

## BRUNSWICK TOWN COUNCIL MINUTES

May 25, 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; Theo Holtwijk, Director of Planning and Development; several citizens; members of the press and TV video crew.

**Minutes of Previous Meeting:** Councilor Wilson moved, Councilor Dotts seconded, to accept the minutes from the May 1, 2000 meeting as distributed. The motion carried with eight (8) yeas and one (1) abstention - Councilor Lowe was not present at the meeting.

**Correspondence:** NONE

**Manager's Report:** NONE

**89. (Tabled) The Town Council will conduct a public hearing to discuss a recommendation from the Zoning Ordinance Task Force regarding proposed Coastal Protection Zone Amendments to the Zoning Ordinance and take any appropriate action. (Manager) (The public hearing part of this item was held and the hearing closed. The Council will be deliberating final action on this proposal).**

This item is to complete the discussion on the proposed Coastal Protection Zone Amendments to the Zoning Ordinance. The Public Hearing was held on this item on May 15<sup>th</sup> and the Council will continue their deliberations at this meeting. *Attached is a comparison from Theo Holtwijk, Town Planner, regarding the differences between CP-1 and the proposed CPZ with the Councils proposed amendments.*

**Councilor Wilson moved, Councilor Gleason seconded, to remove Item #89 from the table for consideration. The motion carried with nine (9) yeas.**

Councilor Lowe strongly supports the watershed concept. In the spirit of a compromise, he wanted to offer an amendment that would allow the Town to move ahead to the "watershed concept."

**Councilor Lowe moved, Councilor Feldman seconded, to amend the main motion to reinstate the Coastal Protection Zone Two with a minimum density requirement of three acres.**

Councilor Moll had made good faith compromises, while serving on the Task Force, in order to achieve consensus. She would be supporting this amendment in hope of achieving a consensus at the Council level.

Councilor Galloupe saw no difference from the arguments presented last week. Septic systems that are not contaminating wells 100 feet away are not contaminating the bay two miles away (no matter what the lot size).

Councilor Feldman read a letter from James Ecker. *A copy of the correspondence will be attached to the official minutes.*

Councilor Galloupe recently had his dug well tested, which is located within sixty feet of a neighboring septic system. The nitrate levels came back normal.

Councilor Feldman had received more comments from citizens, after the last meeting, than he has ever received. He read a letter from Peter and Gail Lowe who stated that they were disappointed with three councilors who did not offer an explanation as to why they did not support the proposed Coastal Protection amendments.

**The amendment to the motion to reinstate the Coastal Protection Zone Two was defeated with four (4) yeas and five (5) nays – Councilors Gleason, Wilson, Dotts, Galloupe, and McCausland opposed.**

Councilor Gleason wanted to discuss the impacts of eliminating the CP2 Zone. He did not personally share the same views as other councilors that the amended ordinance would greatly diminish the existing Coastal Protection Zone. He felt the greatest difference between the two ordinances was setback requirements.

Director of Planning and Development Theo Holtwijk stated that this is hard to answer. The greatest “differences” means different things to different people. There were several changes that, in his opinion, were important differences. Some were pro-development, and some were pro-conservationist.

Councilor Swanson had prepared a chart, comparing the differences between the existing ordinance and the amended proposed ordinance. She stressed that it was the intent of the Task Force to protect the bays from non-point source pollution, especially nitrogen. She identified seven areas (density, setbacks, storm water management, sewers, impervious surfaces, control of herbicides, fertilizers, pesticides, etc., nutrient loading calculation) the committee considered. It was her opinion that first four were weakened and the nutrient loading calculation was being eliminated.

Councilor Moll shared that once the watershed approach was adopted by the committee, and the two zones were in place, all future discussion was held in that light. If the Coastal Protection Zone Two is eliminated, she felt it would weaken the existing ordinance. Therefore, she requested that if the Council voted down the proposed Coastal Protection Zone Two, that they also vote down the proposed Coastal Protection Zone One. She further requested that if the Council wishes to make alterations that they are done at another time.

Councilor Wilson thought it would be a shame to lose a great deal of the work done by the Planning Department, the Task Force, and the Planning Board, by voting down the whole proposal.

Councilor Feldman reiterated that the first thing the Task Force did was determine that the responsible scientific course was to take the watershed approach. This increased the size of the Coastal Protection Zone, therefore, we could be less stringent in it. We were demanding a higher environmental standard from a larger area so the smaller area, which has been under strict review for the past eight years, would have some of the standards let up. It would be irresponsible to make changes until it is reviewed with the experts, issue by issue. He did not feel the Council was prepared to do this at this meeting.

Councilor Lowe was not prepared to work through each issue without the advice of experts.

Councilor Dotts did not feel that now is the time to go through the ordinance bit by bit. He preferred to go back to the ordinance the way it is now.

Councilor Gleason would be disappointed to see the new ordinance voted down. He thought it might be easier to tinker with the Farm and Forest Zone if it was put back as it was. The watershed concept could be brought in with a different form.

Councilor Feldman reminded the Council that 95% of the work done by the Task Force has been thrown out.

Councilor Wilson agreed with Councilor Gleason's suggestion.

Chair McCausland stated that ultimately the decision is the Council's. Decisions are made by a variety of avenues. This is the third time in the last few years that Paul's Marina has been brought into the discussion. He hoped that tonight would be the end of it. This is a responsible business. The issue that started the whole environmental debate in the late eighties, was an algae bloom. There isn't a house lot, a septic system, or a lawn that caused that algae bloom. And there is nothing that can be said or done to guarantee that it won't occur tomorrow.

**The motion as amended, was voted on and failed with three (3) yeas – Councilors Gleason, Wilson, and McCausland in favor and six (6) nays – Councilors Lowe, Moll, Dotts, Galloupe, Swanson, and Feldman opposed.**

The meeting adjourned at 9:05 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  
June 1, 2000

*June 5, 2000*

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Date of Approval

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Council Chair