notified by the Maine Department of Marine Resources of an impending closure ~~or opening~~ of harvestable acreage after the second Friday in ~~January~~ ~~March~~, the committee shall recalculate the number of commercial shellfish licenses made available, and notify the town clerk in writing prior to the ~~first Monday in April~~ ~~second Friday in February~~.

The town clerk will prepare a list of the persons eligible for licenses in Classes A through F in subsection (4). The public notification of license availability shall include a statement that the list is posted at the town office. No shellfish licenses may be reserved and licenses cannot be transferred or resold by applicants. Applicants for a shellfish license who meet the requirements of this article must obtain the shellfish license in person if the applicant has filed with the town clerk a notarized statement designating a certain other person to obtain the license on the applicant's behalf or unless medically unable to do so. A person medically unable to obtain the shellfish license may send another person who shall present to the town clerk written authorization and a written statement from a physician regarding the applicant's condition.

- (4) The town clerk shall issue resident commercial and non-resident commercial licenses according to the selection process described below. Resident applications and non-resident applications shall be segregated in each class. The classes shall be followed in descending order. A number equivalent to ten (10) percent of the total number of resident commercial licenses, regardless of class, shall be issued to non-resident commercial applicants. Reciprocal licenses from previous years do not qualify as resident commercial licenses or non-resident commercial licenses. The classes are:

#### RESIDENT

- A. Applicants who have held resident commercial licenses for ten (10) of the last ten (10) years.
- B. Applicants who have held resident commercial licenses for nine (9) of the last ten (10)

years.

- C. Applicants who have held resident commercial licenses for eight (8) of the last ten (10) years.
- D. Applicants who have held resident commercial licenses for seven (7) of the last ten (10) years.
- E. Applicants who have held resident commercial licenses for six (6) of the last ten (10) years.
- F. Applicants who have held resident commercial licenses for five (5) of the last ten (10) years.
- G. Applicants who have held resident commercial licenses for four (4) of the last ten (10) years.
- H. Applicants who have held resident commercial licenses for three (3) of the last ten (10) years.
- I. Applicants who have held resident commercial licenses for two (2) of the last ten (10) years.
- J. Applicants who have held resident commercial licenses for one (1) of the last ten (10) years.
- K. Applicants who have held resident commercial licenses for zero (0) of the last ten (10) years.

#### NONRESIDENT

- A. Applicants who have held nonresident commercial licenses for ten (10) of the last ten (10) years.
- B. Applicants who have held nonresident commercial licenses for nine (9) of the last ten (10) years.
- C. Applicants who have held nonresident commercial licenses for eight (8) of the last ten (10) years.
- D. Applicants who have held nonresident commercial licenses for seven (7) of the last ten (10) years.
- E. Applicants who have held nonresident commercial licenses for six (6) of the last ten (10) years.

- F. Applicants who have held nonresident commercial licenses for five (5) of the last ten (10) years.
- G. Applicants who have held nonresident commercial licenses for four (4) of the last ten (10) years.
- H. Applicants who have held nonresident commercial licenses for three (3) of the last ten (10) years.
- I. Applicants who have held nonresident commercial licenses for two (2) of the last ten (10) years.
- J. Applicants who have held nonresident commercial licenses for one (1) of the last ten (10) years.
- K. Applicants who have held nonresident commercial licenses for zero (0) of the last ten (10) years.

On the ~~third Friday in February~~ first Wednesday of April, the town clerk shall issue licenses to the classes in which licenses are available for each applicant. The licenses shall be purchased by the end of business on the tenth (10th) business day after issuance.

After the issuance of licenses to the classes in this subsection (4) in which licenses are available for each applicant, the remaining classes shall be issued licenses by lottery. The lottery shall apply to the classes alphabetically. If there is at least one (1) applicant in excess of the number of available licenses in a class, the town clerk shall also hold a lottery for the next class. The lottery shall be held on the ~~second Thursday in March~~ fourth Tuesday of April. As applicant names are drawn by lottery, a list will be compiled showing order of eligibility. Licenses will be available for purchase after the lottery during regular town office business hours until the end of the first business day following the lottery. If, at the end of the first business day following the lottery, one (1) or more licenses remain in a class, the next eligible applicant(s) in that class will have two (2) days to purchase the license(s).

If licenses remain after the issuance of licenses to each applicant in the classes in this subsection (4) during the first ninety (90) days of the issuance process, the town clerk shall issue licenses to residents or nonresidents according to the following process:

The town clerk shall prepare public notification of license availability which shall be published in a newspaper of general circulation in the area by the second Friday of May ~~on the the Friday which is after the third Monday in March~~ and posted at the town office. The notification shall inform prospective applicants to file a lottery participation notice to seek a resident or nonresident commercial shellfish license. The lottery participation notice shall be on the form prepared by the town clerk, and available at the town clerk's office.

Any person who does not complete and return the lottery participation notice to the town clerk by 4:30 p.m. on the Friday following publication shall not be eligible to be an applicant.

The town clerk shall prepare a list of the persons eligible to compete for a license in this category. The list shall be posted at the town office. Resident applications and nonresident applications shall be segregated.

On the Monday immediately following the return deadline, the town clerk shall hold a lottery to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on Tuesday, the next day. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have two business days after notification to purchase the license.

If licenses remain after the first ninety (90) days of the issuance process, they shall be equally available to residents and nonresidents.

If a license becomes available because it is suspended to or past the end of the license year, void or surrendered during the license year, it shall be offered to the next succeeding person, if any, identified in the initial lottery process according to the category of the license suspended, void or surrendered, resident or nonresident. That person shall have seven (7) business days after attempted telephone and U.S. mail notification to purchase the license. If no person remains from the initial lottery process, or if there was no initial lottery process, the license shall not be reissued.

Nothing in this subsection shall be interpreted to restore or expand any other rights or waive any qualification provisions under this article. For the following license year, a person who held licenses in some or all of the proceeding ten (10) years and who qualified for a license during the period of issuance but did not receive a license, shall be in the class determined by this lottery license and previous licenses. A person who receives a license in this lottery and who has held no licenses for the proceeding ten (10) years shall be in a Class J for the following license year.

If the Brunswick municipal offices are closed during any portion of the normal office hours on the first day set above for issuing licenses to a class, any remaining licenses for that class must be issued and purchased prior to closing of the municipal offices on the next normal business day the municipal offices are open. If the Brunswick municipal offices are closed during any portion of the normal office hours on the second day set above for issuing licenses to a class, any remaining licenses for that class must be issued and purchased prior to noon on the next normal business day the municipal offices are open.

For the purposes of the above selection process, a license does not remain for a class in the descending order if a person in the class above is issued a license but does not purchase the license within the required time, and others in the class above did not obtain a license because the number of persons in the class above exceed the number of available licenses. Rather, the license shall be issued to the persons in the class above who did not obtain a license, by lottery if necessary.

For the purpose of the above selection process, a person who was a Brunswick resident and subsequently established residency in another place outside the Town of Brunswick and obtained a resident commercial shellfish license in that place, shall not be considered as previously having a Brunswick resident commercial shellfish license.

For the purposes of the above selection process, a person who is issued a license but does not purchase

the license within the required time for two (2) successive license years shall not be considered as previously having a Brunswick commercial shellfish license.

- (5) The town clerk or the town clerk's designee shall begin to issue resident and nonresident recreational shellfish licenses on the first Monday in April.
- (c) A copy of this article shall be given with each commercial and student license issued.
- (d) The following procedure will be followed to control student shellfish license availability:
  - (1) Prior to ~~the first Friday in March~~ ~~second Friday of January~~, the marine resource committee will establish the number of student shellfish licenses to be made available. Not less than ten (10) percent of the student shellfish licenses shall be made available to nonresidents, except that if the number established is five (5) or fewer, none is required to be made available to nonresidents, and if the number is more than five (5) but fewer than ten (10), at least one (1) is required.

The marine resources committee will notify the town clerk in writing prior to the second Friday of ~~March~~ ~~January~~ of the number of student licenses to be made available for issue.

- (2) Notice of intent application for student licenses will be available on the first Friday in April at the Town Clerk's Office, 28 Federal Street, Brunswick. The town clerk shall publish a notice of availability of student notice of intent applications for shellfish harvesting in a newspaper of general circulation no later than the first Friday of April. Student harvesters must deliver a completed notice of intent to the town clerk's department, in person, no later than 4:30 p.m. on the first Friday of May. If there are more applicants than there are licenses available, the selection process shall be by lottery. On the second Friday in May, the town clerk shall hold a lottery if needed to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on the third Friday of May. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have seven (7) business days after the town clerk by telephone and U.S. mail notifies the person or persons to purchase the license.

If student shellfish licenses remain after the first ninety (90) days of the issuance process, they shall be equally available to residents and nonresidents.

- (3) Student shellfish license holders will need to appear in person at the time they purchase their licenses to have their pictures taken for their licenses. The town clerk's office will mail out licenses to student license holders by June 10th.
- (4) Before taking shellfish on June 15th, the student shellfish licensees shall provide the certified municipal shellfish conservation warden, or his or her designee, proof that the information in the application remains correct.
- (e) Notice of the dates, places, times and the procedures for the recreational license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than ten (10)

days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the commissioner of marine resources.

(Ord. of 3-6-89, § 309; Ord. of 2-5-90, § 309; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Emergency Ord. of 3-16-98; Ord. of 3-16-98, Ord. of 3-16-99; Emergency/Regular Ord. of 7-6-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 12-2-02; Ord. of 11-3-03; Ord. of 2-22-05; Ord. of 10-24-05; Ord. of 11-2-05(2); Ord. of 11-15-06(1))

### **Sec. 11-141. Suspension.**

(a) Violation of article. The town marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article if a person is convicted in court of violating any section of this article.

(b) Suspension based on conviction in a town closed conservation area. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when the license holder has been convicted in court of harvesting shellfish from a town closed conservation area. The suspension shall be ~~sixty (60) days~~ **one hundred and eighty (180) days** for a first conviction; and ~~for~~ the remainder of the shellfish year for a second conviction. In addition, a person with a second conviction shall not qualify as an applicant for five (5) years from the date of the second conviction.

(c) Suspension based upon violation of recreational license requirement. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when they find the harvester has violated the requirements of this article for recreational or student licenses. The suspension shall be twelve (12) months for the first finding. The suspension shall be for the balance of the license year for the second finding and, in addition, a harvester with a second finding shall not qualify as an applicant for a recreational or student license for five (5) years from the date of the second finding.

(d) The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article, if the license holder refuses to allow inspection or seizure under section 11-138. This suspension may not exceed two (2) years.

(e) Length of suspension where otherwise not specified. The suspension of a license may not exceed the following:

(1) ~~Thirty (30)~~ **Ninety (90)** days for the first conviction.

(2) The remainder of the license year for the second conviction.

In addition, a harvester with a second conviction in a twelve (12) month period arising out of separate events shall not qualify as an applicant for a license for one (1) year.

(f) Applicable standards. Any conviction for violations occurring more than five (5) years before the most recent date of violation resulting in a conviction shall not be counted in determining lengths of suspension. (Ord. of 3-6-89, § 311; Ord. of 2-5-90, § 311; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord.

of 1-18-00(1); Ord. of 2-6-01(1))

**Sec. 11-142. Aiding and abetting.**

A harvester holding a commercial license who aids or abets the harvest of shellfish in violation of this Article shall be subject to the same penalties as the person he has assisted.  
(Ord. of 3-6-89, § 312; Ord. of 2-5-90, § 312; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1))

**Sec. 143. Suspension based on state shellfish license being suspended.**

The marine resource committee shall, after notice and hearing, suspend any and all licenses issued by this article when the license holder's State of Maine Department of Marine Resources Shellfish License is suspended. The suspension shall remain in effect until the license holder's State of Maine Department of Marine Resources Shellfish License is reinstated.  
(Ord. of 3-6-89, § 313; Ord. of 2-5-90, § 313; Ord. of 3-4-91; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 8-15-94; Ord. of 3-16-99)

**Sec. 11-144. Hearing.**

If the certified municipal shellfish conservation warden presents to the marine resource committee evidence that any licensee has been convicted of violating this article or the licensee's State of Maine Department of Marine Resources Shellfish License has been suspended, the marine resource committee shall give the licensee seven (7) days notice of the suspension of the license, stating the reason for the suspension. The licensee has the right to meet with the marine resource committee during that seven-day period to review the evidence of convictions or suspension in the marine resource committee's possession and to present any evidence showing the licensee does not have the convictions or the suspension.  
(Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99)

**Sec. 11-145. Expiration.**

Resident commercial shellfish and nonresident commercial licenses issued under authority of this article shall expire on the fourth Friday of April ~~third Friday of March~~ in the following calendar year. Resident student shellfish and nonresident student shellfish licenses issued under the authority of this article shall expire September 1. Resident recreational and nonresident recreational licenses issued under authority of this article shall expire on the day before the first Monday of April.  
Ord. of 3-6-89, § 306; Ord. of 2-5-90, § 306; Ord. of 2-18-92, Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-2-02; Ord. of 11-3-03)

**Secs. 11-146--11-160. Reserved.**

**DIVISION 5.**

**REGULATIONS**

**Sec. 11-161. Opening and closing of coastal waters.**

(a) The marine resource committee, with the approval of the commissioner of marine resources, and the direct consent of the town council, and this consent to be given by the town council on an annual basis at their first regular meeting after the organization meeting, may open and close coastal waters. Except for emergency closures, or openings, the marine resource committee shall call a public hearing and shall send a copy of the notice to the Department of Marine Resources. At the hearing, the staff shall present evidence obtained from its survey and other sources, and members of the public may present evidence in support or refutation of the evidence presented by the staff. In the event of an emergency closure, or openings, the marine resource committee shall hold a public hearing as soon as practical, considering the need for adequate public notice and participation.

