

BRUNSWICK TOWN COUNCIL

MINUTES

**JANUARY 19, 1999
MUNICIPAL MEETING FACILITY**

7:33 p.m.

Chair McCausland called the meeting to order and asked for the pledge to the flag.

Councilors Present: Chair Stephen McCausland, Michael Feldman, Eleanor Swanson, Robert Galloupe, Timothy Dotts, Forrest Lowe and David Gleason. (Vice-Chair Moll arrived at 7:36 p.m.)

Councilors Absent: Clement Wilson

Others Present: Pamela Fogg, Personnel Director; Melissa Smith, Deputy Town Clerk; Theo Holtwijk, Director of Planning and Development; citizens, members of the press and TV Video Crew.

Correspondence:

None

Minutes of Meetings:

Moved by Councilor Dotts, seconded by Councilor Galloupe, to approve the minutes of January 4, 1999 as distributed. The motion carried with seven yeas.

Manager's Report:

1. Receipt of funds in lieu of taxes from United Pejepsco Housing, Inc.

United Pejepsco Housing sent the Town of Brunswick a check in the amount of \$8,000 in lieu of property taxes.

Moved by Councilor Galloupe, seconded by Councilor Feldman, to accept a check for \$8,000.00 from United Pejepsco Housing in lieu of property taxes for \$8,000.00 . The motion carried with seven yeas.

Adjustments to the Agenda:

None

5. The Town Council will hear public comments on the request for new Victualer's license for:

Jade Dragon, Inc.
d/b/a Jade Dragon
21 Gurnet Road

Hoi Tung Moa

The public hearing opened at 7:36 p.m. The public hearing closed at 7:36 p.m.

Moved by Councilor Dotts, seconded by Councilor Swanson, to approve a new Victualer's license for Jade Dragon. The motion carried with eight yeas.

6. **The Town Council will hear public comments on the proposed amendments to the Zoning Ordinance on Boarding Care Facilities in the R4 District, and take any appropriate action.**

Chair McCausland asked Theo Holtwijk, Director of Planning and Development to make a few comments on this item. (Attachment to permanent minutes) Director Holtwijk presented maps of the area proposed in the R4 District.

There was considerable discussion and many questions answered by Director Holtwijk.

Councilor Galloupe asked if the Planning Board looked in other zones to put a maximum footprint?

Director Holtwijk said "yes". He also stated that the Medical Use Overlay Zone would be the only place to locate a boarding care facility of 30,000 square feet.

Councilor Swanson was concerned with the size of the facility in a residential zone.

The public hearing opened at 8:02 p.m. The public hearing closed at 8:02 p.m.

Councilor Galloupe was concerned about setting a precedent with the Zoning Ordinance. A 5,000 square foot maximum footprint to a 30,000 square foot maximum footprint in a residential neighborhood is a large jump. He believes that the Planning Board is reacting to applicants and not doing any planning. Passing this proposed ordinance amendment opens all of the R4 District, this is not spot zoning but it is about as close to spot zoning as you can get.

Councilor Dotts stated that he agreed with Councilor Galloupe. He believes this is spot zoning, 5,000 to 30,000 square feet is a large step.

Moved by Councilor Feldman, seconded by Councilor Gleason, to approve the amendments to the Zoning Ordinance on Boarding Care Facilities as proposed.

Councilor Galloupe asked that if there was no applicant here tonight and we wanted to change the zoning throughout the community to allow 30,000 square foot buildings, would the Council vote for it?

The motion carried with five yeas. Opposed Swanson, Galloupe, and Dotts.

Chair McCausland stated that the proposed amendment would go into effect in 30 days.

7. **The Town council will hear public comments on the proposed amendments to the Zoning Ordinance relative to the Natural Resource Protection Zone, and take any appropriate action.**

Theo Holtwijk, Director of Planning and Development, gave a brief synopsis on the Natural Resource Protection Zone. (Attachments to permanent minutes) He also introduced Anne Hayden who is the Chair of the Zoning Ordinance Development Task Force. Ms. Hayden was present to answer any questions from the Council or the public.

The public hearing opened at 8:26 p.m. The public hearing closed at 8:26 p.m.

Moved by Councilor Moll, seconded by Councilor Swanson, to approve the amendments to the Zoning Ordinance relative to the Natural Resource Protection Zone as proposed. The motion carried with eight yeas.

