

-- APPROVED --
BRUNSWICK TOWN COUNCIL MINUTES
DECEMBER 17, 2001
7:30 P.M.
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, Jacqueline Sartoris, Robert Galloupe, Douglas Rice, Charles Priest, Faith Moll, Forrest Lowe, and David Gleason.

Councilors Absent: None.

Others Present: Don Gerrish, Town Manager; Fran Smith, Town Clerk; Theo Holtwijk, Director of Planning and Development; John Foster, Public Works Director; Tom Farrell, Director of Parks and Recreation Department; Rick Desjardins, Police Commander; Steve Walker, Natural Resources Planner; Geoff Hole, Town Attorney; Mike Claus, Deputy Public Works Director; Dan Devereaux, Marine Warden; several citizens, members of the press, and the TV video crew.

Minutes of Previous Meeting: December 3, 2001

Councilor Priest moved, Councilor Sartoris seconded, to approve the minutes of December 3, 2001. The motion carried with eight (8) yeas. Councilor Lowe abstained since he was not present at the December 3 meeting.

Correspondence:

Councilor Priest discussed a site walk committee members, Councilors and Councilors-Elect attended for the Mere Point Village Subdivision. Downeast Energy is developing it, with an initial thirty eight (38) acre portion of what will be a three hundred seventeen (317) acre subdivision. It lies between Mere Point and Maquoit Roads. The initial portion has received initial sketch plan approval from the Planning Board. There will be a workshop between Downeast Energy and the Planning Board to work through some issues. It will take fifty (50) to seventy five (75) years to build out.

Councilor Moll read excerpts from a letter, dated June 8, 2001, written by the Brunswick Intown Group. It discussed ways to attract new business to the downtown area. They concluded that the town needed to be more proactive in its business protection and attraction efforts. There needed to be one official in Brunswick to provide encouragement and guidance to prospective businesses. In addition, Councilor Moll expressed her desire to see the town hire an economic development officer and hoped this would be discussed in the next budget cycle.

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Chair McCausland thanked the three (3) Councilors leaving the Council. They are Mike Feldman with six years of service, David Gleason, and Faith Moll, each with eight (8) years of service. He presented them each with a plaque and discussed their accomplishments.

Councilors Feldman, Gleason, and Moll thanked their fellow Councilors, constituents, residents, town staff and especially the Town Manager for their support and assistance throughout their terms on the Council.

Manager's Report:

Report from Solid Waste Advisory Committee

Leon Laffely, Vice Chair of the Committee, requested that the Council change the name of the committee to the Recycling Committee and change the membership to a total of eight (8) members.

Councilor Sartoris moved, Councilor Rice seconded, to approve the changes in the Solid Waste Advisory Committee to include changing the name to the Recycling Committee and having a total of eight (8) members. The motion carried with nine (9) yeas.

Curtis Memorial Library Resolution

Sue Elsaesser, President of Friends of the Library, presented a resolution in support of the Community Read Program. She requested that the Council adopt it.

Councilor Gleason moved, Councilor Priest seconded, to adopt the Library's Resolution relative to the Community Read Program. The motion carried with nine (9) yeas.

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

Coastal Humane Society

Mr. Gerrish gave an update on the financial status of the Coastal Humane Society and the services they provide the town.

(A copy of the letter from the Coastal Humane Society regarding this subject will be attached to the official minutes.)

Adjustments to Agenda: Take Item 187 after Item 195

194. The Town Council will hear public comments on the following renewals for Junkyard and Automobile Recycling Permits, and will take any appropriate action:

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Robert R. Moody D/B/A Moody's Auto Parts
117 Bath Road **Robert R. Moody**

Patrick Pelkey D/B/A Pelkey Motors
175 Rear Bath Road **Patrick Pelkey**

Chair McCausland opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Lowe moved, Councilor Priest seconded, to approve the renewals of the Junkyard and Automobile Graveyard Recycling Permits for Moody's Auto Parts and Pelkey Motors. The motion carried with nine (9) yeas.

(A copy of the public hearing notice will be attached to the official minutes.)

195. The Town Council will hear public comments on the proposed amendment to the Parking Ordinance regarding Water Street, to be enacted on an emergency and regular basis, and will take any appropriate action.

