

**BRUNSWICK TOWN COUNCIL MINUTES  
FEBRUARY 7, 2000  
MUNICIPAL MEETING FACILITY**

**7:30 P.M.** Chair McCausland called the meeting to order and asked for the Pledge to the Flag.

**Councilors Present:** Chair McCausland, Michael Feldman, Eleanor Swanson, Robert Galloupe, Timothy Dotts, Clement Wilson, Faith Moll, Forrest Lowe, and David Gleason.

**Councilors Absent:** None

**Others Present:** Donald Gerrish, Town Manager; Deborah Cabana, Town Clerk; Jerry Hinton, Police Chief; Gary Howard, Fire Chief; Theo Holtwijk, Director of Planning and Development; Daniel Devereaux, Marine Warden; Alan Houston, Natural Resources Planner; Philip Harriman, State Senator; several citizens, members of the press and TV video crew.

**Minutes of Previous Meeting:** Councilor Wilson moved, Councilor Lowe seconded, to accept the minutes of January 18, 2000 as distributed. The motion carried with seven (7) yeas and two abstentions - Councilors Dotts and Feldman were absent from the 1/18/00 meeting.

**Correspondence:** Councilor Lowe invited citizens who were interested in Brunswick's open space and recreation planning to attend the first public forum this Thursday. This is their first effort to gain public input and they would appreciate public participation.

**Manager's Report:**

**Resolution commending Firefighters of Crew One** - Fire Chief Gary Howard introduced the Firefighters of "Crew One". Chair McCausland received a letter from Mr. Stanley Paul, who's home burned on January 24, 2000. Mr. Paul expressed his gratitude to citizens of the Brunswick area who opened their hearts to all the fire victims during this tragic time but he particularly wanted to join the citizens of Brunswick to honor the heroism of the firefighters who saved the life of his son, Adam. Chair McCausland further read a resolution from the Town Council addressed to the Brunswick Firefighters, Members of Crew One, and especially Firefighters Kenneth Brilliant and David Hunter. *A copy of the Resolution will be attached to the official minutes.* Lieutenant Theodore Albascini, who was the officer in charge that night, also presented a letter of appreciation to Firefighters Brilliant and Hunter.

**Budget Update** – Manager Gerrish stated that the budget is in good shape. Expenditures are as anticipated and revenues continue to exceed expectations. He noted, however, an increase in the Welfare Department because of the rising cost of fuel for heating bills.

**Chuck Morgan, Executive Director MCBBD, Introduction.** Chuck Morgan is the new Executive Director of Midcoast Council Business Development. Mr. Morgan stated that he looked forward to working in Brunswick. He thanked the Town Manager, the Director of Planning and Development, and the town, for their support of business development.

**Update on Brown Tail Moth Issue:** Alan Houston updated the Council on the evaluation done by the State regarding the infestation of the Gypsy Moths in Brunswick. It was felt that the numbers are high enough to warrant spraying again this spring. Mr. Houston felt this would be a much larger task than what was done two years ago, however, as the area needing spraying is much larger. He urged citizens in Brunswick to notify his office if they thought they had webs in their neighborhoods so he could make a site visit to evaluate if spraying would be warranted. He hoped to report back to the Council the first of March.

**Adjustments to the Agenda:** Manager Gerrish requested the items #24 and #28 be tabled. He requested that item #31 be added to the agenda that the Town Council would consider a joint resolution with the School Board Concerning Criminal Record Checks and Fingerprinting. There was no objection to these adjustments to the agenda.

**Chair McCausland** – pointed out that Boy Scout Troop 633 of The First Parish Church was in attendance at the meeting to earn a badge.

**18. The Town Council will conduct a public hearing to consider repealing the town wide winter shellfish closure and take any appropriate action.**

Alan Houston informed the Council that this item is to consider repealing the town wide winter shellfish closure. The Marine Resource Committee has changed the basis for closures based on standard crop. The State has approved the Town's conservation measures.

The Public Hearing opened at 7:55 p.m. The Public Hearing closed at 7:55 p.m.

**Councilor Wilson moved, Councilor Dotts seconded, to approve the repeal of the town-wide shellfish closure. The motion carried with nine (9) yeas.**

**19. The Town Council will conduct a public hearing to consider amending proposed traffic changes on Middle Street making a portion of Middle Street a two-way street as opposed to a one-way street.**

This item is to consider amending proposed traffic changes on Middle Street making a portion of Middle Street two-way street as opposed to a one-way street. Chief Hinton recommended making all of Middle Street a two-way street. The width of street is approximately 21 to 22 feet throughout. This would require setting a public hearing to make the entire roadway a two-way street.

The Public Hearing opened at 7:59 p.m. The Public Hearing closed at 7:59 p.m.