The chair may determine that an opening or closing shall be placed on the agenda and shall direct staff to give notice of the hearing. Notice shall be posted at the town office, placed on the marine resource's recording, and published in a newspaper of general circulation no less than seven (7) days before the date of the hearing.

(b) After the hearing is closed, the marine resource committee shall make findings of fact on the relevant evidence presented. They shall then make a conclusion based on those findings of fact as to whether opening of coastal waters as requested is warranted by the recovery of the resource; or the freedom from predation, competition or other resource problem. If so, the marine resource committee with the concurrence of the department of marine resources shall order the coastal waters opening and shall set such time limitations and other harvesting conditions as are consistent with good conservation practices. If the request is to close the coastal waters, the marine resource committee shall make a conclusion based on their findings of fact as to whether closing the coastal waters is warranted by depletion of the shellfish, destruction of existing seed; or predation, competition or other resource problem. If so, the marine resource committee shall order the coastal waters closed until further request for opening by the staff. Any proposal for opening or closing of coastal waters shall be approved by the commissioner of marine resources prior to enactment.

(c) When the marine resource committee opens or closes the coastal waters, the committee's action may be reviewed at a regularly or specially scheduled town council meeting. The town council may uphold, reverse or amend the opening or closing decision of the marine resource committee.  
(Ord. of 3-6-89, § 203; Ord. of 2-5-90, § 203; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

### **Sec. 11-162. Shellfish size and tolerance of harvest.**

A person shall not harvest or possess softshell clams which are less than two (2) inches in the longest diameter to the amount of more than ten (10) percent of any lot; quahogs which are less than one (1) inch in width; or oysters which are less than three (3) inches in length.  
(Ord. of 3-6-89, § 302; Ord. of 2-5-90, § 302; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 1-18-00(1))

### **Sec. 11-163. Method of determining tolerance.**

The tolerance of ten (10) percent must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the lot. If the entire lot contains less than one (1) peck, the tolerance must be determined by numerical count of the entire lot.

(Ord. of 3-6-89, § 303; Ord. of 2-5-90, § 303; Ord. of 2-18-92; Ord. of 3-16-99)

**Sec. 11-164. Night shellfish harvesting prohibited.**

It is unlawful to harvest, take or possess shellfish from one (1) hour after sunset until one (1) hour before sunrise. The time table prepared by the Nautical Almanac Office of the U.S. Navy for Augusta, Maine will be the official time.

(Ord. of 1-16-96; Ord. of 3-16-99)

**Sec. 11-165. Reserved.**

**Editors Note:** An ordinance adopted on Oct. 24, 2005, repealed § 11-165 in its entirety. Formerly, said section pertained to Sunday shellfish harvesting prohibited, as enacted by an ordinance adopted March 18, 1996; as amended.

**Sec. 11-166. Automatic Closures and Openings.**

Upon notification by the Maine Department of Marine Resources that a shellfish growing area within the town's jurisdiction is placed in a prohibited or restricted status, an automatic conservation closure shall go into effect immediately and shall stay in effect until two weeks after legal notification by the Maine Department of Marine Resources that the shellfish growing area has returned to approved standards and is open for public harvest or until the Brunswick Marine Resources Committee holds a public hearing to open the area, whichever is sooner. The exception to this rule is that the Brunswick Marine Resources Committee can designate an area that is in a restricted status for depuration harvest only. This section does not apply to seasonal openings and closings.

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ITEM 176

BACK UP MATERIALS



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

ANNA M. BREINICH, AICP  
DIRECTOR OF PLANNING & DEVELOPMENT

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

November 20, 2009

Hon. Brunswick Town Council  
Town Hall  
Brunswick, Maine 04011

Dear Councilors:

The Land for Brunswick's Future Board is pleased to inform you that we have successfully completed the initial task outlined in your May 7, 2007 order, which established the Board – i.e. "...develop, and recommend to the Town Council for its approval, a written Property Acquisition Evaluation Process consistent with the 2002 Parks, Recreation and Open Space Plan (PROSP)..." We have been ably assisted in this process by Tom Farrell, Anna Breinich and Vanessa Levesque. The proposed process and scoring guidelines are enclosed for your review and consideration. We look forward to the opportunity to present them to you and answer any questions you may have.

In a November 7, 2006 Advisory Referendum (attached) the voters of Brunswick, by nearly a 2/3rds margin (64%), indicated their support for creation of a Land for Brunswick's Future Fund (LBFF) to be used to respond to priority conservation and recreation opportunities, consistent with the 2002 PROSP. In response to that referendum, the Council established the Land for Brunswick's Future Board, and directed us to develop a process for evaluating land acquisitions as noted above. The Council has also proposed an allocation of \$1 million in FY 2011 for the LBFF in the Town's Five Year Capital Plan. We are interested in working with the Council to determine the next steps for the Board, including the capitalization of the Land for Brunswick's Future Fund, and would appreciate the opportunity to meet with the Council, at your convenience, to discuss both the draft process and scoring guidelines, and the future of the LBFF.

Thank you for your interest in protecting high value conservation and recreation lands in Brunswick. We look forward to talking with you soon.

Sincerely,

Tom Rumpf, Chair  
for the Land for Brunswick's Future Board

Cc: LBF Board Members - Forrest Dillon, Colleen McKenna, Benet Pols, Joy Prescott, Jeffrey Ward

Attachments: 2006 Referendum language; Property Acquisition Evaluation Process and Application Form; Rating Guide

## Vanessa Levesque

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**From:** Fran Smith [smithfm@brunswickme.org]  
**Sent:** Thursday, November 19, 2009 2:18 PM  
**To:** 'Vanessa Levesque'  
**Subject:** question

### Question #2 – Advisory Referendum

Should the Town Council establish a Land for Brunswick's Future Board and secure funding not to exceed \$1,000,000 in Years 2 or 3 of the Capital Improvement Plan to be adopted in 2007?

Purpose: This was established as a priority action in the Parks and Recreation Open Space Plan and adopted by the Town Council in October 2002 to acquire land or interest in land for various municipal purposes including for recreation and to preserve open space, natural resources and significant scenic, cultural or historic sites.

Fran Smith  
Town Clerk  
28 Federal Street  
Brunswick, ME 04011  
[smithfm@brunswickme.org](mailto:smithfm@brunswickme.org)  
207-725-6658  
Fax 207-725-6663

**Land for Brunswick's Future Program**

**Acquisition Rating Guide**

Date: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Property Location: \_\_\_\_\_

Map/Lot Number: \_\_\_\_\_

Size in Acres: \_\_\_\_\_

*NOTE: This Rating Guide is intended as an aide in understanding the values of a proposed acquisition when compared to other properties. It is only one of the factors that will be used in making a final decision on acquisition priorities.*

Evaluation Category	Subcategory	Points	Score
1. Natural Values (up to 25 points)	Contains state rare, threatened or endangered species or natural communities	8	
	Contains State or Town identified high value habitat (e.g. vernal pools, deer wintering areas, wading bird/waterfowl habitat, shorebird habitat, exemplary natural communities )	5	
	Contributes to protection of high quality diverse habitat types in Town (e.g., large forest blocks, high quality stream watersheds, undeveloped coastline, tidal wetlands and riparian zones )	4	
	Enlarges existing protected lands or provides linkage between protected lands to enhance functionality	4	
	Maintains resource production (e.g. sustainable timberlands, cultivated lands, clam flats, groundwater recharge )	4	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>

<b>2. Parcel Size</b> (up to 14 points) [choose one]	Parcel is more than 100 acres in size	14	
	Parcel is more than 25 acres in size	10	
	Parcel is more than 5 acres in size	5	
	Parcel is less than 5 acres in size	3	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>
<b>3. Aesthetic Values</b> (up to 12 points)	Contains or provides a vista ( <i>as measured by landform, open land, shoreline configuration, scenic points of interest [including structures], water views</i> )	8	
	Significant visible vegetation ( <i>e.g., individual specimen trees or stands, buffers, ephemeral plant stands</i> )	2	
	Scarcity ( <i>one of a kind, unusually memorable, or very rare within Town</i> )	2	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>

<b>4. Recreation/Trails</b> (up to 34 points)	Suitable site for new outdoor recreation facility meeting identified need in town (e.g., playing fields, pocket parks )	10	
	Property contains existing trails or has the potential for trail development that would provide a key link in an existing trail system	10	
	Provides needed public access to water	10	
	Maintains existing hunting and/or fishing access	4	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>
<b>5. Surrounding Land Uses</b> (max. of 7 points)	Property contiguous to park or preserved land	4	
	Property contiguous to agricultural land	3	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>
<b>6. Town Priorities</b> (Select One) (10 points max)	Identified priority in Pks, Rec. & Op Sp Plan	10	
	Property is within one of the identified Rural Smart Growth unfragmented habitat blocks	10	
	Property with potential to serve an underserved neighborhood	5	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>

<b>7. Development Threat</b> (Up to 8 points) (select one)	High development probability	8	
	Moderate development probability	5	
	Low development probability	3	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>
<b>8. Fundraising &amp; Partnership Potential</b> (up to 20 points)	Match funding of $\geq$ 50%	10	
	Match funding of $\geq$ 25%	5	
	Partner commitment to stewardship	10	
<b>Comments:</b>		<b>Subtotal =</b>	<b>0</b>

TR 10-02-09 draft

<b>Scoring Total</b>		
<b>Category</b>	<b>Max. Pts.</b>	<b>Score</b>
<b>1. Natural Values</b>	25	0
<b>2. Parcel Size</b>	14	0
<b>3. Aesthetic Values</b>	12	0
<b>4. Recreation/Trails</b>	34	0
<b>5. Surrounding Uses</b>	7	0
<b>6. Town Priorities</b>	10	0
<b>7. Development Threat</b>	8	0
<b>8. Funding/Partnerships</b>	20	0
<b>Total =</b>	<b>130</b>	<b>0</b>

## Land for Brunswick's Future Fund Property Acquisition Evaluation Process

1. Application
  - a. The process begins when a completed Land Acquisition Application Form is submitted to designated staff lead for Board. Anyone can complete this form (including a landowner or agent; a group (e.g. Brunswick Topsham Land Trust, Parks and Recreation, Conservation Commission, etc); town staff; or any citizen). A map and photos are included as part of the form. The staff coordinates and works with applicants to provide assistance and make sure application is complete. The staff works with applicant to determine if the application is confidential or full-disclosure and will work with the Board to determine if presentation and/or site visit is appropriate.
2. Board Review
  - a. If landowner would like project to be confidential during initial review, staff will conduct initial meeting(s), site visit, and conduct initial evaluation. Staff will also provide option to meet with the Board.
  - b. If the project is full-disclosure, the Board may choose to request a presentation and/or conduct a site visit, or may begin evaluation.
    - i. A presentation of the project at a regularly scheduled meeting of the Board is optional and will provide an opportunity for an overview of the application. This overview may be a discussion, slide show or video, and will help the Board to understand the property. The focus of the presentation should address the question "How would the people of Brunswick benefit from conservation of this property?"
    - ii. A site visit can be scheduled any time during the process that it seems appropriate.
  - c. Members of the Board serving as representatives of the Conservation Commission, Recreation Commission and Brunswick Topsham Land Trust should solicit feedback from those groups. These groups should also be invited to attend any site walks or presentations.
3. Board Evaluation
  - a. The Board completes a detailed assessment of the property using the criteria in the Acquisition Rating Guide, with assistance from town staff or a subcommittee. The property would receive a "score" that can be compared to other properties. The Rating Guide is intended as an aid in understanding the values of a proposed acquisition when compared to other properties. It is only one of the factors that will be used in making a final decision on acquisition priorities. The Board will also discuss other factors that should be considered.
  - b. If a property is determined not to be a priority for Acquisition, applicant will be notified.
4. Board Decision
  - a. At a regularly scheduled meeting, the Board will officially consider whether to recommend to Town Council that this property is important for conservation. If project is confidential, this may occur in executive session.
  - b. If not already conducted, site visit should be conducted before developing a Recommendation.
  - c. The applicant will be notified as to the Board's decision.
5. Recommendation to Town Council
  - a. The Board will develop a written Recommendation for the Town Council to acquire this property. This Recommendation should include the following information:
    - i. Acquisition Strategy. The Board will develop the acquisition strategy or approach that's most likely to be successful. The strategy may include a timetable, format for expending dollars, etc.
    - ii. Possible Partners. The Board will investigate all possible partners for the project, including opportunities to leverage other grants and donations and/or opportunities not directly related to conservation or recreation on part of the property.
    - iii. Management and Stewardship. The Board will present recommended management strategies, including any conditions, restrictions or protective measures, as well as long-term funding for maintenance costs.
  - b. Once Town Council has considered the Recommendation, Town Council will identify next steps and may provide additional direction to the Board for follow-up actions.

