

**--APPROVED--**  
**BRUNSWICK TOWN COUNCIL MINUTES**  
**March 18, 2002**  
**7:30 P.M.**  
**MUNICIPAL MEETING FACILITY**

**7:00 P.M. EXECUTIVE SESSION: RE: Sale of Property and Acquisition**

**Councilor Sartoris moved, Councilor Randolph seconded, to go into executive session to discuss the sale of property and acquisition. The motion carried with eight (8) yeas. Councilor McCausland was not present for the vote.**

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

**Councilors Present.** W. David Watson, Jacqueline A. Sartoris, Robert A. Galloupe, Douglas A. Rice, Charles R. Priest, Nancy E. Randolph, Forrest Lowe, Thomas E. Crimmins and Stephen H. McCausland.

**Councilors Absent:** None.

**Others Present:** Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Tom Farrell, Parks and Recreation Director; Pat Harrington, Assistant Town Manager; Theo Holtwijk, Director of Planning and Development; Gary Plummer, County Commissioner; several citizens, members of the press and TV Video Crew.

**Minutes of Previous Meeting: March 4, 2002**

Manager Gerrish clarified the Planning Board appointments that occurred at the March 4 meeting. The agenda was incorrect in stating their terms were one (1) year; when in fact, they are three (3) year terms and were advertised that way. The Town Attorney confirmed that the terms should be three (3) years since that is what the Planning Board ordinance states.

**Councilor Sartoris moved, Councilor Randolph seconded, to approve the minutes of the March 4, 2002 meeting with the following amendments to page 5: “Councilor Crimmins said in the future he would like the Navy to identify those Navy personnel who are Maine residents” and “Councilor Galloupe said the problem exists since the base, with fourteen hundred fifty (1,400) (1450) people, would make up nearly half of a district, which equals just over three thousand (3,000) people”. The motion carried with nine (9) yeas.**

**Manager’s Report:** Order of Items Changed from the Agenda.

**5. Recycling Committee Contest Winner**

**Ellie Swanson**, Recycling Committee member, discussed the Otter Recycle Award and announced **Ariel Bouchard** had been chosen from over two hundred (200) entries for her

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name "Wee Otter Recycle" for the baby stuffed otter. Chair Priest presented Miss Bouchard with tickets for winning the contest.

### 6. Report from County Commissioner

**Commissioner Plummer**, and **Peter Crichton**, Cumberland County Manager, discussed the Cumberland County budget, which increased by 19.4%. The majority of the increase is due to jail costs.

**Commissioner Plummer** said, responding to Councilor Lowe's question, he did not support having a separate county property tax bill; although other commissioners were more supportive of the idea.

**Mr. Crichton** added to do this would require additional staff. Instead, they wanted to put in local property tax bills an insert discussing the County. He added that the County budget process allows for input from municipalities.

Councilors Lowe and Sartoris encouraged the County to provide the insert.

### 1. Report on Signage on Bike Path

Tom Farrell, **Tony Barrett** from East Coast Greenway, and **Dave Fuller** from the Rotary Bike Path Enhancement Committee made a presentation discussing a Kiosk for the Androscoggin River Bicycle Path. They are looking for the Council's endorsement of this project.

*(A copy of their presentation and proposed signage will be attached to the official minutes.)*

**Councilor Sartoris moved, Councilor Watson seconded, to accept funds from the Rotary for the Kiosk and to fully participate in the June 1, 2002 Trails Day Celebration. The motion carried with nine (9) yeas.**

### 2. Acceptance of Grant Funds New Meadows River Watershed and appointment of Mike Feldman to Watershed Committee

**Councilor Lowe moved, Councilor Sartoris seconded, to accept a grant for thirty five thousand dollars (\$35,000) from the Department of Environmental Protection for the New Meadows Watershed project. The motion carried with nine (9) yeas.**

Councilor Sartoris complimented town staff on receiving this competitive grant.

**Councilor Sartoris moved, Councilor Watson seconded, to appoint Mike Feldman to the New Meadows Watershed Committee. The motion carried with nine (9) yeas.**

**Chair Priest moved, Councilor Galloupe seconded, to appoint David Watson to serve as the Council representative to the New Meadows Watershed Committee. The motion carried with nine (9) yeas.**

**3. Report on 5 Center Street**

Manager Gerrish said the Brunswick Development Corporation is going to purchase 5 Center Street and the Council will discuss at a later date, purchasing it from the Corporation for parking.

**4. Discuss Sewer Workshop**

Due to a large agenda, it was suggested this item be tabled.

