

**BRUNSWICK TOWN COUNCIL MINUTES**  
**MAY 21, 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, Timothy Dotts, Robert Galloupe, 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; Clark Labbe, Deputy Fire Chief; several citizens, members of the press, and the TV video crew.

**Minutes of Previous Meeting:** May 7, 2001

**Councilor Priest moved, Councilor Moll seconded, to approve the minutes of May 7, 2001. The motion carried with eight (8) yeas. Councilor Lowe abstained since he was not present at the May 7 meeting.**

**Correspondence:** Letter from Mitchell Rousseau  
Resignation – Recreation Commission

The Council accepted this resignation and will send a letter thanking Mr. Rousseau for his service.

**Manager's Report:**

**1) Certificate of Excellence: Finance Department**

Mr. Gerrish said the town's finance department would be receiving an award from the Government Finance Officers Association for Excellence in Financial Reporting. He thanked the finance department for their hard work.

**Adjustments to the Agenda:** None

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

**NEW**

**Full-time Malt, Spirituous and Vinous:**

The New Brunswick Diner, LLC d/b/a

**Town Council Minutes**

**May 21, 2001**

**Page 2**

Brunswick Diner  
101 ½ Pleasant Street

Jane Davis

**RENEWAL**

**Full-time Malt and Vinous**

Henry Catering, LLC d/b/a  
Henry and Marty Restaurant  
61 Maine Street

Edward Perry

**Full-time Malt, Spirituous and Vinous:**

Ulyssys Co. Inc, d/b/a Benzoni's Pizzeria & Back Street Bistro  
11 Town Hall Place

J D Bouras

Someplace(s) Different, Inc., d/b/a  
Captain Daniel Stone Inn and Narcissa Stone Restaurant  
10 Water Street

William Bennett

George Elwell, d/b/a Harriet Beecher Stowe House and Inn  
63 Federal Street

George Elwell

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

**Councilor Moll moved, Councilor Priest seconded, to approve the Alcoholic Beverage License applications for The Brunswick Diner, Henry and Marty, Benzoni's Pizzeria and Back Street Bistro, Captain Daniel Stone Inn and Narcissa Stone Restaurant, and Harriet Beecher Stowe House and Inn. The motion carried with nine (9) yeas.**

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

**68. The Town Council will hear public comments on requests for Victualer Licenses, per the attached list, 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 Victualer License applications, per the list received from the Brunswick Town Clerk. The motion carried with nine (9) yeas.**

*(A copy of the public hearing notice, listing the approved victualer licenses, will be attached to the official minutes.)*

**Town Council Minutes**

**May 21, 2001**

**Page 3**

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

<b>Business Name</b>	<b>Name</b>	<b>Location</b>
Brunswick Travelodge	Robert Rosenthal	21 Gurnet Rd
Captain Daniel Stone Inn	Louise Holmes	10 Water Street
Comfort Inn	Robert DeWitt	199 Pleasant St
Econo Lodge	Mr/Mrs Haresh Patel	215 Pleasant St
Harriet Beecher Stowe House & Inn	George Elwell	63 Federal St
Maineline Motel	Mr/Mrs Haresh Patel	133 Pleasant ST
New Meadows Motel	Mr/Mrs Walter Reil	393 Bath Rd
Parkwood Inn	Lois Beal	71 Gurnet Rd
Super 8 Motel	James Sweeney	224 Bath Rd
Travelers Inn	Kiran Patel	130 Pleasant St
Viking Motor Inn	William Kelly	287 Bath Rd

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

**Councilor Moll moved, Councilor Lowe seconded, to approve Innkeeper License applications, per the list received from the Brunswick Town Clerk. The motion carried with nine (9) yeas.**

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

- 70. The Town Council will hear public comments on the following requests for Special Amusement License Renewals and take any appropriate action:**

Ulyssys Co., Inc., d/b/a Benzoni's Brick Oven Pizzeria and Back Street Bistro  
11 Town Hall Place J D Bouras