**Land for Brunswick's Future Fund**  
Property Acquisition Application Form

Property Name: \_\_\_\_\_ Date: \_\_\_\_\_ Confidential: Y N

**Contact Information for Application:**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**Property Information:**

Address \_\_\_\_\_

Landowner(s) \_\_\_\_\_

*Full name of all owners and lien holders, if any* \_\_\_\_\_

Deed type \_\_\_\_\_

Book/page # \_\_\_\_\_

Tax Map # \_\_\_\_\_

Lot # \_\_\_\_\_

Total Acres \_\_\_\_\_

Acres Proposed for Acquisition \_\_\_\_\_

Current assessed value \_\_\_\_\_

Recent appraised value (if available) \_\_\_\_\_

**Land Description:**

Any building(s) on property	Yes	No
If yes, are they part of acquisition	Yes	No
Existing boundary survey	Yes	No
Existing boundary disputes	Yes	No
Hazardous waste on property	Yes	No

Please attach the following:

- Project Description, including information on any special features (natural values, aesthetic values, public access for recreation or trails), surrounding land uses, and current or potential uses, as well as reasons why Brunswick would benefit from conservation of property.
- Project Maps (can be created using WebGIS at <http://www.brunswickme.org>):
  - property map with aerial photo, showing property boundaries and any special features.
  - location map, showing property location within town and showing proximity to adjacent protected properties or features, if applicable.
- Photos (optional).

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ITEM 177

BACK UP MATERIALS



**Proposed Ordinance Amendments**  
**To Chapter 5 – Buildings and Building Regulations relative to fees**  
**Drafted – 11/17/2009**  
**Public Hearing –**  
**Adopted –**  
**Effective –**

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 15 (Building and Building Regulations) of the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended as follows:

Amend Sections by adding the underlined text and removing the strike-out text:

**DIVISION 2**  
**BUILDING CONSTRUCTION**

**Sec. 5-52. Amendments.**

The following sections of the building code adopted by this division are hereby revised as follows: ....

(3) *Section 114.3.1* is amended to read as follows:

"The minimum fee for all building permits shall be forty-five dollars (\$45.00) ~~twenty-five dollars (\$25.00)~~.

"For a permit for new construction or alteration of a building or structure, the schedule of fees is as follows:

"For each square foot of floor area, excluding basements, for one- and two-family dwellings, and attached garages, thirty-five cents (\$0.35) ~~twenty cents (\$0.20)~~ per square foot.

"All other use groups set forth in Article 3 of the BOCA National Building Code 1990, forty cents (\$0.40) ~~twenty-five cents (\$0.25)~~ per square foot.

"Foundation only, forty cents (\$0.40) per square foot ~~twenty-five dollars (\$25.00)~~.

"Square footage will be figured on the exterior of the building for new construction and the effected area within the building for alterations.

"Demolition permit fees:

Fifty dollars (\$50.00) per structure.

~~"For footprint area up to 650 square feet . . . . \$ 10.00"~~

~~"For footprint area over 650 square feet . . . . . 20.00-  
.....~~

"Fee computations are to be rounded to the nearest dollar."

**DIVISION 3.  
ELECTRICAL INSTALLATION STANDARDS\***

**Sec. 5-77. Amendments adopted.**

The following amendments to the code adopted in section 5-76 are hereby adopted:

(1) *Chapter 10, Enforcement, Fees, Penalties* is added to read as follows: .....

"1000-5. *Schedule of fees.* The codes enforcement officer shall collect electrical inspection fees from applicants for permits under article 1000-3, as follows:

"A. General:

1. Minimum fee shall be . . . . . ~~\$45.00~~ \$10.00
2. Reinspection for code violation . . . . . ~~\$30.00~~ \$10.00
3. All fees are to be rounded to the nearest dollar.

"B. Original Installations:

- "1. Residential: for one-family or two-family dwellings, six cents (\$0.06) ~~five cents (\$0.05)~~ per square foot of floor area.
- "2. All use groups listed in section 301.1 of the BOCA National Building Code, 1990, except one- and two-family dwellings, nine cents (\$0.09) ~~eight cents (\$0.08)~~ per square foot, up to 10,000 square feet and ~~four cents (\$0.04)~~ per square foot ~~over 10,000 square feet.~~
- "3. All use groups listed in section 310 of the BOCA National Building Code, 1990, from 1 to 10 fixtures or outlets . . . . . \$6.00  
  
11--20 fixtures or outlets . . . . . 9.00  
  
21--31 fixtures or outlets . . . . . 12.00  
  
Over 30 fixtures or outlets . . . . . 25.00.

"C. Additions and Alterations:

- "1. Service and meter or replacement . . . . . ~~\$45.00~~ \$10.00

Each additional meter on same service . . . . . \$5.00

- "2. Installations for appliances, water heaters, dryer, disposal, etc. . . . . \$5.00
- "3. Swimming pools . . . . . ~~\$45.00~~ \$10.00

Plus each appliance . . . . . 3.00

"4. One electrical sign or lighting standard . . . . . \$5.00

Plus each additional sign or standard . . . . . 1.00

"5. Hazardous location as defined in Chapter 5 of the National Electrical Code 1990 Edition . . . . . 10.00

Plus an addition for each unit changed or added (pumps, fixtures, etc.) . . . . . \$5.00

"6. From 1 to ~~20~~ 40 fixtures or outlets . . . . . \$45.00 ~~6.00~~

~~11 to 20 fixtures or outlets . . . . . 9.00~~

~~21 to 30 fixtures or outlets . . . . . 12.00~~

Over ~~20~~ 30 fixtures or outlets, the fee shall be computed on a square foot basis at ~~one-half the rate~~ set forth under article 1000-5(B) based upon the area of the addition or alteration.

DIVISION 4  
INTERNAL PLUMBING INSTALLATION FEES

5-78 Internal Plumbing – nine dollars (\$9.00) per fixture with a minimum permit of thirty-six dollars (\$36.00)

DIVISION 5  
SUBSURFACE WASTEWATER DISPOSAL FEES

5-79 Subsurface Wastewater Disposal Fees shall be a base fee of 150% of the Maine State Minimum fees as listed in Table 110.2 of the Maine Subsurface Waste Water Disposal Rules.

# *Town of Brunswick, Maine*

Incorporated 1739

## CODES ENFORCEMENT OFFICE

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



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

To: Brunswick Town Council  
Gary Brown, Town Manager

Cc: John Eldrich, Finance Director  
Anna Breinich, Director of Planning and Development

From: Jeff Hutchinson, Codes Enforcement Officer

Date: March 6, 2008

Re: Brunswick Construction Fee Schedule

This memo and attached (three) spreadsheets are being offered to the Town Council by the Codes Enforcement Office to recommend an update of the Town's construction permit fees. We surveyed approximately a dozen Maine communities of similar size and growth as Brunswick for comparison and the results of our findings and recommendations can be found on the attached spreadsheets. We are recommending a comprehensive update of the fees for Building, Plumbing and Electrical permits.

The Building Permit fees were last updated by the Council in 2003 with a suggestion to return for additional updates in 5 years. (It had been 12 years since they were previously updated). One significant change to the current proposal is to adjust the renovation fee structuring from "per square footage" of the project to a "price/thousand" of the project cost.

While researching other municipalities in 2003 we found that the plumbing and electrical fees compared favorably. However, our recent survey has identified that many have updated/increased their fees to help defray the increased costs necessary to process the permits and to inspect the projects which would include travel expenses. Brunswick has experienced similar increases and recommends the attached fee updates. Our electrical fees have not been revised since 1989 and the plumbing fees were last updated in 2004.

## Building Permit Fees 2009

Town	Minimum Application Fee	1 & 2 Family New Construction (Typical Home) \$200,000/2,000 SF	All other New Construction (Bldg #3 M.S.S.) \$2.3Mil/19,684 SF	1 & 2 Family Renovation (Home Renov.) \$300,000/3,200SF	Other Renovation (Atlantic Regional FCU) \$264,448/6,200SF	Foundation Typical Home Foundation \$17,000/2500SF	Demo 14 McKeen St Assessed Value \$300,000/3,307SF
Auburn	N/A	\$.28/SF (\$560.00)	\$.38/SF (\$7480.00)	\$5.00/\$1000.00 (\$1,500.00)	\$7.00/\$1000.00 (\$1,855)	.11/SF (\$275.00)	.02/SF (\$66.14)
Bangor (2008)	N/A	.007 x value 94.99 x SF x .007 (\$1329.00)	Retail:86.08 x SF x .007 Office:121.71 x SF x .007 (\$16,770.00)	\$6.00/\$1000.00 (\$1,800.00)	\$6.00/\$1000.00 (\$1,590.00)	\$6.00/\$1000.00 (\$102.00)	\$41.00 plus \$10.00 for each floor over 3 (\$41.00)
Biddeford	\$25.00	\$8.00/\$1000 (\$1600.00)	\$8.00/\$1000.00 (\$18,400)	\$8.00/\$1000.00 (\$2,400.00)	\$8.00/\$1000.00 (\$2,120.00)	N/A	\$25.00 (\$25.00)
Falmouth (2002)	\$25.00	\$.25/SF (\$500.00)	\$10.00/\$1000.00 value (\$23,000.00)	\$5.00/\$1000.00 (\$1,500.00)	\$7.00/\$1000.00 (\$1,855.00)	\$100.00 (100.00)	\$25.00 (\$25.00)
Lewiston (2008)	N/A	\$.21/SF (\$420.00)	\$.26/SF (\$5,118.00)	\$2.50/\$1000.00 (\$750.00)	\$5.00/\$1000.00 (\$1,325.00)	Res. \$.05/SF (\$125.00) Comm \$5.00/\$1000 (\$85.00)	\$80.00 -\$210.00 (based on SF) (\$100.00)
Portland (2009)	\$30.00	\$10.00/\$1000.00 (\$2,000.00)	\$10.00/\$1000.00 (\$23,000.00)	\$10.00/\$1000.00 (\$3,000.00)	\$10.00/\$1000.00 (\$2,650.00)	N/A	\$30.00 plus \$10.00/\$1000.00 assessed value (\$3,030)
Scarborough (2009)	\$35.00	\$.40/SF (\$800.00)	\$.40/SF (\$7,874.00)	\$.40/SF (\$1,280.00)	\$.40/SF (\$2,480.00)	\$.20/SF (\$500.00)	\$35.00 (\$35.00)
Bath (2006)	\$40.00	\$.20/SF (\$400.00)	\$.40/SF (\$7,874.00)	\$.20/SF (\$640.00)	\$.40/SF (\$2,480.00)	N/A	\$50.00 (\$50.00)
Freeport (2008)	\$55.00	\$.40/SF (\$800.00)	\$.45/SF (\$8,858.00)	\$11.00/\$1000 (\$3,300.00)	\$11.00/\$1000.00 (\$2,915.00)	\$55.00 (\$55.00)	\$55.00 (\$55.00)
Topsham (2008)	N/A	\$.25/\$1000.00 (\$500.00)	.40/SF (\$7,874.00)	.25/SF (\$800.00)	\$.40/SF (\$2,480.00)	N/A	\$25.00 (\$25.00)
Brunswick (2003)	\$25.00	.20/SF (\$400.00)	\$.25/SF (\$4,921.00)	\$.25/SF (\$800.00 only if structural)	\$.25/SF (\$1,550.60 only if structural)	\$25.00 (\$25.00)	\$10-\$20 (\$20.00)
Average	\$35.00	\$890.90 (\$.45/SF)	\$11,924.45 (\$.60/SF)	\$1,697 (\$5.66/\$1000) (\$.53/SF)	\$2,175 (\$8.22/\$1000) (\$.35/SF)	\$144.00 (\$8.48/\$1,000) (\$.057/SF)	\$970.56 (\$3.23/\$1,000) (\$.29/SF)
Brunswick (Existing)	\$25.00	\$400.00 (\$.20/SF)	\$4,921.00 (\$.25/SF)	\$25.00 (\$.25/SF Structural Improvements only)	\$1,550 (\$.25/SF) Strutural Improvements only	\$25.00	\$20.00
Brunswick (Proposed)	\$45.00	\$.35/SF (\$700.00)	\$.40/SF (\$7,873.60)	\$6.00/\$1,000.00 (\$1,800.00)	\$9.00/\$1,000.00 (\$2,380.00)	\$.40/SF (\$100.00)	\$50.00