Chair McCausland opened the public hearing; hearing no comments, he closed the public hearing.

Councilor Moll moved, Councilor Lowe seconded, to approve the proposed amendment to the Parking Ordinance regarding Water Street on an emergency and regular basis. The motion carried with nine (9) yeas.

(A copy of the public hearing notice and approved language will be attached to the official minutes.)

TABLED ITEM:

187. The Town Council will consider the proposed amendment to the Parking Ordinance regarding Cedar Street, and will take any appropriate action.

Councilor Galloupe stated there would still be parking on one side of Cedar Street.

Councilor Moll submitted a petition from some residents of the street in support of the proposed no parking on the south side of the street.

Glen Hosmer said he still felt that this change was unnecessary, and that only at the ends of the street and from the railroad tracks to Spring Street needed no parking.

Councilor Moll moved, Councilor Priest seconded, to approve the proposed amendment to the Parking Ordinance regarding Cedar Street. The motion carried with nine (9) yeas.

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(A copy of approved language and petition from residents of Cedar Street will be attached to the official minutes.)

196. The Town Council will hear public comments on the State Department of Inland Fisheries and Wildlife proposed boat launch facility on Mere Point and will take any appropriate action.

Mr. Gerrish said this item continues the discussion on the proposal from the State of Maine Department of Inland Fisheries and Wildlife to develop a boat launch on Mere Point. The project would include the state purchasing the site and then developing the launch in the next three (3) to four (4) years as money is available. The town would then be responsible to manage, maintain and operate the facility. The state is asking for a letter of support from the town to be sent to the Land for Maine's Future organization. The Council would also need to send to the Planning Board a request to change the impervious surface limitation in the Coastal Protection Zone to allow for this development.

Lee Perry, Commissioner of the Department of Inland Fisheries and Wildlife, said the project would be financed by a combination of state, federal, and Land for Maine's Future funds. Maine people have put a high priority on water access. They felt they needed a facility closer to this area. The Department would be asking the town to operate and maintain this facility. They would be working cooperatively with town and residents to develop the property. They were asking town support in the form of a letter to the Land for Maine's future.

Councilor Sartoris pointed out that she works for the State Planning Office but had not worked on any survey in this area and had no direct financial interest so she would be discussing this item and voting.

Chair McCausland opened the public hearing.

Prentiss Weiss, 895 Mere Pt. Rd., spoke against the project. She supported deep water access, but she had concerns with how this project was being reviewed. She had concerns about the increased traffic, especially with the poor road conditions on Mere Pt. Road. It would be hazardous for bikers and walkers. She felt the road needed to be widened prior to the ramp being build. She had concerns for those who abut the property and asked the Council not to rush this decision.

Neil Johanson, 281 Mere Pt. Rd., spoke against the project. He expressed his concerns with this project in the areas of 1) traffic nuisances, 2) kids partying, causing fire dangers and leaving trash, 3) pollution concerns with the additional boats, 4) spot zoning with a nonconforming use and impervious surface issues.

Mike Austin, 57 McKeen St., spoke in favor of the project. In other communities' facilities there have been no problems. Boaters need another facility and the state does a good job designing the facilities. The Mere Pt. spot is ideal for boat launching.

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Pam Holland, 15 Birch Island Road, spoke against the project. She had experienced what happens when a marina goes in, as far as increase in noise and pollution. She hoped this project did not go forward.

James MacLeod, 149 Jordan Ave, spoke in favor of the proposal. It is an excellent spot for a public launch and Brunswick needs another landing.

Bob Clark, 6 Blueberry Ln., spoke in favor of the project. People who live in the Mere Pt. area should have the right to protect their area, so there could be a limit on the number of people who can go to the launch. This would be a perfect location for a boat launch and great for sailing. The town could partner with Bowdoin College on the project since they have a sailing team.

Alice Bean Andrenyak, 17 Webb Field Rd, spoke against the project. There is an all tide ramp at Sawyer's Park and one in Harpswell. The Mere Pt. Rd. is not good, with no shoulders. Boat haulers would cause additional damage. She suggested a public/private partnership with either Smith's or Paul's Marina.