Someplace(s) Different, Inc., d/b/a Captain Daniel Stone Inn &  
Narcissa Stone Restaurant  
10 Water Street William Bennett

Marilyn Elwell, d/b/a Harriet Beecher Stowe House and Inn  
63 Federal Street Marilyn Elwell

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

**Councilor Moll moved, Councilor Lowe seconded, to approve Special Amusement License Renewal applications for Benzoni's Brick Oven Pizzeria and Back Street Bistro, Captain Daniel Stone Inn and Narcissa Stone Restaurant, and Harriet Beecher Stowe House and Inn, which included a restriction of no amplification of**

**live entertainment or music and that the entertainment cease at 11:00 p.m. The motion carried with nine (9) yeas.**

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

**71. The Town Council will hear public comments on the proposed Addressing Ordinance and take any appropriate action.**

Chair McCausland opened the public hearing.

**Janet Brand**, 318 Bunganuc Road, asked if the town has determined if driveways are accessible, and if not, what will they do with those not accessible.

Deputy Chief Labbe said that some driveways are not accessible with the larger equipment, but they will respond to emergencies with smaller equipment if necessary.

### **MAIN MOTION**

**Councilor Moll moved, Councilor Feldman seconded, to adopt the proposed Addressing Ordinance.**

Councilor Galloupe said it is a person's house and it is their decision if they want to put the numbers on it. Some entrances are not on the front of the home, where the numbers are required by ordinance to be placed, and would not be visible from the road. He felt there should be no penalty provisions in the ordinance.

The Council discussed organizations that could help those who were unable to place the proper numbering on their homes.

Mr. Gerrish said that the town is not out to penalize people; it is a safety measure to help citizens. Notification will be going out and people will have ninety (90) days to comply.

### **AMENDMENT TO MAIN MOTION**

**Councilor Galloupe moved, Councilor Feldman seconded, to remove the penalty provision from the proposed Addressing Ordinance. The motion failed with one (1) yea. Opposed Councilors Feldman, Sartoris, Dotts, McCausland, Priest, Moll, Lowe, and Gleason.**

### **VOTE ON THE MAIN MOTION**

**Councilor Moll moved, Councilor Feldman seconded, to adopt the proposed Addressing Ordinance. The motion carried with eight (8) yeas. Opposed Councilor Galloupe.**

**Town Council Minutes**

**May 21, 2001**

**Page 5**

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

- 72. The Town Council will hear public comments on the proposed amendment to the Brunswick Zoning Ordinance regarding the creation of a College Use Zone and take any appropriate action.**

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

Mr. Holtwijk said this creates a new college use zone. It allows for uses related to Bowdoin College and prohibits other uses. It allows college offices and parking facilities, and does not allow for professional office space and residence halls.

Councilor Moll said professional office was seen as a higher impact use and residents there supported not having this use.

**Councilor Moll, Councilor Sartoris seconded, to amend the Brunswick Zoning Ordinance to create a College Use Zone. The motion carried with nine (9) yeas.**

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

- 74. The Town Council will review an application for Sellers of Prepared Food on Public Ways and will take any appropriate action:  
Sandra Webber, d/b/a Down East Hot Dogs  
Sandra Webber**

*Item 74 taken out of order.*

**Councilor Lowe moved, Councilor Priest seconded, to approve the application for a “Seller of Prepared Food on Public Way” license for Down East Hot Dogs. The motion carried with nine (9) yeas.**

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

- 75. The Town Council will review the recommendations of the Davis Fund Committee and will take any appropriate action.**

*Item 75 taken out of order.*

Sandy Sistare, Davis Fund Committee’s Secretary, discussed the pride the committee takes in their work and Millie Stewart’s great leadership.