## Electrical Fee's 2009

Town	Minimum Fee	Service Entrance	Wiring Residential	Wiring Commercial	Alterations	Swimming Pools
<b>Auburn</b>	\$30.00	\$25.00	\$50.00/Dwelling Unit	1-10 =\$10.00 11-30 = \$15.00 31-60= \$20.00 61 Plus= \$.05/Fixture	Same as Commercial	Above= \$40.00 Below= \$50.00
<b>Bangor</b>	\$33.00	\$33.00	\$59.00/Dwelling Unit	\$59.00 Plus .0005% of total cost	\$33.00/Permit	\$33.00
<b>Biddeford</b>	\$25.00	\$35.00	\$100.00/Home	\$.055/SF	\$.35/Outlet	Above= \$25.00 Below= \$40.00
<b>Falmouth</b>	\$50.00	\$25.00	\$.03/SF	\$.03/SF	\$.03/SF	\$25.00
<b>Lewiston (2008)</b>	\$40.00	\$12.00	\$58.00/Dwelling Unit			\$37.00
<b>Portland</b>	\$50.00	\$15.00	\$.20/Fixture	\$.20/Fixture	\$.20/Fixture	\$10.00
<b>Scarborough</b>	\$30.00	\$30.00 (\$30.00 Admin Fee)	\$.05/sf (\$30.00 Admin Fee)	\$.05/sf (\$30.00 Admin Fee)	\$15.00/Room	\$30.00
<b>S. Portland (2006)</b>	\$40.00	\$30.00	\$30.00/Appliance		1-10 Fix=\$5.00 11-30 30 Fix= \$8.00 31-60 60Fix= \$10.00	\$40.00
<b>Westbrook</b>	\$35.00	\$25.00	\$100/Dwelling Unit	\$.03/SF	\$.20/Outlet	\$35.00
<b>Bath</b>	\$50.00	\$50<5 Meters \$100 >5 Meters	\$.06/SF	\$.10/SF	1-20=\$50.00 >20 use SF	\$50.00
<b>Freeport</b>	\$25.00	\$25.00 (plus \$30.00 Admin Fee)	\$.06/SF (\$30.00 Admin Fee)	\$.10/SF (\$30.00 Min) (\$30.00 Admin Fee)	Same as wiring	\$25.00
<b>Topsham</b>	N/A	\$10.00	\$.06/SF	\$.09/SF	1-10 Fix=\$10.00 11-20 Fix= \$15.00 21-30 Fix= \$20.00 Over 30= 1/2 of SF	N/A
<b>Brunswick</b>	\$10.00	\$10.00	\$.05/SF	<10,000SF=\$.08/SF >10,000SF=\$.04/SF	1-10 Fix=\$6.00 11-20 20 Fix= \$9.00 21-30 30 Fix= \$12.00	\$10.00
<b>Average</b>	\$37.09	\$31.25	\$.06/SF	\$.095/SF		\$33.00
<b>Brunswick (Existing)</b>	\$10.00	\$10.00	\$.05/SF	<10,000SF=\$.08/SF >10,000SF=\$.04/SF	1-10 Fix=\$6.00 11-20 20 Fix= \$9.00 21-30 30 Fix= \$12.00	\$10.00
<b>Brunswick (Proposed)</b>	\$45.00	\$45.00	\$.06/SF	\$.09/SF	1-20 Fixtures \$45.00 >20 use SF of project	\$45.00

**Plumbing Permit Fees  
2009**

<b>Town</b>	<b>Minimum</b>	<b>Amount per Fixture</b>	<b>Complete Disposal System Non-Engineered</b>	<b>Complete Disposal System Engineered</b>	<b>Seasonal Conversion</b>	<b>Variances</b>	<b>Engineered Treatment Tank</b>	<b>Non-Engineered Treatment Tank</b>	<b>Non-Engineered Disposal Field</b>	<b>Engineered Disposal Field</b>	<b>Primitive System</b>	<b>Separate Laundry</b>	<b>Alternative Toilet</b>	<b>Other System Components</b>
<b>Auburn (Increase soon)</b>	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Bangor</b>	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Biddeford</b>	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Falmouth</b>	\$36.00	\$9.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$45.00
<b>Lewiston</b>	\$24.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Portland</b>	\$24.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Scarborough</b>	\$36.00	\$9.00	\$130.00	\$250.00	\$65.00	\$25.00	\$100.00	\$65.00	\$100.00	\$200.00	\$130.00	\$50.00	\$65.00	\$40.00
<b>South Portland</b>	\$34.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Westbrook</b>	\$24.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Bath</b>	\$50.00	\$12.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Freeport</b>	\$40.00	\$10.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$45.00
<b>Topsham (2008)</b>	\$36.00	\$9.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$30.00
<b>Brunswick</b>	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Average</b>	\$31.00	\$7.58	\$115.00	\$237.50	\$57.50	\$22.92	\$91.66	\$57.50	\$86.46	\$172.92	\$115.00	\$40.63	\$57.50	\$33.33
<b>Brunswick (Existing)</b>	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
<b>Brunswick (Proposed)</b>	\$36.00	\$9.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$30.00

Development Review

Town	Subdivision (5-lots)	Site Plan (10,000 SF)	Village Review (Sign)	ZBA	Plan Amendments	Special Permit	Rezoning Request	Final Plan Reapproval
<b>Brunswick</b>	Sketch: \$25/lot Final: \$75/lot (5 lots = \$500)	Sketch Plan: Minimum \$50 or \$0.03 per square foot if < 2,500 sf. Final Plan: Minimum \$50 or \$0.10 per square foot if < 2,500 sf. Minor Site Plan: Minimum \$50 or \$0.10 per square foot if more between 2,500 sf and 4,999 sf (10,000 sf = \$1,300)	\$0 Application Fee (Sign = \$0) *NEW FEE*	\$75 Application Fee	\$0 Application Fee *NEW FEE*	\$160 to cover cost of 2 advertisements in newspaper	\$0 *NEW FEE*	\$0 *NEW FEE*
<b>Minimums</b>	\$200	\$50	n/a	\$75	n/a	\$160	n/a	n/a
<b>Topsham</b>	Deposit: \$750 or \$1,500 w/ new road (5-lots = \$750 or \$1,500)	Deposit: \$100 for Staff Review and \$300 for Planning Board Review (10,000 sf = \$300)	\$0 Application Fee	\$75 Application Fee	Half of Initial Deposit	n/a	\$75 for text and \$75 for map	\$0
<b>Minimums</b>	Variable	Variable	n/a	\$75	variable	n/a	\$75	n/a
<b>Bath</b>	Sketch: \$100/lot Final: \$250/lot (5 lots = \$1,750)	\$0.075 per square foot plus \$0.01 per square foot of new parking area (10,000 sf = \$750 plus parking)	\$10 - \$25 (Sign = \$25)	\$150 Application Fee	\$75	n/a	\$275	\$0
<b>Minimums</b>	\$700	\$200	\$10	\$150	\$75	n/a	\$275	n/a
<b>Freeport</b>	Sketch: \$110/lot Final: \$85/lot (5 lots = \$975)	\$330 up to 3,000 sf. Add \$55 per 1,000 sf after 3,000 with max. of \$3,300. (10,000 sf = \$715)	\$50 - \$150 (Sign = \$50)	\$55 Residential and \$125 Non-residential	\$30	\$825	\$385 for text and \$385 for map	\$0
<b>Minimums</b>	\$390	\$330	\$50	\$55 or \$125	\$30	\$825	\$385	n/a
<b>Lewiston</b>	\$525 for first 5 lots, \$53 per additional lot. Expanded Review \$840 (5 lots = \$525)	Minor: \$210. Major \$525. Expanded Review \$840	\$0	\$105	Minor: \$105, Major \$263. Expanded Review \$420	\$525	\$315	n/a
<b>Minimums</b>	\$525	\$210, \$525, or \$840	\$0	\$105	\$105, \$263 or \$420	\$525	\$315	n/a

Development Review

<b>Augusta</b>	\$200 first 6 lots, \$35 for each additional lot + \$0.59 per abutter (5 lots = \$200)	Major: \$2,000 + \$0.15 per sf < 20,000 (maximum \$4,000). Minor: \$250 + \$0.15 < 5,000 (maximum \$1,000). Plus \$0.59 per abutter	n/a	\$50 or \$100	\$0	\$50 + \$0.59 per abutter	\$150	If plan expires original fee assessment applies
<b>Minimums</b>	\$200	Major: \$2,000. Minor: \$250	n/a	\$50 or \$100	n/a	\$50	\$150	n/a
<b>Regional Average</b>	\$908 (5 lot subdivision)	\$0.085 per square foot on 10,000 sf	\$22 for Sign / ~\$82 Application Fee	~\$105	~\$150	\$390	\$240	\$0
<b>Brunswick (Proposed)</b>	Sketch: \$100/lot Final: \$150/lot (5 lots = \$1,250) + \$200 Deposit	Minimum \$150. <b>Sketch Plan</b> \$0.03 per square foot. <b>Final Plan</b> \$0.10 per square foot (10,000 sf = \$1,300) + \$200 Deposit	\$25 for Staff Review and \$50 for Board Review (Sign = \$25)	\$75 Application Fee	\$50	\$200 + \$200 Deposit	\$200	\$200

ITEM 178

BACK UP MATERIALS



# TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, AICP  
DIRECTOR OF PLANNING & DEVELOPMENT

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

## Memo

To: Brunswick Town Council  
Gary Brown, Town Manager  
Cc: John Eldridge, Finance Director  
Anna Breinich, Planning & Development Director  
From: Kris Hultgren, Town Planner  
Date: November 12, 2009  
Subject: Development Review Fee Schedule

### Overview

This memo and attached spreadsheet are intended to present to the Town Council the Planning & Development Department's recommendations for updating the fee schedule used to assess administrative fees for development review applications. Staff reviewed the fee schedules of regional municipalities for comparison and the results of that analysis and specific staff recommendations are part of the attached spreadsheet. No changes to Brunswick's development review fee schedule have been made in at least 15 years.

### Staff Recommendations

Staff recommends updating existing development review fees, implementing additional fees and requiring a deposit from applicants to cover the town's cost of advertising public hearings and notifying abutters of project reviews. The town currently assesses a development review fee for Subdivision and Site Plan reviews, Special Permit requests and Zoning Board of Appeals applications. Staff proposes to increase the fees assessed for Subdivision and Special Permit reviews and the minimum amount charged for Site Plan reviews. Staff is not proposing increases to the Zoning Board of Appeals application or new construction Site Plan reviews.

The town currently does not assess a fee for processing Village Review Board applications, Final Plan Modification reviews, and Rezoning and Final Plan Reapproval requests. Staff is recommending that new fees be established to process these requests and a deposit be required from the applicant to cover the costs of advertisements and abutter mailings.

### Existing Fee Increases

Staff is proposing the following fee increases:

- Subdivisions to \$100 per lot during Sketch Plan review (up from \$25) and \$150 per lot during Final Plan review (up from \$75);
- Special Permit applications would cost \$200 (up from \$160);
- Minimum amount charged for Site Plan reviews would increase to \$150 (up from \$50).

Staff is not recommending increases in fees for new construction Site Plan reviews as \$0.10 a square foot is adequate at this time. The Zoning Board of Appeals application fee of \$75 is less than the regional average but no change to this fee is proposed. The recommended increases would make Brunswick's fees more consistent with fees assessed by regional municipalities. For example, Brunswick's development review fee for a 5-lot subdivision is approximately 80% below the regional average. The Special Permit application fee is also significantly below the regional average. A comprehensive regional comparison of the proposed increases is attached.

### New Fees

Staff is recommending the following new fees:

- Village Review Board applications of \$25 or \$50 depending on the level of review;
- Final Plan Modification reviews of \$50;
- Rezoning and Final Plan Reapprovals of \$200.

Most regional municipalities charge a fee for these services (Plan Reapprovals being an exception). Since 2008 the Planning & Development Office has processed 74 Village Review Board applications, approximately a dozen Final Plan Modification requests and one reapproval and rezoning request without charging a fee.

The new fees are proposed to help the town recoup some of its costs for processing development applications. These costs include staff time reviewing projects, advertising public hearings and mailing notices to abutters. Staff is also proposing a separate deposit of \$200 to cover the costs of advertising and abutter mailings for all development review projects. Any part of the \$200 not used for advertising or abutter mailings would be returned to the applicant.

### Planning Board Comment

The Planning Board reviewed Staff's proposed updates to the fee schedule at its meeting on November 10. Most members agreed that updates to the fee schedule are appropriate to become

more consistent with regional averages with the exception of instituting a fee for Village Review Board applications. The proposed fees for reviewing Village Review Board applications were seen as costly and unnecessary, especially applications processed by Staff. Board members were more open to a fee for applications reviewed by the Village Review Board. The Planning Board generally did not object to increasing the Subdivision and Special Permit fees and increasing the minimum fee assessed for Site Plan reviews.