David Brooks, 2 Meredith Dr., spoke in favor of the project. He felt the issues with the traffic can be worked out in the future. The town would be moving toward open space and this was a chance to utilize a location for this purpose. He urged the Council to move forward on this project.

Peter Worthington, 5 Spring St., spoke in support of the project. Boats pollute more than vehicles so if the boater got closer to open ocean, there would be less pollution. The location would be a good place to sail. The project would hurt some people, but be for the better good for all.

Debby Price, 825 Mere Pt Rd, spoke against the project. She felt property owners in CPZ-1 and CPZ-2 have been asked to sacrifice for the greater good to protect the bay. Just because one parcel is available, it did not make it the right site to develop this project.

Tony Yuodsnukis, 276 Bunganuc Rd, spoke in favor of the project. This would be an opportunity that the town could not let go by. The issues could be worked out.

Ann Hayden, 6 Bowker St., spoke in support of the project. The marina issue was removed from the Coastal Protection Zone issue to be looked at. A marine overlay district should be created.

Barbara Desmarais, Open Space Task Force, spoke in favor of the project since many Brunswick residents supported deep water access at Mere Pt.

Alan Yuodsnukis, 21 Peary Dr., spoke in favor of the project. The bay is public property beyond the high water mark. Public facilities are not always the best neighbors, but they are necessary. The concerns could be addressed.

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Mark Worthing, 26 Eastern Shore Rd., said the town needed to work on a mooring ordinance if the launching facility was made.

Phyllis Austin, 845 Mere Pt. Rd., spoke against the project. She was very opposed to the project. There were already issues of traffic control and little police monitoring of the speed. Pedestrians and bikers were already taking a risk on Mere Pt Rd. With budget issues, there would be no guarantee the facility would be monitored.

John Lemont, 21 Maple St., spoke in favor of the project. There is a need for deep water access for fishermen and others. The Mere Point site is a very good location. State facilities that have been turned over to the towns have been top notch.

Eric Bulter, chair of Marine Resources Committee, said the committee held a special meeting on this issue and shellfish harvesters expressed a desire to have it developed. At this time they were unable to determine if there would be an adverse affect on the marine life. This needed to be explored. He recommended not rushing this process at the state's request.

Ellie Swanson, Mere Pt Rd, spoke in favor of the project. The town had been working on deep water access for a long time. This would be perfect timing to develop a site with the state's assistance and the property being available.

Dana Wallace, Marine Resources Committee, spoke in favor of the project, but the town should not accept the property unless it is a cooperative effort with the state, town, residents, and various town committees.

Elizabeth Butler, spoke against the project.

(A copy of Ms. Butler's comments will be attached to the official minutes.)

(A copy of letters, which had been provided to the Council, from Marc Conrad, Barrett Bates, Stephen Loeb, and Mr. and Mrs. White will be attached to the official minutes.)

Chair McCausland closed the public hearing.

Commissioner Perry responded to Councilor Sartoris' questions. The department wanted to move forward on this property since there was a willing seller and they did not want to lose this opportunity. If he left his position as Commissioner, it was the Department's common practice to continue cooperative processes and agreements with communities. The state did not have a design for the project at this time. They were just asking for an intention of cooperation to move forward. As far as charging fees to use the facility, there could not be differential fees for Brunswick residents and nonresidents when using federal and state funds. They hoped not to have to charge a fee.

Councilor Sartoris said she wanted residents' concerns incorporated in the process as to what would happen prior to development as far as people using the property. This would

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include a clear property line. She asked why the Department of Marine Resources did not support the earlier proposal in the same site.

Commissioner Perry said there would be no facility there so there would be no big attraction to use it. He thought that Marine Resources did not support the earlier project because it had a number of moorings included, which this proposal did not.

Councilor Sartoris supported a pumping facility at the site. She wanted the town to urge the state to continue to look for other sites since there were demands for these types of facilities, but also concerns of residents needed to be addressed. She had concerns with the size of the boats using the facility and the narrow road they would be hauled on.

Commissioner Perry responded that the size of the ramp will limit the size of the boat. Generally, smaller boats use it than are hauled by marinas.

Councilor Lowe wanted it documented in a memo of understanding as to what the agreement was with the state so if the state's administration changes, it would not effect the project.