**Councilor Moll moved, Councilor Gleason seconded, to approve the proposed traffic changes on Middle Street (Section 15-46) making a portion of Middle Street a two-way street. The motion carried with nine (9) yeas.** *A copy of the amendment will be attached to the official minutes.*

**Councilor Moll moved, Councilor Wilson seconded, to set a public hearing on February 22, 2000 to consider amending proposed traffic changes on Middle Street making it entirely a two-way street. The motion carried with nine (9) yeas.**

**20. The Town Council will conduct a public hearing for comments on the proposed CIP for 1999-2004 and take any appropriate action.**

This item is to conduct a public hearing for comments on the proposed Capital Improvement Program for 1999-2004 and to authorize the funding for the projects. The funding will come from the unappropriated fund balance. *Manager Gerrish reviewed the attached CIP proposal.*

The Public Hearing opened at 8:08 p.m. The Public Hearing closed at 8:08 p.m.

**Councilor Moll moved, Councilor Feldman seconded, to approve the proposed CIP for 1999-2004 and the resolution for an Emergency Appropriation of \$405,500 from Unappropriated Available General Fund Revenues to Finance the Cost of Certain Capital Improvement Projects identified in the Capital Improvement Program of the Town of Brunswick, Maine. The motion carried with nine (9) yeas.**

21. **The Town Council will conduct a public hearing to consider an ordinance authorizing the making of contracts for certain capital improvements and the issuance of bonds and notes in an aggregate principal amount not to exceed \$700,000 plus 3% for cost of issuance to finance the costs of such improvements.**

The Public Hearing opened at 8:10 p.m. The Public Hearing closed at 8:10 p.m.

**Councilor Wilson moved, Councilor Dotts seconded, to approve the ordinance authorizing the making of contracts for certain capital improvements and the issuance of bonds and notes in an aggregate principal amount not to exceed \$700,000 plus 3% for cost of issuance to finance the costs of such improvements. The motion carried with nine (9) yeas.** *A copy of the Ordinance will be attached to the official minutes.*

22. **The Town Council will hear a presentation from Ara Aftandilian, Summit Properties, on Fox Run concerning access and development and take any appropriate action.**

This item is a presentation to the Council by Ara Aftandilian of Summit Properties on Fox Run, concerning access and development. In order to develop the Fox Run area, the Town would need to support and petition both the Federal and State authorities to create an access off Pleasant Street. Normally, this is an item that would go first to the Planning Board and then come back to the Council for any zoning amendments. The prime reason it is before the Council this evening is to address highway access out of Pleasant Street.

**Walter Webber of Jensen Baird and Gardner Law Firm.** – explained that the parcel is bound by Route I95 and the access ramps. There is a Central Maine Power right of way that goes through the property. The area originally had been planned for residential development in the 1980's. There are a number of development problems off River Road, such as wetlands, which do not afford opportunity to develop the property from that side. There does not seem to be a strong residential market for this particular project. It has been on the market for an extended period of time. This area is a mixed-use zone. There is a development restriction because this is a federal highway project, the entire strip has restricted access to the property. In order to develop the property there would have to be some relaxation in the access restrictions. The developers have met with town staff and Maine Department of Transportation as to how best to come up with an alternative that is safe from the high speed on Pleasant Street and addresses the "jug handle" situation. They presented three alternatives for the Council's consideration.

**Ara Aftandilian** – showed photos of the three alternatives that his development firm proposes for the "jug handle". He asked for feedback from the Council after they had an opportunity to review his presentation.

**Gordon Leede, landscape architect** - .Wanted to express that they are in the earliest stages of design. The Fox Run property is approximately 174 acres. His firm looked at this project as the “front door to Brunswick.” It is a highly visible location with potentially great access and because it is in the mixed-use district, he feels it is ideal for mixed development in conformance with Brunswick’s Master Plan and zoning. Potential uses for the property would be retail, offices, and possibly a hotel. The real issue is to discuss the access to the property. There is likely to be no development on the site without some change in the way the site is accessed. The only real way to get to the property is off the River Road, which is inappropriate for a high volume roadway through that existing neighborhood. There is a problem with high-speed travel along the roads getting on and off the Interstate. He felt the proposed plans solve some of the problems by creating a potential stop in that location that will slow traffic down. It could create an easier way to get to Route One and into town. He stated that the development team was more than willing to work with staff to develop appropriate guidelines and controls to make this development productive.