**Councilor Watson moved, Councilor Randolph seconded, to table the discussion of the sewer workshop until April 1, 2002. The motion carried with nine (9) yeas.**

**Correspondence:**

Councilor McCausland wanted to note the passing of **Paul Downing**. He was a reporter for thirty (30) years in the Brunswick area. Along with other accomplishments, he edited the town's 250<sup>th</sup> anniversary year book.

Chair Priest and Councilor McCausland congratulated the Brunswick High School Boys Basketball team for winning Brunswick's first basketball state championship. The town is proud of these young men for their accomplishments on the court and for their representation of the town.

**Adjustments to Agenda:** None

**45. The Town Council will hear public comments on the following request for a Victualer's License and will take any appropriate action:**

**Zerin Whyte d/b/a Z-Dogs  
The Brunswick Mall**

**Zerin Whyte**

Chair Priest opened the public hearing; hearing not comments, he closed the public hearing.

**Councilor Sartoris moved, Councilor Randolph seconded, to approve a request for a Victualer's License from Zerin Whyte d/b/a/ Z-Dogs. The motion carried with nine (9) yeas.**

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

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- 46. The Town Council will hear public comments on the following requests for Alcoholic Beverage Licenses and will take any appropriate action:**

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

**The China Pearl, Inc. d/b/a China Pearl  
112 Pleasant Street**

**Chung Hua Wang**

**Ly-Corp d/b/a China Rose Restaurant  
42 Bath Road**

**Cuong Ly**

**Masagana Corporation d/b/a Oriental Restaurant  
13 Mill Street**

**Cecilio Juntura**

**Full Time Malt & Vinous:**

**Maine Pines Racquet Club, Inc. d/b/a Maine Pines Racquet & Sports  
120 Harpswell Road**

**Rob Manter**

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

**Councilor Lowe moved, Councilor Randolph seconded, to approve requests for Alcoholic Beverage Licenses from China Pearl, China Rose Restaurant, Oriental Restaurant and the Maine Pines Racquet & Sports. The motion carried with nine (9) yeas.**

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

- 47. Public Hearing: The Town Council will hear public comments on proposed Zoning Map and Zoning Ordinance Amendments, and the proposed Cooks Corner Design Standards, and will take any appropriate action.**

Chair Priest opened the public hearing.

**Charles Wiercinski**, on behalf of Mid Coast Hospital, said they support the economic viability of Cooks Corner and are concerned that the adoption of the standards as proposed will not address this important goal.

*(A copy of Mr. Wiercinski's prepared statement will be attached to the official minutes.)*

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**Jennifer Ouellette**, Brunswick, said that big boxes are not the problem for Cooks Corner and they would help her business. She expressed concerns on the proposed village concept. She would like the Planning Board to talk to Cooks Corner businesses.

**Ethel McDonough**, Grover Lane, expressed concern about traffic at Cooks Corner. She likes living where the big boxes are and does not want apartments over businesses (as proposed under the village concept).

**Mike Feldman** made the following points:

- Times have changed since the Cooks Corner Master Plan was written, with growth slowing there and going to Topsham.
- The proposed one hundred fifty thousand square foot (150,000 sq. ft.) building limitation is too small and should be increased to two hundred fifty thousand square feet (250,000 sq. ft.).
- The impact fee should be spent directly in the area.
- The businesses coming in should have to look at their impact on traffic.
- There are issues with low quality buildings, and the town should concentrate on improving that in the future.

**Mike Hory**, Grover Street, said big boxes are what are going to be needed to keep Cooks Corner viable. Wal-Mart will leave, and Service Merchandise and Porteous are too small to fill. There needs to be larger building sizes allowed. Brunswick is going to a bedroom town, and it should be more open to get businesses here.

**Calvin Taylor**, 40 Bath Road, urged the Council to think about how this proposal in its current format will impact Cooks Corner. He does not support it as proposed.

**Ted Crooker**, Storer Road, provided a packet of information on Chattanooga, Tennessee as to what occurred there. He made the following points:

- Big boxes should be allowed.
- Wal-Mart has been in Brunswick for ten (10) years and is part of community.
- The big box limitation and 1% tax should be eliminated.
- Guidelines would be better than standards.
- The Cooks Corner roads need improvement and expansion to four (4) lanes.

**Mike Rosenzweig**, Coombs Road, thanked those who had worked on the plan. He asked how Wal-Mart was allowed to have merchandise outside.

Theo Holtwijk said the Planning Board discussed the outer storage and such improvements should be detailed on the site approval. As far as Wal-Mart's outer storage, he was not sure if Codes or the Planning Board approved it. The Planning Board recognizes that outer storage is needed, but should be controlled.