8. **The Town Council will consider setting a public hearing for February 1, 1999, to repeal the New Meadows River/Woodward Point conservation closure enacted on July 8, 1997 to allow the harvesting of soft-shell clams and Quahogs. (Manager)**

Moved by Councilor Feldman, seconded by Councilor Dotts, to schedule a public hearing for February 1, 1999 to repeal the New Meadows River/Woodward Point conservation closure.

Councilor Galloupe asked if we needed to do an emergency ordinance.

Chair McCausland stated that since no emergency ordinance had been recommended, he did not think it was needed.

The motion carried with eight yeas.

9. **The Town Council will consider setting a public hearing for February 1, 1999 to change the location of the open area under the exception clause of the town-wide closure between February 20th through April 30th of each year; and that Council close this same area each year from May 1st to June 30th. (Manager)**

Moved by Councilor Moll, seconded by Councilor Lowe, to schedule a public hearing for February 1, 1999 to change the location of the open area under the exception clause of the town-wide closure between February 20th through April 30th of each year; and the Council close this same area each year from May 1st to June 30th.

Councilor Galloupe stated that this would need an emergency ordinance because there is not 30 days between the public hearing and February 20.

Chair McCausland asked Councilors Moll and Lowe if they would agree to advertise as an emergency ordinance, if needed. Both agreed.

The motion carried with eight yeas.

10. **The Town Council will review their 1998 Goals and Objectives and discuss the process for setting their 1999 Goals and Objectives. (Manager)**

Chair McCausland stated that at the next meeting they would discuss 1999 Goals and Objectives. He asked that each individual Councilor write what their goals and objectives are for 1999 and give them to him or the Town Manager by January 26th.

Chair McCausland reviewed their 1998 Goals and Objectives. The Council did adopt a Capital Improvement Program. The Council will conclude the revisions to the Zoning Ordinance this year. The Council has promoted pedestrian safety. Regionalization was number 4 and the Town has continued working with Topsham and Bath holding a Merrymeeting Council of Governments meeting just last week. Number 5 was Recycling. Chair McCausland stated that he did not know whether the Council had accomplished all that they had intended to do.

11. **The Town Council will consider reappointing Thomas Wakefield as Primary Plumbing Inspector, and reappointing Jeffrey Hutchinson as Alternate Plumbing Inspector for the one year term to expire 12/31/99. (Manager)**

Moved by Councilor Moll, seconded by Councilor Feldman, to reappoint Thomas Wakefield as Primary Plumbing Inspector and Jeffrey Hutchinson as Alternate Plumbing Inspector for a one year term to expire 12/31/99. The motion carried with eight yeas.

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12. The Town Council will consider making appointments to the following boards and committees:

Fence Viewer - 1 Full Member - one year term to expire 04/01/00.

Councilor Swanson stated the committee was delighted to have Dr. Worthing apply for this position. Dr. Worthing had done research on this position and shared it with the committee. In his research he found that this position pays \$3.00 a day when called upon to act. Also, he found that one of his ancestors was a fence viewer in Salem, Massachusetts.

Councilor Moll moved nominations cease and that the Chair cast a single ballot for Mark H. Worthing. Councilor Feldman seconded the motion. The motion carried with eight yeas.

Mark H. Worthing was appointed as a Fence Viewer.

Vice-Chair Moll recongnized her students from New Hampshire College who were in the audience. These students are in her Humanities 230 class "Changing Roles in Men and Women in Western Society". She thought this would be an appropriate body for the class to view because before 1920 women were not allowed to vote or sit on a council.

Correspondence:

Vice-Chair Moll stated that many citizens noticed that Brunswick, Boothbay Harbor, and Freeport were edited off the new phone book cover, along with the map of the geographical area served. Vice-Chair Moll demonstrated how she recycled her old phone book by pasting the information on her new phone book. Vice-Chair Moll thought that maybe the phone company would give them stickers to do the relabeling of the cover, or get donations to cover it, and asked that the Town Manager write a letter for the return to the 1998-1999 format.

Chair McCausland said that the Town Manager had already called the telephone company.

The meeting adjourned at 8:47 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

Melissa L. Smith
Deputy Town Clerk
01/21/99

Date of Approval

Council Chair