**Councilor Feldman moved, Councilor Galloupe seconded, to accept the recommendations of the Davis Fund Committee for funding events within the Town. The motion carried with nine (9) yeas.**

**Town Council Minutes**

**May 21, 2001**

**Page 6**

*(A copy of the Davis Fund Committees recommendations, which the Council approved, will be attached to the official minutes.)*

**73. The Town Council will hear public comments on the proposed amendment to the Brunswick Zoning Ordinance regarding the Coastal Protection Zone and take any appropriate action.**

Mr. Holtwijk gave an overview. The proposal consists of creating a new Coastal Protection 2 (CP-2) Zone and updating Coastal Protection 1 (CP-1) Zone. The proposal is to eliminate the chapter as it is currently written and replace it with a new chapter. The Planning Board recommends the proposal. There are several changes, with the main issue being density. Under the proposal the current Farm and Forest – 2 (FF-2) will become the CP-2 and the density will change to one (1) unit for four (4) acres from the current one (1) unit for two (2) acres.

*(A copy of Mr. Holtwijk's memo and package of information on this item will be attached to official minutes.)*

Chair McCausland opened the public hearing.

**Anne Hayden**, Planning Board, supports the adoption of the ordinance. The vast majority of scientists involved in the study support this ordinance. The goal is to protect the future of the bay.

**David Flaherty** read a prepared statement against the adoption of the amendments.

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

Councilor Sartoris asked, in response to Mr. Flaherty's statement, about how much affordable housing there was in this area.

Mr. Flaherty said he was not aware of any affordable housing there.

Councilor Feldman questioned, in response to Mr. Flaherty's statement, if the study he conducted with other towns took into effect the uniqueness of the Brunswick bay.

Councilor Galloupe said that some individual homes built there have been affordable.

**Steve Hanks**, 61 Woodside Road, asked about the status of the previous discussion on a compromise to three (3) acres instead of four (4).

**Jane Millett**, resident and realtor, said she had assisted in the study of other communities and found that Damariscotta has a similar bay and has an eighty thousand square foot (80,000 sq.ft.) minimum lot size. Other towns researched included Freeport, Cape Elizabeth, Yarmouth, Falmouth, West Bath, Harpswell and Durham. The proposed

**Town Council Minutes**

**May 21, 2001**

**Page 7**

ordinance restricts growth and reduces diversity. She asked why the report did not go after those with failing septic systems.

**Liz Pierson**, Harpswell Road, supports this ordinance's adoption.

**Bruce Clark**, Highland Road, read a prepared statement against the amendments and informed the Council that if they enacted the amendments, he would start a petition to overrule it.

*(Mr. Clark's prepared statement will be attached to the official minutes.)*

**Bill Van Twisk** spoke against the amendments citing their lack of scientific support, balance, and limited growth opportunity.

**Jim Porter**, Mere Pt Rd, Task Force member, supports the amendments. This town created a large minimum lot size in the current CPZ as a way to control nonpoint source pollution. This action was a success and the town should adopt the Task Force recommendation with one (1) unit per four (4) acres for the entire watershed in the current CPZ and FF-2. The science is not perfect, but it is credible. If a reduction in the lot size is considered, it should be borne in mind that the lot size in R 2 and 3 may have been somewhat liberal.

**Bill Smith**, Rocky Hill Drive, Task Force member, discussed the process that was used to create the proposed amendments. The committee felt there was a need to protect the future of the land and the bay.

**Ervin Snyder**, Task Force member, read from a prepared statement. He did not agree with everything in the proposed ordinance, but thought it should be adopted. He urged the Council to exclude the Farm and Forest area under the CP-2 provisions of the proposed ordinance.

*(Mr. Snyder's prepared statement and his Zoning Task Force II minority report will be attached to the official minutes.)*

**Ben Swan** supports the ordinance. He discussed Mr. Payne's study presented to the Planning Board in January 2000. If Brunswick were built out in two (2) acre lots, there would be nutrient loading. If build out were four (4) to five (5) acre lots, nutrient loading would not happen.

**Ellie Swanson**, Mere Point Road, discussed the Bigelow Letter and the "clam kill." She felt that the organism that the Bigelow letter said caused it did not come in from a tide since it had been growing there for a several weeks. They grew because of the nutrients and food there and grew until they ran out of food and then "crashed."