Responding to Councilor McCausland's questions, Mr. Holtwijk answered the following:

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- Currently fifty thousand square feet (50,000 sq. ft.) is the limit for building sizes, under the proposal the Planning Board wants to keep that limit, but allow for several options for exception so it can be increased to one hundred fifty thousand square feet (150,000 sq. ft.)
- The 1% of total construction cost rule is used for community improvements, which equals the value of the 1% of the construction – it does not have to be a payment.
- Housing is not required, but is an option. This was added to encourage mixed use in the area.
- A perimeter road is in the top five priorities. It is a key tool to encourage additional business in the area. The town needs to determine funding and how to make the road.

**Kevin Kelley**, owner, commercial real estate business, acknowledged the huge effort put forth on this project. He made the following points:

- He would prefer design guidelines over standards.
- As far as economic development, the zoning ordinance can either encourage or discourage development.
- Brunswick has a reputation for not wanting businesses, and residential growth does not pay for itself.
- The Wal-Mart in Topsham, along with other businesses, will have an impact on Brunswick's downtown.
- Cooks Corner lacks the demand for businesses and the trend of losing businesses there will continue.

**John Gerard** discussed a letter he wrote to the Council concerning Cooks Corner. He urged the Council to table this item and establish a committee to investigate the current situation at Cook's Corner.

*(A copy of Mr. Gerard's letter will be attached to the official minutes.)*

Chair Priest closed the public hearing.

Mr. Holtwijk responded to Councilor Sartoris's questions regarding size of big boxes and other towns with standards. The proposed Topsham Wal-Mart is two hundred twenty thousand square feet (220,000 sq. ft.), the one in Brunswick is one hundred sixty thousand square feet (160,000 sq. ft.) and the two proposed big boxes for Fox Run are one hundred thirty five thousand square feet (135,000 sq. ft.) each. Other towns, like Falmouth, have design standards; while others, like Windham, Yarmouth, and Scarborough, are also looking at them.

Responding to Chair Priest's question, Mr. Holtwijk said if an existing business sells or leases to someone else the standards do not apply. Additional businesses will need to follow design standards.

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**Ed Hawes**, Planning Board Vice-Chair, discussed how the proposed standards would compare with two (2) newer buildings, Sweet Dreams and Androscoggin Bank, in the Cooks Corner area. They would have met them, but the Ames plaza could not be built as it currently, is under the proposed guidelines. The standards are looking to keep Cooks Corner as a modern, sustainable area with mixed uses. Responding to Councilor McCausland's question, Mr. Hawes said, in determining big box size limits, the Planning Board looked at what was in the town, the size of the super centers, shopping malls and centers that seemed to work. They agreed upon the one hundred fifty square feet (150,000 sq. ft.) limit, compared to the current fifty thousand square feet (50,000 sq. ft.) one.

Councilor Rice said that guidelines would work to get results and standards did not need to be in place.

Councilor McCausland said he had concerns with the big box limitation. The proposed changes will not keep businesses from leaving and this needs to be addressed.

Councilor Crimmins supported a blue ribbon committee be formed to review the issues further as Mr. Gerard had recommended.

Councilor Lowe said this issue had been studied at great length over the last couple of years. The economic situation has been evolving and he does not see it as a crisis at this point. The ordinance complies with the evolution in the Cooks Corner area and looks at style, and it is not requiring existing buildings to make any changes. It creates modern standards for those who may wish to build out there. The impact fee is only one of three options that could be used to increase building size. He wants the town to have input in what buildings will look like and not let corporations decide it for the town.

Councilor Watson opposed the proposed standards. Some businesses were not aware of tonight's public hearing. He supported Councilor Crimmins in wanting to talk to Cooks Corner businesses to receive their input and find out what they need.

Councilor Sartoris said she was not concerned about the design standards, but with the size limitation. They should look at dimensional standards and provide balance between economic development and what the town wants to live with. The standards can be good for economic development since it can make a building attractive and people will want to go there. If the ordinance is not passed, the town will have a fifty thousand square foot (50,000 sq. ft.) limit which she does not want to be there.

Chair Priest said there needs to be some standards. The town has not done much for economic development in the Cooks Corner area. There may need to be a committee similar to BIG there. He does not think big boxes will be going in Cooks Corner; they are being built next to large highways. It is reasonable that there should be some method for the town to contact all the business owners to come to a forum. This is not an economic development ordinance, but a standards one.

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**Councilor Rice moved, Councilor Randolph seconded, to table this item until the April 1, 2002 meeting. The motion carried with nine (9) yeas.**

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

- 48. The Town Council will consider accepting a grant for Cox Pinnacle and appropriating the funds to be used for parking, and will take any appropriate action.**

Manager Gerrish and Tom Farrell discussed this item. This item would authorize the town to accept a grant from the Land and Water Conservation Fund for twenty five thousand dollars (\$25,000) toward the cost of constructing parking and access to Cox Pinnacle. The Council authorized the town to apply for the grant last fall. Total cost is sixty eight thousand two hundred dollars (\$68,200). The remaining money will come from Recreational Impact Fees (\$24,200) and savings from other budget lines (\$19,000). The Recreation Commission supports the project and funding.