Commissioner Perry indicated that agreement may be a possibility. Without checking with the Attorney General's office, he could not give a definite answer if such an agreement would be legally binding.

Councilor Galloupe asked confirmation that the town would not have a monetary investment until the project is completed.

Commissioner Perry confirmed this.

Councilor Sartoris said the conditions of Mere Pt. Rd. needed to be addressed.

MAIN MOTION

Councilor Galloupe moved, Councilor Rice seconded, to endorse the proposed boat launch facility at Mere Point in the form of a letter of support on behalf of the Department of Inland Fisheries and Wildlife to the Land for Maine's Future.

Councilor Galloupe said the Council has had a boat launch facility as a goal for at least six (6) years. This project would be three (3) to five (5) years before it was completed, and it would not be hurried and would be done correctly. Deep water access was needed for public safety access. He also pointed out, however, that the Mere Point Road would need to be widened, and wider is faster.

AMENDMENT TO THE MOTION

Councilor Sartoris moved, Councilor Galloupe seconded, to amend the main motion to include in the letter to the Land for Maine's Future the following considerations:

- 1) The town's concern that it is an equal partner in this project in all considerations of the state's development of this project;**

- 2) The town would like to have a Council representative involved in the process so that community concerns are represented throughout the process;
- 3) The concern the town has with traffic needs to be addressed and that traffic should be assessed;
- 4) The cost of management by the town needs to be discussed, with all options on the table;
- 5) Environmental issues will need to be dealt with to the town's satisfaction, including nonpoint pollution, a pump out facility, and wetland remediation on the site;
- 6) The town would like to negotiate an interim agreement which addresses the abutters' and the Birch Island Association's concerns about access between now and when the facility is ready, including liability questions;
- 7) The town would urge Inland Fisheries and Wildlife and Lands for Maine's Future Board to urge other applicants to continue to look for additional sites, which would provide public access.

Councilor Sartoris said she had struggled with these issues and there was no one (1) right answer. She did not believe that they were ignoring the Coastal Protection Zone or she would not be supporting this. Earlier, the Council committed to the development of a marine overlay district. She would support it with reservations since she believed that public access was something that all citizens in Brunswick needed and she did not see any better alternatives.

(Revised Main Motion as accepted by Councilor Galloupe who made the original motion.)

Councilor Galloupe moved, Councilor Rice seconded, to endorse the proposed boat launch facility at Mere Point in the form of a letter of support on behalf of the Department of Inland Fisheries and Wildlife to the Land for Maine's Future, and the letter would include the following considerations:

- 1) The town's concern that it is an equal partner in this project in all considerations of the state's development of this project;
- 2) The town would like to have a Council representative involved in the process so that community concerns are represented throughout the process;
- 3) The concern the town has with traffic needs to be addressed and that traffic should be assessed;
- 4) The cost of management by the town needs to be discussed, with all options on the table;
- 5) Environmental issues will need to be dealt with to the town's satisfaction, including nonpoint pollution, a pump out facility, and wetland remediation on the site;
- 6) The town would like to negotiate an interim agreement which addresses the abutters' and the Birch Island Association's concerns about access between now and when the facility is ready, including liability questions;
- 7) The town would urge Inland Fisheries and Wildlife and Lands for Maine's Future Board to urge other applicants to continue to look for additional sites, which would provide public access.

Councilor Lowe moved, Councilor Sartoris seconded, to amend the motion to include in the letter to the Land for Maine's Future the following consideration: that the town reaches and signs a Memorandum of Understanding agreement, which would outline roles and processes, with Inland Fisheries and Wildlife prior to the purchase of the property.

Councilor Galloupe felt that it is too complicated to do in such a short period of time and could effect the purchase of the property.

Commissioner Perry said he did not have a problem with a memorandum of understanding, but his concern would be in stipulating that this document be completed and executed before the purchase, which could become problematic.

Councilor Priest said he was concerned about having a signed memorandum of understanding prior to the purchase of the property. This may cause a road block in the purchase of this property. Councilor Sartoris' letter would accomplish what the Council wanted it to accomplish.

Councilor Sartoris said negotiating a memorandum of understanding is not a one day process and the Council has noted their concerns in her motion. She felt that Inland Fisheries and Wildlife take very seriously the agreements they make with communities and there should be comfort in knowing that.