**Jamie Ecker**, 67 Simpson Pt. Rd., read a prepared statement supporting the adoption of the ordinance.

**Town Council Minutes**

**May 21, 2001**

**Page 8**

*(Mr. Ecker's prepared statement will be attached to the official minutes.)*

**Peter Lowe** urged the Council to adopt the proposed amendments. In response to previous discussion, he added that he has not seen any affordable housing in that area.

**Peter Brand**, lives in CP-1 Zone, said the notification for the meeting was good. He questioned why the Council was doing this ordinance. He did not support the science behind it and thought the ordinance would not be an inducement for farmers.

**Russell Pender**, Sunset Gardens, Maquoit Road, discussed his two (2) acre lot on Bunganuc Road, which he cannot do anything with due to zoning. He feels it is not fair since other smaller lots closer to the bay are grandfathered and he is not. Therefore, the CPZ does not apply to everyone. He supports two (2) acres for a lot in the CPZ.

**Janet Brand**, 318 Bunganuc Road, spoke against the proposed ordinance. The CPZ is not state mandated, but the Shoreline Protection Act is. Brunswick's proposal is much more limiting than the state has requested. The state already has laws covering these issues. In the rush to protect the environment, Congress has failed to protect the constitutional right of citizens to own and control property. She urged the Council to review issues before passing the ordinance, to come up with one that works for both the people and the environment.

**Alida Snow** spoke in support of the amendments. She pointed out the small population growth reported in the census and explained that population growth is not the same as development pressure. People are still looking for houses in the watershed area and the town will still experience development pressure in this area even without significant population growth.

**Bruce Martinson**, Boody Street, surveyor, said the five (5) acre restriction would not be a problem as far as doing the math. Before the ordinance is enacted, the town should make sure they have something done to test existing septic systems very close to the bay. He hopes there will be die tests in some of the old cottages before enacting the amendments.

**Rose Minott**, Highland Road, said the owners should monitor septic systems, the government should not tell people when and how to test them, and the CPZ should not be expanded.

**Pat Ridgel**, Middle Bay Road, said when a person buys property and pays taxes, they should have the reasonable expectation they should be able to use that property as the law provides. Unless the town knows for sure that there is a problem and how the problem will be solved, it should not impact or dictate to people what they can and cannot do with their property.

Chair McCausland closed the public hearing.

Mr. Holtwijk, responding to Ms. Millet's question earlier in the evening, said the Code Enforcement Officer and the Natural Resource Planner do go after septic systems when they fail and ones in danger of failing. The Planning Board and the Task Force support keeping the septic tank pumping provision in the ordinance. The homeowners are required to pump their systems once every three (3) years and if a homeowner underutilizes or has an oversize system, they can request a less frequent schedule of pumping.

**MAIN MOTION**

**Councilor Priest moved, Councilor Sartoris seconded, to amend the Brunswick Zoning Ordinance and map in regard to the Coastal Protection Zone as proposed by the Planning Board.**

Councilor Galloupe discussed his concerns with the amendments. He felt it encouraged sprawl and discouraged affordable housing. He did not want the FF-2 included.

**AMENDMENT TO THE MAIN MOTION**

**Councilor Galloupe moved to remove FF-2 from the ordinance. There was no second and the motion failed for lack of a second.**

**AMENDMENT TO THE MAIN MOTION**

**Councilor Gleason moved, Councilor Dotts seconded, to reduce the lot size to three (3) acres from the proposed four acres (4) in the CP-2 Zone.**

Councilors McCausland, Dotts, Gleason, and Galloupe did not support the increase to a four (4) acre lot size. Councilors Priest, Sartoris, Feldman, Moll, and Lowe did support the four (4) acres. The Council discussed compromising to see if they could come to an acceptable middle ground.