Lisa Martin, Friends of Cox Pinnacle, said the group supports the parking lot.

**Councilor Rice moved, Councilor Galloupe seconded, to accept and appropriate the twenty five thousand dollars (\$25,000) grant from the Land and Water Conservation Fund, and to appropriate twenty four thousand two hundred dollars (\$24,200) from Recreational Impact Fees and nineteen thousand dollars (\$19,000) from existing funds in 2001-02 budget for the purpose of constructing parking and access to Cox Pinnacle. The motion carried with nine (9) yeas.**

*(A copy of Cox Pinnacle Property Site Plan will be attached to the official minutes.)*

Item 50 was discussed prior to Item 49.

- 50. The Town Council will consider the sale of property to Koehler Woodworks and RC Theberge General Contracting and will take any appropriate action.**

Manager Gerrish said this item would authorize the sale of property off Greenwood Road to Koehler Woodworks and R.C. Theberge Contractors for forty thousand dollars (\$40,000). They plan to construct a ten thousand square foot (10,000 sq. ft.) building, which will be an incubator site.

**Councilor Crimmins moved, Councilor Watson seconded, to authorize the Town Manager to complete the sale of property off Greenwood Road to Koehler Woodworks and R.C. Theberge Construction Company. The motion carried with nine (9) yeas.**

*(A copy of the Purchase and Sale agreement between the Town of Brunswick and Koehler Woodworks, Inc. will be attached to the official minutes.)*

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- 49. The Town Council will consider recommendations for management of the Town's Brown Tail Moth problem and will take any appropriate action.**

Manager Gerrish said Steve Walker, the Natural Resource Planner, was unavailable tonight to discuss aerial straying. The Council may want to set a public hearing for April 1, and Mr. Walker will be at that meeting to explain the process.

**Ellie Swanson** spoke in favor of an alternate to "block" spraying on the Mere Point Road. She suggested spraying in a pattern that covers as many residents as possible to prevent residents from doing it themselves with large amounts of pesticides. She was concerned about the late spray schedule with such a warm winter.

**William Allan**, 74 Look Out Point Road, Harpswell, said he was not opposed to spraying, just against the use of Dimilin. It is hazardous to shellfish and marine life. If it gets into the water, it could cause seven hundred (700) people to lose their livelihoods.

Councilor Sartoris asked that a person with a medical background be available at the public hearing to discuss possible health problems related to browntail moth.

**Councilor McCausland moved, Councilor Randolph seconded, to set a public hearing for April 1, 2002, to receive public comments on spraying for Browntail moths. The motion carried with nine (9) yeas.**

- 51. The Town Council will discuss Goals for 2002 and take appropriate action.**

Due to the late hour it was recommended this item be tabled until the next meeting.

**Councilor Rice moved, Councilor Randolph seconded, to table this item until April 1, 2002. The motion carried with nine (9) yeas.**

- 52. The Town Council will discuss appointments and charges to the Fire Station Committee.**

Due to the late hour, it was recommended this item be tabled until the next meeting.

**Councilor Rice moved, Councilor Randolph seconded, to table this item until April 1, 2002. The motion carried with nine (9) yeas.**

- 53. The Town Council will consider a Resolution to Provide for Participation in the Maine Municipal Employees Health Trust and will take any appropriate action.**

Manager Gerrish said this item will authorize the town to participate in the Maine Municipal Employees Health Trust. The reason the town is doing this is that the Health Trust is changing from an ERISA Trust under Federal Law to a VEBA under State Law.

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The town has been a member since 1983, and he would recommend approving the change.

**Councilor McCausland moved, Councilor Crimmins seconded, to adopt the Resolution for Participation in the Maine Municipal Employees Health Trust. The motion carried with nine (9) yeas.**

*(A copy of a Resolution Providing For Participation In The Maine Municipal Employees Health Trust will be attached to the official minutes.)*

**54. The Town Council will consider a request from Central Maine Power for a permit for three poles on the Lisbon Falls Road, for a distance of 639 feet, and will take any appropriate action.**

**Councilor Randolph moved, Councilor Watson seconded, to accept the request from Central Maine Power Company for a permit to construct three poles on the Lisbon Falls Road. The motion carried with eight (8) yeas. Opposed was Councilor Sartoris.**

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

**Councilor Sartoris moved, Councilor Watson seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

The meeting adjourned at 10:43 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  
March 25, 2002*

**April 1, 2002**

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*Date of Approval*

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*Council Chair*