Planning Staff will attend the November 16 Town Council meeting to answer any questions you may have.

ITEM 179

BACK UP MATERIALS

# Street Acceptance Ordinance

## Town of Brunswick

### Section I. Title

This Ordinance shall be known and may be cited as the "Street Acceptance and Standards Ordinance" of the Town of Brunswick, Maine.

### Section 2. Statement of Purpose

The purpose of this Ordinance is to promote the health, safety, and public welfare of the residents of the Town of Brunswick by the means of establishing minimum standards for streets which may be accepted as Town Ways.

### Section 3. Authority, Administration & Effective Date

- A. This Ordinance is enacted pursuant to Title 30, M.R.S.A., Section 1917 Ordinance, Power Limited and Section 2151, Police Power Ordinances.
- B. This Ordinance shall be administered by the Town Council who shall consult with the Planning Board and Town Engineer.
- C. The effective date of this Ordinance is \_\_\_\_\_

### Section 4. Definitions

Easement: The right to use or restrict the use of land of another for or to specified purposes.

Street: A publicly dedicated way accepted or proposed to be accepted by the Town Council.

Street Classifications:

The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry. All streets proposed for public dedication shall be classified by the Town Engineer according to the following criteria that include a consideration of residential or mixed use development potential of any future street extensions. Streets with mixed use developments shall be classified by the Town Engineer based on peak hour trip equivalents:

- A. Collector – Street that has the capacity to serve over 150 units.
- B. Local - Street that has the capacity to serve 26 to 150 units.
- C. Minor - Street that has the capacity to serve 25 units or less.

### Section 5. Applicability

- A. This Ordinance shall apply to all streets within the Town to be accepted as Town Ways after the effective date of this Ordinance.
- B. Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods or higher quality materials. The determination of the acceptability of other standards, methods or materials shall be made by the Town Council with advice of the Planning Board and Town Engineer.

C. The following projects are exempt from this Ordinance and are subject to the standard practices of the Public Works Department and the Town Council in effect on December 31, 2009:

1. Jones Farm, Lisbon Rd, 36 lots
2. Wood Pond, Ledgewood Road Phase, 9 lots
3. Great Scott Subdivision, Hacker Rd, 12 lots
4. Perreault Subdivision, Durham Rd, 12 lots

## **Section 6. Acceptance & Application Requirements**

- DRAFT**
- A. No street shall be laid out and accepted as a public street by the Town of Brunswick, except in accordance with the provisions of this Ordinance. This ordinance shall prevail over all other ordinances, or parts thereof, in conflict or inconsistent with the provisions of this Ordinance.
  - B. Streets can be offered for Town acceptance only if they meet the requirements detailed in Sections 7 of this Ordinance.
  - C. An application shall be submitted to the Town Council for acceptance of a new or extended Town Way upon a form prescribed by the Town Engineer after satisfactory completion of all public improvements. The application shall contain the following information and certifications:
    1. A copy of a Boundary Survey Plan that has been recorded in the Cumberland County Registry of Deeds prior to the time of acceptance and the plan book and page reference shall be provided in the application.
    2. The Project Surveyor, shall provide a certificate that all monuments have been set and they have replaced any monuments disturbed during construction i.e. all monuments exist and are in good condition as of the acceptance date. Disturbed or high monuments along the street and public easements need to be re-set flush with grade prior to any offer for acceptance.
    3. The Project Surveyor shall certify that the roadway and its appurtenances as-built lie within the bounds of the roadway being conveyed, and similarly any drainage structures or other improvements as-built lie within their respective easements. An as-built plan shall be submitted detailing the street features as built.
    4. A letter from the landowner's Attorney certifying the landowner has clear title to the property and there are no encumbrances on the property. Executed "Lien Waivers" shall be provided from all contractors, subcontractors and material suppliers involved with the street improvements with the request for street acceptance.
    5. A letter from each public utility in the roadway, including the Brunswick Sewer District and Brunswick & Topsham Water District, indicating all work has been completed in a satisfactory manner for their acceptance and operation of the respective utility.
    6. A letter from the Town Engineer certifying he/she has made a final inspection of the street and found all work has been satisfactorily completed in accordance with the approved subdivision plans and the requirements of this Ordinance.
      - a.) If, in the opinion of the Town Engineer, the street has faults or is not performing properly the Town Engineer may recommend against approval until such issues have been corrected by the applicant to the satisfaction of the Town Engineer. The applicant can request the Town Engineer submit a letter to the Town Council detailing any such deficiencies for review and consideration by the Town Council where the applicant has a difference of opinion regarding such findings of the Town Engineer.

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7. The Project Surveyor shall provide a metes and bounds legal description of the bounds encompassing the proposed Town Way and any associated public easements for review and approval by the Town Engineer.
8. Once the proposed legal description has been reviewed and approved by the Town Engineer, the applicant's Attorney shall prepare a Warranty Deed conveying the parcel of land encompassing the roadway in "Fee Simple" suitable for recording at the registry of deeds. The deed shall include a signature block for Town Council acceptance listing each of the current Town Councilors.
9. The landowner conveying the street parcel with improvements shall warrant all such public improvements to be free of defects in workmanship or materials for a period of two (2) years from the date of acceptance.

**Section 7. Design Standards**

- A. All streets offered for Town acceptance shall meet the design standards detailed herein.
  1. For any streets to be offered that have not been reviewed and approved by the Planning Board as part of a subdivision development, the applicant must submit full engineering plans for review and approval detailing the road construction including centerline profile, drainage facilities with elevations and pipe sizes, boundary lines and related information as required by the Town Engineer to indicate compliance with these requirements. The applicant will also need to submit field test information as required by the Town Engineer to indicate compliance with these standards. Street pavements over two years old shall be evaluated by a Professional Engineer as to condition and distress. Streets to be offered shall have a Performance Condition Rating (PCR) of "Very Good" (3.61 to 5.00).
- B. Permanent survey monumentation (4 inch by 4 inch by 4 foot granite monument or approved equal) is to be provided and set by a State of Maine Professional Land Surveyor along the street at all changes in direction (including Point of Curvature & Point of Tangency for curved) on both sides of the street parcel. Monument location and type at all other points is to conform to standard State of Maine survey practices.
- C. The street developer shall provide and install street name signs of the type, size and location as approved by the Town Engineer.
- D. A digitized electronic drawing file of the complete final Planning Board approved plans, in an approved format, must be furnished to the Town Engineer.
  1. An "as-built" or set of record drawings shall be submitted in a form acceptable to the Town Engineer upon completion of each phase of the project prior to any acceptance offer.
- E. The following street standards shall be met for Town Dedication. All workmanship, methods of construction and materials for the public street improvements shall have been completed in compliance with the Maine Department of Transportation, Standard Specifications, latest edition unless otherwise specifically approved by the Town Engineer.
  1. For all streets to be constructed for town acceptance the town shall be notified of all such construction work in advance. The town shall have the right to inspect and test all materials and workmanship. All materials to be used for the street construction shall first be submitted with appropriate design information or laboratory test data to indicate compliance with the standards contained herein.
  2. In addition to the below standards, all roads offered for Town Acceptance shall meet current State and Local requirements for stormwater management. The owner shall provide engineering certification by a licensed professional engineer that the road and associated drainage structures meet these requirements and protect water quality.

Street Standards for Town Dedication:

DRAFT

Item	Collector	Local	Minor
<b><u>1a. Minimum Right of Way Width, Curbed</u></b>	66 feet	50 feet	50 feet
<b><u>1b. Minimum Right of Way Width, Uncurbed</u></b>	66 feet	60 feet	50 feet
<b><u>2a. Minimum Pavement Width, Curbed</u></b>	34 feet	28 feet	24 feet
<b><u>2b. Minimum Pavement Width, Uncurbed</u></b>	30 feet	24 feet	20 feet
<b><u>3. Maximum Grade</u></b>	8%	8%	12%
<b><u>4. Minimum Centerline Radius</u></b>	200 feet	175 feet	125 feet
<b><u>5. Minimum Tangent Between Reverse Curves</u></b>	100 feet	75 feet	50 feet
<b><u>6. Minimum Shoulder Width</u></b>	4 feet	4 feet	4 feet
<b><u>7. Maximum Length of Dead End Street</u></b>	1,500 feet and serving up to 25 units whichever comes first	1,500 feet and serving up to 25 units whichever comes first	1,500 feet and serving up to 25 units whichever comes first
<b><u>8. Minimum Braking Sight Distance for Vertical and Horizontal Curves</u></b>	150 feet	150 feet	n/a
<b><u>9. Road Base (Total, minimum)</u></b> Sub-Base (MDOT Grade D) Base (MDOT Grade A)	24 inches 18 inches 6 inches	18 inches 15 inches 3 inches	18 inches 15 inches 3 inches
<b><u>10. Pavement Courses (Total)</u></b> Binder Course (MDOT Item 403.207, 19.0 mm HMA) Top Course (MDOT Item 403.209 9.5 mm HMA)	4.0 inches 2.5 inches 1.5 inches	3.5 inches 2.0 inches 1.5 inches	3.00 inches 1.75 inches 1.25 inches
<b><u>11. Sidewalk Construction</u></b> (where sidewalks are req'd*) Width (minimum) Gravel Base (MDOT Grade A) Surface Material Pavement Courses (2 passes, MDOT D Mix) Comply w/ 28 CFR Part 36 (ADA Design Standards)	5 feet 12 inches Asphalt 3.0 inches  Yes	5 feet 12 inches Asphalt 2.5 inches  Yes	5 feet 12 inches Asphalt 2.5 inches  Yes
<b><u>12. Curbing Material</u></b> (if curbs are provided) Straight Sections Radius Sections (< 50' R)	Bit. Concrete Type 3, Mold 5 Granite, Type 5	Bit. Concrete Type 3, Mold 5 Granite, Type 5	Bit. Concrete Type 3, Mold 5 Granite, Type 5

DRAFT

Item	Collector	Local	Minor
<b><u>13. Storm Drainage</u></b> Road Culverts (minimum size) Driveway culverts (min. size) Storm Drain Piping	18 inches 15 inches ADS N-12 or equal	18 inches 15 inches ADS N-12 or equal	18 inches 12 inches ADS N-12 or equal
<b><u>14. Street Lighting (if required)</u></b> CMP Acceptable Rentals:			
GE M-250R2 Cutoff or equivalent fixture approved by the Town on a 35' Wooden Pole	Yes	Yes	Yes
GE Town & Country Series or equivalent fixture approved by the Town on a 15' Fiberglass Pole w/concrete base.	Yes	Yes	Yes
All Wiring Runs in Conduit for underground installations	Yes	Yes	Yes

\* Required sidewalk locations are as determined by the Planning Board during subdivision review or for existing private streets offered for dedication, sidewalks (one side or both sides) are to be provided if determined necessary by the Town Engineer after consultation with the Brunswick Bicycle and Pedestrian Committee.

**Intersection Standards for Streets Proposed for Dedication**

Item	Collector	Local	Minor
<b>1. Minimum/ Maximum Angle</b>	90 degree	90 degree	90 degree
<b>2. Maximum Grade within 100 feet of Centerline Intersection</b>	3%	3%	3%
<b>3. Minimum Curb Radius</b>	30 feet	30 feet	25 feet
<b>4. Minimum Property Line Radius</b>	20 feet	20 feet	20 feet
<b>5. Minimum Centerline Distance Between Intersections, Same Side of Street</b>	300 feet	250 feet	250 feet
<b>6. Minimum Centerline Distance Between Intersections, Opposite Side of Street</b>	150 feet	150 feet	150 feet
<b>7. Minimum Tangent Length from Intersection Centerlines</b>	50 feet	50 feet	50 feet

**Section 8. Acceptance of Street Required By The Public Interest**

Notwithstanding the provisions of any other Section thereof, the Town may at any time lay out and accept any street of said Town whenever the general public interest so requires. The cost of said street may be borne by said Town.

**Section 9. No Street To Be Accepted Until After Report By The Town Engineer**

No street shall be laid out and accepted by the Town Council until the Town Engineer or his/her designee shall have made a careful investigation thereof, and shall have reported to the Town Council their recommendations with respect thereto.

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ITEM 180

BACK UP MATERIALS



**Proposed Ordinance Amendments**  
**To Weapons Chapter regarding Target Practice Areas**  
**Drafted – 07/17/2008**  
**Revised – 12/01/2009**  
**Public Hearing –**  
**Adopted –**  
**Effective –**

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 17 (Weapons) of the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended as follows:

Amend Section 17-5 by adding the underlined text and removing the strike-out text:

**Sec. 17-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: ....

*Shooting gallery* means an indoor facility licensed under chapter 10, article 11, section 10-26 where firearms are discharged.

*Target practice* means the repeated discharge of a firearm at a target practice site for all purposes, including but not limited to increasing the person's proficiency with the firearm and sighting in the firearm.