**VOTE ON AN AMENDMENT TO THE MAIN MOTION**

**Councilor Gleason moved, Councilor Dotts seconded, to reduce the lot size to three (3) acres from the proposed four acres (4) in the CP-2 Zone. The motion failed with four (4) yeas. Opposed Councilors Feldman, Sartoris, Lowe, Moll, and Priest.**

**AMENDMENT TO THE MAIN MOTION**

**Councilor Lowe moved, Councilor Feldman seconded, to reduce the lot size to three and a half (3.5) acres from the proposed four (4) acres in the CP-2 Zone, and to include section 209.3.1.2 Small Lot Density, CP2; "Any lot in existence at the time of the adoption of this ordinance having an area of at least 4 acres but less than 7 acres may be divided into two lots provided that neither lot has an area of less than 20,000**

s.f.” The motion carried with six (6) yeas. Opposed Councilors McCausland, Gleason, and Galloupe.

**VOTE ON THE MAIN MOTION WITH AMENDMENT**

**Councilor Priest moved, Councilor Sartoris seconded, to amend the Brunswick Zoning Ordinance and map in regard to the Coastal Protection Zone as proposed by the Planning Board with the following amendment: to reduce the lot size to three and a half (3.5) acres from the proposed four (4) acres in the CP-2 Zone, and to include section 209.3.1.2 Small Lot Density, CP-2; “Any lot in existence at the time of the adoption of this ordinance having an area of at least 4 acres but less than 7 acres may be divided into two lots provided that neither lot has an area of less than 20,000 s.f.” The motion carried with six (6) yeas. Opposed Councilor McCausland, Galloupe, and Gleason.**

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

- 76. The Town Council will review a Municipal Quit Claim Deed brought forward by the Town Manager and take any appropriate action.**

**Councilor Lowe moved, Councilor Priest seconded, to authorize the Town Manager to sign a Municipal Quit Claim Deed. The motion carried with nine (9) yeas.**

*(A copy of the quit claim deed will be attached to the official minutes.)*

- 77. The Town Council will review a request from the Maine State Music Theater to hang a banner over Maine Street from June 4 to June 11, 2001.**

**Councilor Lowe moved, Councilor Priest seconded, to approve a request from Maine State Music Theater to hang a banner over Maine Street from June 4 – June 11, 2001. The motion carried with nine (9) yeas.**

- 78. The Town Council will review a request from Bowdoin College to hang a banner over Maine Street from October 25 to October 28, 2001 and from May 29 – June 2, 2002.**

**Councilor Lowe moved, Councilor Priest seconded, to approve a request from Bowdoin College to hang a banner over Maine Street from October 25 to October 28, 2001, and from May 29 to June 2, 2002. The motion carried with nine (9) yeas.**

- 79. The Town Council will hear a request from the Town Manager to transfer funds to the Old High School account for necessary work to the building and take any appropriate action.**

Mr. Gerrish recommended this item be tabled until the next meeting.

**Town Council Minutes**

**May 21, 2001**

**Page 11**

**Councilor Priest moved, Councilor Dotts seconded, to table this item until the next meeting on June 4. The motion carried with nine (9) yeas.**

- 80. The Town Council will consider a request from Verizon New England and Central Maine Power to locate a pole on Old Bath Road and Storer Road, and will take any appropriate action.**

**Councilor Feldman moved, Councilor Priest seconded, to approve the pole permit request from Verizon and Central Maine Power to place a pole on Old Bath Road and Storer Road. The motion carried with nine (9) yeas.**

*(A copy of the application for the pole location will be attached to the official minutes.)*

- 81. (ADDED) The Town Council will review a request from the Memorial Day Committee to hang a banner over Maine Street from May 22, 2001, to May 28, 2001.**

**Councilor Lowe moved, Councilor Priest seconded, to approve a request from the Memorial Day Committee to hang a banner over Maine Street from May 22, 2001, to May 28, 2001. The motion carried with nine (9) yeas.**

The meeting adjourned at 10:15 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  
May 29, 2001*

**June 4, 2001**

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*Date of Approval*

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*Council Chair*