Theo Holtwijk, Director of Planning and Development, explained that the Fox Run property is located in the Growth Area. The bulk of the property is located in the Mixed Use 4 (MU-4) zone, with a small portion in the Residential 5 (R-5) zone, which the developer is not seeking to develop at this time. Land on the southerly side of the Exit 22 ramps is zoned Industrial 4 (I-4). There are two key questions which arise from the current proposal: How does the proposed program conform to the current zoning ordinance provisions, and would the Town be supportive of access directly to and from the exit 22 ramps to serve the MU-4 as well as the I-4 properties? If so, under what conditions would it be allowed? Mr. Holtwijk further explained that the MU-4 zone allows hotel and retail class II uses by special permit. Industry class II (production over 20,000sq. ft.) is not permitted. No footprint limit exists in the MU-4 zone. The I-4 zone allows hotels and industry class II by right, and retail class II by special permit. Footprint limits for retail uses is 30,000sq.ft. in I-4; there is no limit for all other uses.

Mr. Holtwijk felt there were two questions before the Council tonight. How does the proposed use compare with the existing zoning ordinance and what about access? Is it a desirable thing, and if so, how can it best be designed to truly be a gateway to Brunswick?

Chair McCausland asked where the "big box" retail fits in to what is allowed in this area.

Mr. Holtwijk explained that “big box” is a new term used by developers. They are large scale developments like Walmart. Buildings are typically single story, single ownership, and can have a square foot area from 100,000sq. ft. to 350,000sq. ft.

Chair McCausland asked how a big box fits into this plan and if the development could be done without one.

Mr. Aftandilian stated that the developable area of this site is about 120 acres, which is bound by the Interstate, the connector, and the CMP right of way. He envisioned about one half of this site to be commercial office uses, primarily along Rte 95. The other half would be a retail hotel and/or out parcels. There are no commitments for specific uses as this time. He felt the project was driven by economics. In order to substantiate the high site development costs, and the costs to change the traffic patterns, the retail component must be anchored (big box).

Chair McCausland stated that these types of development are tremendous traffic generators. There is also the consideration of what this development would do to existing businesses within a community.

Councilor Wilson was concerned with the amount of impervious surface being proposed.

Mr. Aftandilian stated that he anticipates developing only 120 acres of the 174-acre site. Therefore, approximately 54 acres will be open space.

The Council was interested in Mr. Aftandilian's company's philosophy, and what he envisioned the master planning process in Brunswick to be. Council also requested to see recent development projects done by Mr. Aftandilian. They were concerned that, although the uses may be allowed, that accessibility, the impact of traffic and the visual impact the project might have on the community, careful consideration needs to be taken. They also felt it was a major issue whether or not a third retail area in town was desirable. Currently, Brunswick has Cooks Corner and Maine Street that are very successful.

Mr. Aftandilian stated that neither side of the interstate would be developed for any use unless changes are made to the existing access. The process to go forward is to make an application to MDOT for the study of changes to the traffic patterns. The reason they were before the Council this evening was to present this in concept.

Councilor Moll commented that the Zoning Ordinance might have to be revisited. She felt that when the Comprehensive Plan was adopted, that a 200K or 300K square foot retail box was not envisioned.

Councilor Swanson asked what the state had to say about the access on this road.

Walter Webber explained that this project involves the Federal Highway Commission because federal funds were involved with the I95 takings in the first instance. The traffic pattern, particularly the jug handle, he felt was a cheap solution to a problem. Inexpensive solutions were sought back in the sixties, which were not necessarily the safest solutions. The initial discussion with MDOT was not encouraging. After talking with Brunswick's Planning staff and Manager, they showed the same traffic proposals to MDOT. They (MDOT) wanted to know what the Town of Brunswick felt about the access change. Once there was an indication on how the Town felt, MDOT wanted to see a traffic study be conducted based on a five-year, ten-year, and twenty-year projection. If they were to take the Zoning Ordinance and the Comprehensive Plan for what they say, then this project should work. In the normal course of events, they would not be before the Council, at this point in the process. Without a change in the access, he believed that neither side of the road would be developed in a fashion that would do justice to the Town of Brunswick.

Chair McCausland stated that he might be interested in reviewing the traffic access. On the other hand, even though this project might be permitted, he was not in favor of a big box in town.

Councilor Galloupe agreed that the intersection of Route One and the off ramp needs to be corrected. He was concerned with traffic congestion. He felt there would be a lot of public opposition to this proposal and warned the developers that they should be aware of this.

Councilor Feldman wanted to have an opportunity for his constituents to voice their concerns.

Councilor Wilson would like to see how it will look as people drive past the proposed "gateway to Brunswick."

Councilor Moll wanted to hear from the citizens. She suggested a six-month breathing spell for the Planning Board to review this proposal. If, in a Mixed Use zone, we are going to have a large retail business, then her desire to facilitate access is greatly diminished.

Councilor Feldman suggested that the developers focus on what is important to the people of Brunswick, who are not necessarily interested in what is the current retail trend.