*Target practice site* means any site permitted under section 17-5(a) or (b) used for non-commercial or commercial target practice by the owner/renter/lessee of the site or sporadic guests of the owner/renter/lessee of the site.

**Sec. 17-5. Target practice in any area of town.**

(a) The discharge of a firearm for the purpose of non-commercial target practice shall be allowed only under the following conditions:

- (1) The owner/renter/lessee of the property shall have obtained a ~~one year~~ three-year permit from the police department indicating that the proposed target practice site has been inspected and approved. Permits that are current as of January 1, 2010, will expire on their current expiration and the next permit issued thereafter will be for a three year period. The site must have an adequate backstop which may be:
  - a. A natural pit, gully or depression of sufficient depth and density so as to prevent the escape of any bullet or ricocheted bullet from the immediate area with consideration for the caliber of firearm being discharged; or
  - b. A manmade structure constructed of appropriate materials with sufficient height and density so as to prevent the escape of any bullet or

ricocheted bullet from the immediate area with consideration for the caliber of firearm being discharged.

Target practice into the air with a shotgun must use a pellet size no greater than six (6) in an open area owned by the applicant or that the applicant utilizes with written permission and large enough for the pellets to remain within the open area after firing. Target practice with a shotgun using a pellet size greater than six (6) must comply with a. and b. above.

The police chief or designee shall inspect the proposed site within five (5) working days after receipt of an application and shall act on the application within five (5) working days of the inspection. Appropriate action is to approve the site, recommend site improvements or deny use of the site. When recommended site improvements are made, the application must be re-submitted and will be treated as a new application. If approval is denied, the applicant may appeal the decision to the town manager within five (5) working days of receipt of the denial by stating in writing the basis for the appeal. The town manager shall respond in a timely manner and base his/her decision to grant an appeal on the provisions of this section. Permits shall expire ~~one year~~ three years from date of issue. A new permit will be required for continued use of the target practice site.

- c. In the event of the owner/renter/lessee of the property makes any substantial change to the permitted range, the issue permit is void. In this event, the owner/renter/lessee shall have to make reapplication to obtain a three year permit.
- d. Prior to the issuance of a permit, the permitting authority shall accept comments from impacted residents for the purpose of possible restrictions on the hours of operation as well as any other factors that reasonably cause an undue hardship on the impacted residents. The acceptance of comments does not cause the application to be declined, but does cause the application to be given closer review. Impacted residents shall mean any resident within a one mile radius of the shooting range.

- (2) Hours of operation during which target practice takes place are from 8:00 a.m. to 8:00 p.m. or sunset, if earlier. The exception will be hours of operation on Sundays shall be limited to the hours between 10:00 a.m. and 2:00 p.m.

Substantial evidence of non-compliance with the hours of operation may result in the denial of a permit or specific conditions placed on a permit.

(b) The discharge of a firearm at a commercial target practice site in any area of town shall be allowed only under the following conditions:

- (1) The owner/renter/lessee of the property shall have obtained a target practice site permit under section 17-5(a)(1).
- (2) The use must be in compliance with all land use and building code

requirements for recreational facilities, or the owner/renter/lessee of the property shall have obtained a special permit under section 701 of the Town of Brunswick Zoning Ordinance, and all other necessary permits must be obtained.

- (3) Hours of operation during which commercial target practice takes place shall be from 8:00 a.m. to 8:00 p.m. or sunset, if earlier. The exception will be hours of operation on Sundays shall be limited to the hours between 10:00 a.m. and 2:00 p.m.

Substantial evidence of non-compliance with the hours of operation may result in the denial of a permit or specific conditions placed on a permit.

- (c) Any person violating this section shall be punished by a fine of not more than five hundred dollars (\$500.00).

## Shooting Range Permits

<u>Applicant:</u>	<u>Address:</u>	<u>Expires (3-yrs.)</u>
Gary Brooks	242 Casco Rd.	08/12/2012
Timothy Taylor	822 River Rd.	04/29/2012
Michael Malis	214 Bunganuc Rd.	12/17/2009
Peter Footer	261 Old Bath Rd.	Currently under review
George Croston	676 Pleasant Hill Rd.	10/09/2009 (exp)
Craig Daigle	657 Old Portland Rd.	08/26/2009 (exp)
Susan Laskey	223 Bunganuc Rd.	07/10/2008 (exp)
Scott Fraser	623 Durham Rd.	08/21/2008 (exp)
Kenneth Bailey	10 Fernwood Dr.	12/06/2007 (exp)
Adam Byerly	255 Adams Rd.	02/03/2007 (exp)
Theodore Crooker	44 Storer Rd.	04/26/2006 (exp)
David Giles	703 Old Portland Rd.	11/10/2005 (exp)

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ITEM 181

BACK UP MATERIALS

# DRAFT

December 7, 2009

Honorable Governor John E. Baldacci  
Governor, State of Maine  
1 State House Station  
Augusta, Maine 04333-0001

Dear Governor Baldacci;

The Town Council of Brunswick strongly supports the reappointment of Gary Brown, our Town Manager, to the Mid-Coast Regional Redevelopment Authority.

As you know, Gary has been on the MRRA Board since March of 2008. He currently participates on several of the sub-committees including the airport committee, the environmental committee, the housing committee and the executive committee. Each of these committees is important to the redevelopment of the base and significantly impacts the community.

Gary first became involved with the closing of NASB during the efforts to keep the base open and for more than four years has worked on the redevelopment efforts, first in Topsham and now in Brunswick. As a member of your advisory committee, he has also participated in the planning activities outside the gates. Aside from MRRA staff, there are few people that have been as involved in the planning and implementation of the redevelopment than Gary. His experience and knowledge are assets to MRRA, the Town of Brunswick and the State.

We realize that the closing of NASB has a regional impact as well as a statewide impact. The impact on Brunswick---both to the community and Town Government---is significant; it is Brunswick that has been, and will continue to, provide the highest level of services to MRRA. The relationship between MRRA and the Town is enhanced by virtue of direct representation of the Town on the MRRA Board.

Thank you for considering our position. We hope that you concur with our recommendation to re-appoint Gary to the MRRA Board. If there is further information that we can provide to assist you, please feel free to contact us through the Town Manager's Office.

On behalf of the Town council,

Hallie Daughtry, Chair Brunswick Town Council

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ITEM 182

BACK UP MATERIALS

## BRUNSWICK CITIZENS

The Brunswick Town Council will be appointing Brunswick citizens on Monday, December 7, 2009, to the following Boards and/or Committees:

### Assessment Review Board

1 member – 3 year term to expire on 01/12/2013

### Brunswick TV3 Educational Channel Committee

2 Citizen members – Special Committee no set term

### Cable TV Committee

2 members – 3 year terms to expire on 09/06/2012

### Citizen Initiative Ballot Clarity Board

1 citizen member – No Set Term

### Conservation Commission

1 member – 3 year term to expire on 05/01/2012

### Davis Fund Committee

1 member – Balance of 3 year term to expire on 06/30/2010

### Fair Hearing Authority

1 member – Balance of 2 year term to expire on 10/01/2010

### Marine Resource Committee

1 Alternate – balance of 3 year term to expire on 05/01/2010

### Personnel Board

1 member – 3 year term to expire on 01/12/2013

### Recycling and Sustainability Committee

1 member – 3 year term to expire on 01/01/2013

2 members – 3 year terms to expire on 01/01/2013

### Trust Fund Advisory Committee

1 member – 3 year term to expire on 05/10/2012

### Village Review Board

1 member – 3 year term to expire on 10/20/2012

2 members – 3 year terms to expire on 10/20/2012

### Zoning Board of Appeals

1 Associate member – balance of 3 year term to expire on 12/18/2011

1 Associate member – 3 year term to expire on 07/01/2012

1 member – 3 year term to expire on 11/20/2012

1 Associate member – 3 year term to expire on 11/20/2012

Interested citizens should complete an application form, available in the Town Clerk's Office or the Town Manager's Office. Please return applications to the Town Clerk's Office by 4:30 P.M. on Monday, November 16, 2009.

*Individuals needing auxiliary aids for effective communication, please contact the Town Manager's*

# Summary of Received Applications

11/16/2009

Date of Application

## Assessment Review Board

Charles Washington 1 MacMillan Dr. 721-9313 10/9/2009

Will this be a reappointment yes Length of term: three years Int: 6:00 Term will expire: Membership Type:

## Davis Fund Committee

Don Kniseley 6 Forest Terrace 841-1959 10/21/2009

Will this be a reappointment No Length of term: Int: 6:30 Term will expire: Membership Type:

## Personnel Board

William Locke 255 Mere Point Rd 725-6522 10/20/2009

Will this be a reappointment yes Length of term: 3 years Int: 6:15 Term will expire: Membership Type: Full

## Recycling & Sustainability Committee

Alexander Anesko 309 Maine St. 721-9694 10/23/2009

Will this be a reappointment Yes Length of term: 3 years Int: 8:00 Term will expire: Membership Type:

Sarah Wolpow 45 Page St. 721-0941 11/4/2009

Will this be a reappointment No Length of term: Int: 7:30 Term will expire: Membership Type:

Village Review Board

Laurie	Leader	65 Jordan Ave	725-2227	10/23/2009
Will this be a reappointment	Yes	Length of term: 3 years	Term will expire: Int 7:15	Membership Type:
Janet	Roberts	40 Weymouth St	729-8967	11/16/2009
Will this be a reappointment	Yes	Length of term: 3 years	Term will expire: Int: 8:15	Membership Type:

Zoning Board of Appeals

Steven	Garrett	158 Highland Rd	729-5784	10/16/2009
Will this be a reappointment	yes	Length of term: 3 years	Term will expire: Int 6:45	Membership Type: Full
Sande	Updegraph	724 Durham Rd	725-1345	10/7/2009
Will this be a reappointment	yes	Length of term:	Term will expire: Int: 7:00	Membership Type: Associate

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only
10/9/09 Date App. Received
_____ Date App. Entered
_____ Appointed

Full Name: Charles B Washington Date 10/6/09

Street Address: 1 MacMillan Drive

Home Telephone #: 721-9313 E-mail Address: washington@midmaine.com I live in Council District #: \_\_\_\_\_

I wish to be considered for appointment to the:

Assessment Review Board  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS: \_\_\_\_\_

TERM BEGINS: \_\_\_\_\_

and/or

ASSOCIATE MEMBERSHIP STATUS: \_\_\_\_\_

TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? yes If so, please state name of Board/Committee/Commission and the number of years of service:

Assessment Review Number of Years 2 Date term expires 1/12/2010

Occupation: R-E. Appraiser

Employer: self-employed Work Telephone #: 725-5115

List any civic organizations to which you belong:

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

Valuation of real estate (commercial)

Have you previously served on a Town board/committee/commission? yes If so, please list the board/committee/commission and years of service:

Assessment Review 2 years

Charles B. Washington

SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application allows a person to be considered for a Town board/committee and does not guarantee promotion on a Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Assessment Review Board

Term Length: \_\_\_\_\_

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

no

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Real estate appraisal career

3. Why would you like to be on the Board/Committee/Commission?

My knowledge and experience may be helpful

4. Are you aware of the time involved and would you be able to attend most of the meetings?

yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

Not necessarily. However I may not be able to attend appeals that I have previously appraised.

6. Do you have anything you would like to add?

No

**IN CONFLICT OF INTEREST STATEMENT HERE AND HAVE APPLICANT RESPOND TO THE REASON!**

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
Date App.	Received
<u>OCT 23 2009</u>	
Date App.	Entered
	Appointed

Full Name: ALEXANDER ANESKO Date 10-21-2009

Street Address: 309 MAINE ST.

Home Telephone #: 721-9694 E-mail Address: aaneko@hotmail.com I live in Council District #: 2

I wish to be considered for appointment to the:

RECYCLING & SUSTAINABILITY COMMITTEE

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: 2010

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM EXPIRES: 2012

Do you currently serve on any Town Board/Committee/Commission?  If so, please state name of Board/Committee/Commission and the number of years of service:

RECYCLING CMTE

Number of Years 2 Date term expires 2010

Occupation: ENGINEER

Employer: LSI CORP.

Work Telephone #: 207 729-7038

List any civic organizations to which you belong:

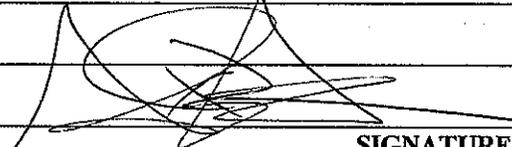
This is it

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

Current member. Work on Brunswick's Climate Action Plan

Have you previously served on a Town board/committee/commission?  If so, please list the board/committee/commission and years of service:

see above

  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Committee and does not guarantee placement on a Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: RECYCLING & SUSTAINABILITY CMTE.