Councilor Lowe withdrew his motion and Councilor Sartoris agreed.

Councilor Moll said, after reading sections of the United States Constitution, she did not support the proposal. She supported water access, land acquisition and coastal protection. The proposal is too invasive, unsympathetic to the site and too disruptive to Brunswick. She supported the town purchasing this site by grant or fund raiser and developing a low impact facility.

VOTE ON MOTION

Councilor Galloupe moved, Councilor Rice seconded, to endorse the proposed boat launch facility at Mere Point in the form of a letter of support on behalf of the Department of Inland Fisheries and Wildlife to the Land for Maine's Future, and the letter would include the following considerations:

- 1) **The town's concern that it is an equal partner in this project in all considerations of the state's development of this project;**
- 2) **The town would like to have a Council representative involved in the process so that community concerns are represented throughout the process;**
- 3) **The concern the town has with traffic needs to be addressed and that traffic should be assessed;**
- 4) **The cost of management by the town needs to be discussed, with all options on the table;**
- 5) **Environmental issues will need to be dealt with to the town's satisfaction, including nonpoint pollution, a pump out facility, and wetland remediation on the site;**

- 6) The town would like to negotiate an interim agreement which addresses the abutters' and the Birch Island Association's concerns about access between now and when the facility is ready, including liability questions;
- 7) The town would urge Inland Fisheries and Wildlife and Lands for Maine's Future Board to urge other applicants to continue to look for additional sites which would provide public access.

The motion carried with seven (7) yeas. Opposed Councilor Moll. Councilor Gleason abstained due to a conflict of interest.

(A copy of the public hearing notice will be attached to the official minutes.)

197. **The Town Council will consider proposed amendments to the Telecommunications Zone provision of the Zoning Ordinance, and take any appropriate action.**

Phil Carey, the Town Planner, discussed the amendments and read a memo from the Planning Board.

(A copy of a memo from the Planning Board outlining the proposed language and a report entitled "Brunswick Maine Wireless Facility Analysis" will be attached to the official minutes.)

Councilor Feldman moved, Councilor Sartoris seconded, to set a public hearing for January 22, 2002, on the proposed amendments to the Telecommunications Zone provision of the Zoning Ordinance. The motion carried with nine (9) yeas.

198. **The Town Council will receive the Cooks Corner Zoning Amendments and will take any appropriate action.**

Ed Hawes, Vice Chair of Planning Board, made a presentation to the Council.

(A copy of Mr. Hawkes' presentation will be attached to the official minutes.)

Councilor Feldman said in general he approved what the Planning Board had done, with the design standards being good. This current plan was trying to have one solution to too large of an area. Times have changed and in order to maintain the area and smaller stores, there needed to be support from the big boxes. He would recommend that the Council eliminate the one hundred fifty thousand square foot (150,000 sq. ft.) limitation since it was a compromise, which he felt would not work. Plus, he recommended reducing the impact fee.

Councilor Priest moved, Councilor Sartoris seconded, to accept the report on the Cooks Corner Zoning Amendments. The motion carried with nine (9) yeas.

199. **The Town Council will consider the approval of the 6-month beano/games of chance license renewals for the Elks Club, 55+ Center, Evergreen Senior Citizens Club and Knights of Columbus, and take any appropriate action.**

Councilor Galloupe moved, Councilor Priest seconded, to approve the town's beano licenses for a period of six months, beginning January 1, 2002, and ending June 30, 2002. The motion carried with nine (9) yeas.

200. The Town Council will consider a request from the Maine Department of Transportation to set a Construction Area on Water Street and will take any appropriate action.

Councilor Rice moved, Councilor Sartoris seconded, to set a Maine Department of Transportation Construction Zone in the Water Street area. The motion carried with nine (9) yeas.

(A copy of the letter and agreement from MDOT will be attached to the official minutes.)

Mr. Gerrish thanked, on behalf of the town staff, the three outgoing Councilors for their hard work.

The meeting adjourned at 11:11 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.

*Frances M. Smith
Town Clerk
December 20, 2001*

January 7, 2002

Date of Approval

Charles R. Priest

Council Chair