Councilor Moll moved, Councilor Feldman seconded, to schedule public discussion at the February 22, 2000 Town Council meeting regarding Fox Run to include three issues of concern: access, size of retail business in this area, and the area as it is presently zoned. The motion carried with nine (9) yeas.

**23. The Town Council will discuss their 2000 goals and objectives and take any appropriate action.**

Manager Gerrish requested that the Council review last year's objectives and submit by next Wednesday (February 16<sup>th</sup>) items they would like to see added to the list for consideration.

The Council discussed the merits of the 1999 goals and offered a few other suggestions to be considered.

Manager Gerrish stated that he would put the list of recommendations together for the Council's consideration at their next meeting, February 22<sup>nd</sup>.

**24. The Town Council will consider setting a public hearing to discuss amending the Solid Waste Ordinance pertaining to household refuse and pick up and take any appropriate action.**

Councilor Galloupe moved, Councilor Feldman seconded, that this item be tabled to the February 22<sup>nd</sup> meeting. The motion carried with nine (9) yeas.

**25. The Town Council will consider setting a public hearing extending 1998 Bond Issues two years and take any appropriate action.**

Councilor Wilson moved, Councilor Dotts seconded, to set a public hearing on February 22, 2000 to consider extending 1998 Bond Issues two years. The motion carried with nine (9) yeas.

**26. The Town Council, if necessary, will consider waiver of tax lien foreclosures and take any appropriate action.**

Councilor Wilson moved, Councilor Feldman seconded, to authorize the waiver of any tax lien foreclosures on any property not in the best interest of the Town to own. The motion carried with nine (9) yeas.

**27. The Town Council will consider setting a public hearing to amend the Animals Ordinance (Section 4-39) relative to unlicensed dogs and the warrant and take any appropriate action.**

Councilor Wilson moved, Councilor Dotts seconded, to set a public hearing to amend the Animals Ordinance (Section 4-39) relative to unlicensed dogs and warrant. The motion carried with nine (9) yeas.

28. **The Town Council will consider authorizing and signing of a Municipal Warrant relating to the Prosecuting of Unlicensed Dog Owners-Keeper and take any appropriate action.**

**Councilor Feldman moved, Councilor Dotts seconded, to table this item to the February 22<sup>nd</sup> Town Council meeting. The motion carried with nine (9) yeas.**

29. **The Town Council will consider signing an agreement with the Maine Department of Transportation with regard to the “Construction Area” of Spring Street overpass and take any appropriate action.**

This item is to consider signing an agreement with the Maine Department of Transportation allowing the issuance of individual permits to the Contractor for the transportation of construction equipment that exceeds legal limits to sources of materials located adjacent to town roads and a stipulation that if gravel or other construction materials are hauled over the municipal roads, the municipality may require a Contractor’s bond of not more than Nine Thousand (\$9,000) Dollars per kilometer of traveled length for any damage sustained to the roads. *A copy of the agreement will be attached to the official minutes.*

**Councilor Dotts moved, Councilor Lowe seconded, to approve the signing of an agreement with the Maine Department of Transportation with regard to the “Construction Area” of Spring Street Overpass. The motion carried with nine (9) yeas.**

30. **The Town Council will consider making appointments to the following Boards and Committees:**

PERSONNEL BOARD, 1 FULL MEMBER – Three year term to expire 1/12/03

PLANNING BOARD, 1 FULL MEMBER – Three year term to expire 2/23/03

VILLAGE REVIEW BOARD, 1 CITIZEN MEMBER – Three year term to expire 10/20/02

**Councilor Feldman moved, Councilor Wilson seconded, to nominate Mary Ellen Morgan Wazlaw to the Personnel Board, to nominate Carol Liscovitz to the Planning Board, and to nominate Mel Tukey\* to the Village Review Board, and further moved that nominations cease and the Chair cast one ballot for each applicant. The motion carried with nine (9) yeas.**

*\* Mel Tukey is not a resident of the Village Review Zone. Therefore, this position will be advertised and Mr. Tukey will be considered as an alternate member at the March 6, 2000 Town Council meeting.*

31. **The Town Council will consider a joint effort Resolution Concerning Criminal Record Checks and Fingerprints and take any appropriate action.**

**Councilor Lowe moved, Councilor Feldman seconded, to approve the Resolution Concerning Criminal Record Checks and Fingerprints. The motion carried with nine (9) yeas.** *A copy of the agreement will be attached to the official minutes.*

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The meeting adjourned at 9:58 p.m.

*PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A TAPE RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.*

Deborah S. Cabana  
Town Clerk  
February 23, 2000

March 06, 2000

Date of approval

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Council Chair