Term Length: 2 yrs

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Yes, see obverse

3. Why would you like to be on the Board/Committee/Commission?

Continuation of present work.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

No

**DISCLOSURE OF INTEREST STATEMENTS ARE THE RESPONSIBILITY OF THE APPLICANT/RESPONDENT PERSON**

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
<u>10/16/09</u>	Date App. Received
_____	Date App. Entered
_____	Appointed

Full Name: Steven Garrett Date 10/16/09

Street Address: 158 Highland Road

Home Telephone #: 207-956-8729 E-mail Address: 151X5FIVE@gmail.com I live in Council District #: \_\_\_\_\_

I wish to be considered for appointment to the:

Zoning Board of Appeals  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:  TERM BEGINS: \_\_\_\_\_

and/or

ASSOCIATE MEMBERSHIP STATUS: \_\_\_\_\_ TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? Y If so, please state name of Board/Committee/Commission and the number of years of service: ZBA

ZBA Number of Years 21 Date term expires 11/20/09

Occupation: Engineer Project Manager

Employer: BIW Work Telephone #: 207-442-4365

List any civic organizations to which you belong:

No others at this time

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

21-year Experience

Have you previously served on a Town board/committee/commission? Y If so, please list the board/committee/commission and years of service:

ZBA,

Steven D. Garrett  
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application does not constitute an appointment to a Town Board/Committee or does not guarantee placement on a Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: ZBA

Term Length: \_\_\_\_\_

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Engineer, Lead many program & projects @ BWO. Coached Basketball & Soccer for multiple years including residential in Brunswick

3. Why would you like to be on the Board/Committee/Commission?

I believe being a participant in my town is the correct thing to do.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

N/A

**CONFLICT OF INTEREST STATEMENT (READ AND HAVE APPLICANT RESPOND TO THROUGHOUT)**

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only  
~~OCT 21 2009~~ App. Received  
Date App. Entered  
Appointed

Full Name: DON L. KANSELEY Date 10/21/09  
Street Address: 6 FOREST TERR, BRUNSWICK  
Home Telephone #: 841-1959 E-mail Address: don@tedfordhousing.org I live in Council District #: 7

I wish to be considered for appointment to the:

PLANS COMMITTEE  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:  TERM BEGINS: \_\_\_\_\_  
and/or  
ASSOCIATE MEMBERSHIP STATUS:  TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? No If so, please state name of Board/Committee/Commission and the number of years of service:

Number of Years \_\_\_\_\_ Date term expires \_\_\_\_\_

Occupation: EXEC. DIR. - TEDFORD HOUSING

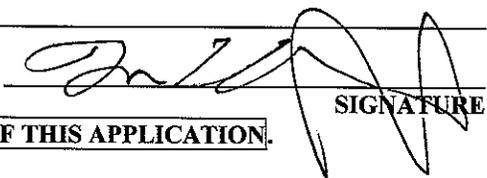
Employer: TEDFORD HOUSING Work Telephone #: 729-1161 X 102

List any civic organizations to which you belong:

BRUNSWICK ROTARY CLUB ; BDA

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:

  
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT – PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: DAVIS FOUNDATION COMMITTEE

Term Length: 2

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

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2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Yes - served on many boards

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3. Why would you like to be on the Board/Committee/Commission?

Civic DUTY

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4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes

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5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

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6. Do you have anything you would like to add?

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Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only
OCT 23 2009 Date App. Received
_____ Date App. Entered
_____ Appointed

Full Name: Laurie Leader Date 10/22/09

Street Address: 65 Jordan Avenue

Home Telephone #: 725-2227 E-mail Address: laurieaeleader@gmail.com I live in Council District #: \_\_\_\_\_

I wish to be considered for appointment to the:  
Village Review Board  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:  
FULL MEMBERSHIP STATUS: \_\_\_\_\_ TERM BEGINS: 10/20/2009  
and/or  
ASSOCIATE MEMBERSHIP STATUS: \_\_\_\_\_ TERM EXPIRES: 10/20/2010

Do you currently serve on any Town Board/Committee/Commission? yes If so, please state name of Board/Committee/Commission and the number of years of service:  
Village Review Board Number of Years 9 months Date term expires 10/20/2009

Occupation: Civil Engineer / Estimator

Employer: \_\_\_\_\_ Work Telephone #: \_\_\_\_\_

List any civic organizations to which you belong:  
USGBC

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:  
Work on building restoration

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:  
\_\_\_\_\_  
\_\_\_\_\_

Laurie R Leader  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

**PLEASE NOTE: The completion of this application allows a person to be considered for a Town Board/Committee but does not guarantee placement on a Board/Committee.**

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Village Review Board

Term Length: 1 year

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Yes I have a BS in Civil Engineering and 10+ years work in building restoration/renovation.

3. Why would you like to be on the Board/Committee/Commission?

Given my experience in building restoration and interest in historical buildings, I think my input would be helpful to the Village Review Board.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Meetings are 1x / month.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

No

**FOR CONFIDENTIALITY PURPOSES, PLEASE DO NOT WRITE ANYTHING IN THESE SPACES UNLESS YOU WANT IT TO BE PUBLIC INFORMATION**

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only
OCT 20 2009
Date App. Received
Date App. Entered
Appointed

Full Name: WILLIAM J. LOCKE Date 10/14/09

Street Address: 255 MERE POINT ROAD

Home Telephone #: 725-6522 E-mail Address: WJLOCKE@SUSCOM-MAINE.NET I live in Council District #: 2

I wish to be considered for appointment to the:

BRUNSWICK PERSONNEL BOARD

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:  TERM BEGINS: 1/13/2010  
and/or  
ASSOCIATE MEMBERSHIP STATUS:  TERM EXPIRES: 1/12/2013

Do you currently serve on any Town Board/Committee/Commission? YES If so, please state name of Board/Committee/Commission and the number of years of service:

PERSONNEL BOARD Number of Years 25+ Date term expires 1/12/10

Occupation: RETIRED

Employer: \_\_\_\_\_ Work Telephone #: \_\_\_\_\_

List any civic organizations to which you belong:

PAST MEMBER & CHAIR OF THE MID-COAST CHAPTER OF THE AMERICAN RED CROSS

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

OVER 40 YEARS OF MANAGEMENT EXPERIENCE IN GOVERNMENT AND PRIVATE INDUSTRY, CURRENT CHAIR OF PERSONNEL BOARD

Have you previously served on a Town board/committee/commission? \_\_\_\_\_ If so, please list the board/committee/commission and years of service:

William J. Locke  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Committee but does not guarantee placement on a Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: PERSONNEL BOARD

Term Length: 3 YEARS

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

NO

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

YES. OVER 40 YEARS OF PERSONNEL MANAGEMENT EXPERIENCE AND 25 YEARS AS A MEMBER OF THE PERSONNEL BOARD.

3. Why would you like to be on the Board/Committee/Commission?

TO SUPPORT MY COMMUNITY

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO

6. Do you have anything you would like to add?

NO

**THE CONFLICT OF INTEREST STATEMENT HERE AND EVERY APPLICANT RESPONSE TO IT HERE IS ONE**

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only
Date App. _____
Received
Date App. <b>NOV 16 2009</b>
Entered _____
Appointed _____

Full Name: JANET ELLEN ROBERTS Date \_\_\_\_\_

Street Address: 40 WEYMOUTH ST

Home Telephone #: 729-8967 E-mail Address: \_\_\_\_\_ I live in Council District #: \_\_\_\_\_

I wish to be considered for <sup>re-</sup>appointment to the:

VILLAGE REVIEW BOARD  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:  
 FULL MEMBERSHIP STATUS: \_\_\_\_\_ TERM BEGINS: \_\_\_\_\_  
and/or  
 ASSOCIATE MEMBERSHIP STATUS: \_\_\_\_\_ TERM EXPIRES: 10-20-2012?

Do you currently serve on any Town Board/Committee/Commission? Yes If so, please state name of Board/Committee/Commission and the number of years of service:

Village Review Board Number of Years 9? Date term expires \_\_\_\_\_

Occupation: Grants Administrator (also self employed Historic Preservation consultant)

Employer: Maine State Archives Work Telephone #: 287-5791

List any civic organizations to which you belong:  
Pejepscot Historical Society, Maine Historical Society, Maine Preservation, Bruns-Tops Land Trust

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:  
Masters Degree in Historic Preservation; several years work as a ~~restoration~~ restoration carpenter;  
3 years as director of Maine Preservation (statewide non-profit); ongoing work as preservation consultant.

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:  
\_\_\_\_\_  
\_\_\_\_\_

Janet E Roberts  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.  
It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: VILLAGE REVIEW BOARD

Term Length: 3

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

See answer on 1<sup>st</sup> page

3. Why would you like to be on the Board/Committee/Commission?

Strong interest in preserving Brunswick's built environment -- the tangible connection to our history. Want to work to promote & educate others about the importance of design and historic structures in strengthening Brunswick's downtown and creating a strong positive sense of place.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

No

## JANET ROBERTS

40 Weymouth Street  
Brunswick, ME 04011

(207) 720-0710 (cell)  
e-mail: janetroberts@alumni.williams.edu

### EDUCATION

**University of Vermont**, Burlington, Vt., M.S. in Historic Preservation, 1989.

**Williams College**, Williamstown, Mass., B.A. in History and French, 1975.

### EXPERIENCE

**Historic Preservation Consultant**, 1989 to present.

Conducted surveys throughout the State of Maine as part of Section 106 review for proposed line upgrades for CMP (2006-2008).

Surveyed Border Crossing Stations in Maine (2004-2006).

Wrote National Register draft nominations for two dams in Madison for Madison Paper Industries (2000) and for dams on the Presumpscot River as part of relicensing of S.D. Warren dams (2000 and 1997).

Surveyed the Town of Falmouth for Greater Portland Landmarks. Conducted a reconnaissance-level survey of all buildings over fifty years old (over 900 buildings).

Worked with the Town of Topsham, Maine, reviewing architectural survey cards, writing a comprehensive historic preservation essay for the town, selecting sites to be considered for nomination to the National Register of Historic Places, and completing a draft National Register Nomination.

Surveyed the Parkside neighborhood for Greater Portland Landmarks. Researched land and tax records and wrote architectural descriptions.

Wrote a National Register Nomination for a farmstead in central Vermont.

Taught a class on Historic Preservation for Gorham Adult Education.

**Historical Records Regrant Project, Project Administrator**, 1994-1996 and 1998-present.

Developed and distributed grant application packet for a grant program that targets local historical records repositories. The program is conducted by the Maine Historical Records Advisory Board (MHRAB) and funded by the National Historical Publications and Records Commission (NHPRC).

Provides information to grant applicants. Works with the MHRAB reviewing grants; administers grants that are awarded. Conducts evaluation of the program.

**Maine Newspaper Project, Project Director/Coordinator**, 1993-present

Conducted a survey of Maine's historical societies, libraries, and museums to create a comprehensive list of Maine's newspaper collections as part of the U. S. Newspaper Project, sponsored by the National Endowment for the Humanities and the Library of Congress.

Coordinated a multi-year project to catalog and microfilm newspapers as part of the U. S. Newspaper Project.

**Maine Preservation, Executive Director**, 1994-97

Managed a statewide non-profit which promotes the preservation of the built environment; worked with a Board of Trustees; produced a newsletter three times a year; oversaw annual conference.

**Program Analysis Consultant**, 1991-93.

Reviewed "Exhibition Programs of Maine," a statewide exhibition program for schools, libraries, and other non-profits, for the Maine Humanities Council. Interviewed current and past users, ran the program for several months, presented the Council with a statistical analysis and a description of how the program has been used in the past, and its possibilities and limitations in the future.

Worked with Portland Partnership, which encourages and supports volunteer efforts in the Portland Public Schools by parents, businesses, and community members. Provided staff support for the Program Evaluation Committee and produced the yearly Assessment Report describing volunteer programs in each of the eighteen schools.

**Statewide Planning for the Preservation of Maine's Cultural Resources, Project Director, 1991-92.**  
Worked with an Advisory Board to develop and begin implementation of a statewide plan for furthering the preservation of Maine's historical materials. Collected and analyzed information to present to the Advisory Board. Arranged meetings and managed a conference attended by 80 people. Edited documents produced by other project staff. Responsible for project database.

Produced Preserving Your Collections: A Planning and Resource Manual and Maine's Historical Records: A Guide to Collections of Original, Unpublished Materials. Oversaw all details of production, including layout, editing, and distribution. To produce the Guide, worked with database from Historical Records Assessment Project [below] to create a guide to original materials found in Maine's historical societies, museums, libraries, etc.

**Maine Historical Records Assessment Project, Field Director, 1990-91.**

Worked with the Maine Historical Records Advisory Board (MHRAB) and produced a published report, Fading Images: Maine's Memory at Risk, assessing the condition of Maine's historical records (manuscripts, photographs, maps, etc.) and making recommendations for improving those conditions. Developed a ten-page survey which was sent to over 500 organizations; created a database for the survey information; produced charts and graphs from the database information.

Worked with the MHRAB processing grants and developing review procedures as the Board has begun reviewing grants to the National Historical Publications and Records Commission (NHPRC).

**National Endowment for the Arts, Fellow, 1989.**

Participated in a comprehensive arts management fellowship program. Worked with the staff of the Design Arts Program. Assisted in application review and panel preparation, prepared recommendations for grant amendments to existing grants, provided advice and information to potential applicants, and reviewed final grant reports and products.

**Greater Portland Landmarks, Education Committee, 1985-87; Volunteer Committee, 1986-87.**

Developed and carried out a program for assessing volunteers and training them to give tours and lectures. Gave walking tours and slide lectures on Portland's history and architecture.

**Restoration Carpenter, Portland, Maine, 1985-87.**

Restored interior woodwork for an adaptive reuse project in Portland. Assisted on restoration work for two historic houses in Portland [the Wadsworth-Longfellow House (1786) and the Morse-Libby (Victoria) Mansion (1863)], as well as on other projects (both restoration and new work).

**Theater Technician, 1975-84.**

Worked as technical director, master carpenter, and carpenter at regional and summer theaters, including Portland Stage Company (Portland, ME), Long Wharf Theatre (New Haven, Ct.), Indiana Repertory Theatre, Santa Fe Opera (NM), and Ogunquit Playhouse (Ogunquit, ME).

## COMPUTER SKILLS

**Word processing:** Proficient in Microsoft Word for Windows.

**Data-base management:** Proficient in Microsoft Access, including data-base design (tables, forms, and reports); manipulating data between tables, databases, and into word processing programs.

**Spread-sheet:** Proficient in Microsoft Excel, including producing graphs and charts.

## BOARD MEMBERSHIPS

**Brunswick Village Review Board:** 2000-present.

**Northeast Document Conservation Center (NEDCC):** Advisory Board, 2001-2007.

**Maine Archives and Museums (MAM):** Board of Trustees, 1999-2004.

**Society of Maine Archivists:** Secretary/Treasurer, 1992 - 1997; At-Large Representative, 1991-92.

**Maine Citizens for Historic Preservation:** Trustee, 1992 - 1994.

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only
10/7/09 Date App. Received
_____ Date App. Entered
_____ Appointed

Full Name: Sandra T. Gdegraph Date 10-5-09  
Street Address: 724 Durham Road  
Home Telephone #: 725-1345 E-mail Address: sandeu@qwi.net Live in Council District #: 4

I wish to be considered for appointment to the:

ZBA

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM BEGINS: 11-21-2009

TERM EXPIRES: 11-20-2012

Do you currently serve on any Town Board/Committee/Commission?  If so, please state name of Board/Committee/Commission and the number of years of service:

Davis cmtte Number of Years 3 Date term expires 2012

Occupation: Exec. Director Freeport Economic Development

Employer: Town of Freeport Work Telephone #: 865-4743 Corp  
X117

List any civic organizations to which you belong:

Freeport Community Improvement Assoc, Brunswick  
Downtown Assoc, Freeport Merchants Assoc

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

I work closely with the Freeport Planning & Codes  
departments. Working on comp plan update in Freeport.

Have you previously served on a Town board/committee/commission? \_\_\_\_\_ If so, please list the board/committee/commission and years of service:

see above

Sandra T. Gdegraph  
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application does not guarantee placement on a Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: ZBA

Term Length: 3 years

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Participation in development of new ordinance for Town of Freeport

3. Why would you like to be on the Board/Committee/Commission?

To assist with solution finding and dispute resolution

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

I would like to be considered for re-appointment.

**DO NOT WRITE IN THESE SPACES UNTIL YOU HAVE APPLICANT RESPONSE THEREON!**

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
NOV - 4 2009	Date App. received
	Date App. Entered
	Appointed

Full Name: Sarah Wolpow Date 10/30/09

Street Address: 45 Page Street

Home Telephone #: 721-0941 E-mail Address: swolpow@ I live in Council District #: 7  
svscom-maine.net

I wish to be considered for appointment to the:

Recycling + Sustainability Committee

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM BEGINS: 1/1/10

TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? No If so, please state name of Board/Committee/Commission and the number of years of service:

Number of Years \_\_\_\_\_ Date term expires \_\_\_\_\_

Occupation: Freelance writer

Employer: \_\_\_\_\_ Work Telephone #: \_\_\_\_\_

List any civic organizations to which you belong:

Have been participating in Rec. + Sus. Comm. meetings for ~ 6-12 months, Master Gardener,

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

Credits toward masters in Community Planning + Development, writing skills, non-profit management, environmental work

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:

[Signature]

SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment's Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For:

Recycling + Sustainability Committee

Term Length:

3 yrs

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

I've been attending meetings + helping out for 6-12 months.

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Lots of environmental work @ non-profits and volunteering, grant-writing, other writing, course work in community planning.

3. Why would you like to be on the Board/Committee/Commission?

To help Brunswick become a more sustainable community.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes and yes.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No.

6. Do you have anything you would like to add?

---

# CONSENT AGENDA - A BACK UP MATERIALS

**--Draft--**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**November 16, 2009**

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

**Councilors Absent:** None

**Town Staff Present:** Gary Brown, Town Manager; Fran Smith, Town Clerk; John Foster, Public Works Director; Anna Breinich, Director of Planning and Development; Tom Farrell, Director of Parks and Recreation; Dan Devereaux, Marine Resources Officer; Kris Hultgren, Town Planner; Jeff Hutchinson, Codes Enforcement Officer; Russ Wrede, Police Sergeant; and TV video crew

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

**Public Comment:** None

**Correspondence:**

**a) Letter from Cumberland County Commissioners regarding their 250<sup>th</sup> Anniversary**

Manager Brown spoke on this item.

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

**b) Introduction of artists providing artwork for Council Chamber**

Councilor Pols introduced the artists who provided the artwork for the Council Chamber. They are Catherine Worthington and Christine Brooks Cote.

Councilor Knight spoke of Santa Claus coming to the Mall on November 27, 2009.

Councilor Pols thanked all who worked on the H1N1 flu shot clinics at the schools.

**Adjustments to the Agenda:** None

**MANAGER'S REPORT:**

**(a) Recognizing Brunswick High School Fall Sports Accomplishments**

Manager Brown spoke on this item.

Councilor Atwood and Councilor King spoke on this item.

**Town Council Minutes**

**November 16, 2009**

**Page 2**

*(A copy of the list of accomplishments will be attached to the official minutes.)*

**(b) Financial Update**

Manager Brown provided this update.

Councilor Favreau spoke on this item.

*(A copy of the financial reports will be attached to the official minutes.)*

**(c) Council Committee Updates**

Reports were given on the new elementary school project, the Downtown Master Plan Committee, Pleasant Street Committee, and Recycling & Sustainability Committee.

Councilor Klatt introduced **Jordan Cardone** as the new Teen Center coordinator.

Ms. Cardone responded to Councilor Favreau's question.

**(d) Report on number of Town Boards/Committees and those serving on them**

Manager Brown spoke on this item.

Councilor King asked about the Sunset Committee, to which Councilor Watson and Town Clerk Fran Smith responded.

**(e) Report on amending fees for the Planning and Development Department**

Manager Brown spoke on this item.

Councilor Atwood, Councilor Knight, and Councilor Pols spoke in support of this item coming back to the Council.

**(f) Suggestion of a Holiday Reception following the December 21 Council Meeting**

Manager Brown spoke on this item.

**(g) (ADDED) Street Crossing Flags**

Manager Brown spoke on this item.

**(h) (ADDED) Thanks to Fire and Police Departments for their work apprehending those responsible for a recent fire**

Manager Brown spoke on this item.

**NEW BUSINESS:**

- 168. The Town Council will consider setting a public hearing for December 7, 2009, on Chapter 11 of the Municipal Code of Ordinances relative to Shellfish Licensing, to be adopted on an emergency and regular basis, and will take any appropriate action.**

Manager Brown spoke on this item.

Councilor Pols asked a question, to which Officer Dan Deveraux responded.

Councilor Favreau spoke on this item.

**Councilor Favreau moved, Councilor Pols seconded, to set a public hearing for December 7, 2009, on Chapter 11 of the Municipal Code of Ordinances relative to Shellfish Licensing, to be adopted on an emergency and regular basis. The motion carried with nine (9) yeas.**

- 169. The Town Council will consider accepting a Department of Economic and Community Development grant in the amount of \$5,000 for use in the US Track and Field Association's Region I Junior Olympics, and will take any appropriate action.**

Councilor Watson spoke on this item.

**Councilor Watson moved, Councilor Favreau seconded, to accept and expend a Department of Economic and Community Development grant in the amount of \$5,000 for use in the US Track and Field Association's Region I Junior Olympics. The motion carried with nine (9) yeas.**

*(A copy of Councilor Watson's comments and the grant agreement will be attached to the official minutes.)*

- 170. The Town Council will consider setting a public hearing for December 7, 2009, on an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance Improvements at 35 Union Street, and will take any appropriate action.**

Manager Brown spoke on this item.

All Councilors spoke and asked questions on this item.

Susan Cole, Executive Director of People Plus, spoke on this item and, along with Manager Brown, responded to Council questions.

**Councilor Favreau moved, Councilor Watson seconded, to set a public hearing for December 7, 2009, on an Ordinance Authorizing Issuance of Bonds and Notes in an**

**Town Council Minutes**

**November 16, 2009**

**Page 4**

**Amount not to Exceed \$750,000 to Finance Improvements at 35 Union Street. The motion carried with nine (9) yeas.**

*(A copy of Manager Brown's memo will be attached to the official minutes.)*

**171. The Town Council will discuss creating a Road Acceptance Ordinance, and will determine if any future action is necessary.**

Chair Daughtry spoke on this item.

Manager Brown spoke on this item.

Councilor Favreau, Councilor Pols, Councilor King, and Councilor Klatt asked questions to which either Manager Brown or John Foster, Public Works Director, responded.

Councilor Tucker asked Planning Board member Charles Frizzle a question, to which Mr. Frizzle responded.

**John Perreault**, 295 Hacker Road and Councilor Elect for District 4, spoke on this item.

Councilor Watson spoke on this item.

**CONSENT AGENDA**

- (a) **Approval of the Minutes of November 2, 2009**
- (b) **Approval of Games of Chance and Beano for the Knights of Columbus**

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

**Executive Session: Real Estate Acquisition and Economic Development Per 1 M.R.S.A. § 405(6)(C)**

**Councilor Watson moved, Councilor Tucker seconded, to go into executive session to discuss Real Estate Acquisition and Economic Development Per 1 M.R.S.A. §405(6)(C) and to ask councilors elect to attend. The motion carried with eight (8) yeas. Councilor Klatt was opposed.**

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

The meeting adjourned at 9:30 p.m.

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

**Town Council Minutes**  
**November 16, 2009**  
**Page 5**

*Frances M. Smith*  
*Town Clerk*  
*November 18, 2009*

December 7, 2009  
*Date of Approval*

---

*Council Chair*

---

# CONSENT AGENDA - B BACK UP MATERIALS

**B. P. O Elks # 2043  
179 Park Row, Brunswick ME 04011**

**November 4, 2009**

Brunswick Town Council  
Town of Brunswick  
28 Federal Street  
Brunswick, Maine 04011

Subject Brunswick Lodge of Elks;  
Request for Gaming License Approval

Dear Sir or Madam:

The Brunswick Lodge of Elks, #2043 is hereby requesting that the Town of Brunswick provide approval for the Elks Lodge to continue to license and operate various Games of chance for the period January 1, 2010 thru June 30, 2010. The State of Maine requires this approval to be on file in order for the Games of Chance licenses to be issued to the Lodge.

Your approval should be addressed to the Brunswick Lodge of Elks #2043, 179 Park Row, Brunswick, ME. 04011, Attn: Colette Cullen.

Please refer any questions or comments to Colette Cullen or Rodney Bauer at the Elks Lodge, Tel 729-9572.

Thank you for your consideration.

Sincerely,



Colette Cullen  
Chairperson, Games of Chance

---

# CONSENT AGENDA - C BACK UP MATERIALS

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 28 Federal Street, Brunswick, Maine, by and through its Town Manager duly authorized by the Town Council on December 7, 2009, for consideration paid, release to **GROVES, LARRY** of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

<b>Book</b>	<b>Page</b>	<b>Date Recorded</b>	<b>For Tax Year</b>
25404	320	August 22, 2007	2006
26291	33	August 22, 2008	2007
27187	166	August 18, 2009	2008

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain mobile home on land depicted as Map 051 Lot 001 Sub 000 Typ 050 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated April 1, 2006, April 1, 2007, and April 1, 2008.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this 7th day of **December, 2009**.

Signed, Sealed and Delivered by Gary L. Brown, Town Manager of the Town of Brunswick.

TOWN OF BRUNSWICK

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Gary L. Brown  
Town Manager

STATE OF MAINE  
Cumberland, ss.

December 7, 2009

Personally appeared the above named Gary L. Brown, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires – January 23, 2015