

**7:10 p.m. – Executive Session: personnel issue**

Councilor Crimmins moved, Councilor Randolph seconded, to enter into executive session to discuss a personnel issue. The motion carried with seven (7) yeas. Councilors Galloupe and Rice arrived later.

**BRUNSWICK TOWN COUNCIL MINUTES  
May 20, 2002  
7:30 P.M.  
MUNICIPAL MEETING FACILITY**

7:45 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:** Patricia Harrington, Assistant Town Manager; Elin M. Gould, Acting Town Clerk; Jerry Hinton, Police Chief; Tom Farrell, Director of Parks and Recreation; Theo Holtwijk, Director of Planning and Development; John Richardson, State Representative District 49; Stanley Gerzofsky, State Representative District 50; Betheda Edmonds, State Senator District 23; several citizens, members of the press and TV Video Crew.

**Minutes of Previous Meeting:** May 6, 2002

Councilor Sartoris moved, Councilor Randolph seconded, to approve the minutes of May 6, 2002. The motion carried with nine (9) yeas.

**Correspondence:** None.

**Manager's Report:**

**1. Legislative Update by Brunswick Legislators**

State Senator **Betheda Edmonds** gave an update on the recently adjourned legislative session. The Legislature banned the sale of mercury added thermostats except in businesses where an effective recycling program is in place. A recycling program by auto manufacturers is required for mercury switches in vehicles. An increase in general purpose aid to education in the amount of \$654,000 was brought back into the district that includes Brunswick, Freeport and Yarmouth. An important piece of legislation that was narrowly defeated, but that Senator Edmonds thought could be brought back next session, was a bill to control Internet spam. Sen. Edmonds went on to explain the Worker's Compensation reform that was enacted during the legislative session and expressed her condolences to the family of Arthur Kotch of Brunswick, who recently passed away. His workers comp issues were the impetus for the reform that was enacted. Finally, Sen. Edmonds explained the two bond issues to be voted on June 11, 2002.

State Representative **Stan Gerzofsky**, a member of the Criminal Justice Committee, talked about security measures in light of the events of September 11, 2001. He explained the challenges of the increase in the county budget due to corrections, and measures that are being taken to restructure the payment schedule so that the State picks up more of the cost.

State Representative **John Richardson**, House Chair of the Business Research and Economic Development Committee, said that Maine is the #1 state in the rate of high school graduates, but near the bottom in going on to college. Maine is also the #1 state in home ownership. Maine's rate of increase in personal income is 9<sup>th</sup> overall. Rep. Richardson said that the legislature increased the money that comes to municipalities for education by 11.2% and passed the Tax Conformity Act, which will save the taxpayers \$35 million during the next fiscal year.

## **2. Accept Police Dept. Grant from Bureau of Highway Safety**

Assistant Town Manager Pat Harrington explained that this is a grant for \$4,899 and that no matching funds are required. The grant is specifically for roadblocks and special patrols for operating under the influence.

Responding to Councilor Lowe's question, Chief Hinton said that in accepting the grant, it is expected that there will be active and proactive patrols but that they will not be held to specific quotas.

**Councilor Watson moved, Councilor Sartoris seconded, to accept and expend a grant from the Bureau of Highway Safety. The motion carried with nine (9) yeas.**

## **3. Application for grant for Homeland Security**

Assistant Manager Harrington explained that this is a request to apply for a grant of \$18,000 with no matching funds required.

**Councilor McCausland moved, Councilor Randolph seconded to grant permission for the Police Department to apply for the grant. The motion carried with nine (9) yeas.**

*(A copy of the grant information will be attached to the official minutes.)*

## **4. Notice of Primary and Referendum for State Elections**

Acting Town Clerk Elin Gould presented voting information regarding the upcoming State of Maine Primaries and Referendum Election to be held on June 11, 2002.

**Adjustments to the Agenda:**

**Town Council Minutes**

**May 20, 2002**

**Page 3**

Councilor Sartoris, on behalf of the appointments sub-committee, asked to add an item to add a third citizen member to the Road Acceptance Policy Committee. Hearing no objection, Chair Priest added this as item #92.

Councilor Lowe asked to add item #93, to clarify the intent of the Multi-Generational/ Recreation Program Committee for the old high school. Hearing no objection, Chair Priest added this as item #93.

Councilor McCausland noted the passing of Gordon Noy, the first Councilor from District 7, elected in 1969, who was also a member of the building committee for the municipal building on Federal St.

**84. The Town Council will hear public comments on requests for new and renewed Alcoholic Beverage Licenses and will take any appropriate action.**

A representative from Fuji introduced his new Chinese and Japanese restaurant.

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

**Councilor Crimmins moved, Councilor Randolph seconded, to approve new and renewed Alcoholic Beverage Licenses as presented. The motion carried with nine (9) yeas.**

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

**85. The Town Council will hear public comments on requests for new and renewed Victualer Licenses and will take any appropriate action.**

Gary Curtis spoke on behalf of Gym Gear USA.

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

**Councilor Sartoris moved, Councilor Watson seconded, to approve new and renewed Victualer Licenses as presented. The motion carried with nine (9) yeas.**

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

**86. The Town Council will hear public comments on requests for renewed Innkeeper Licenses and will take any appropriate action.**

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

**Councilor Lowe moved, Councilor Randolph seconded, to approve renewed Innkeeper Licenses as presented. The motion carried with eight (8) yeas. Councilor Sartoris was temporarily absent.**

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

**87. The Town Council will hear public comments on requests for new and renewed Special Amusement Licenses and will take any appropriate action.**

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

**Councilor Lowe moved, Councilor Randolph seconded, to approve new and renewed Special Amusement Licenses as presented. The motion carried with nine (9) yeas.**

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

**88. The Town Council will consider amending the License and Business Regulations, Chapter 10, Article II, Section 26 (B) (6) (c) to allow Mall vendors' equipment to remain on the Mall 24 hours per day, from April 1 to November 30 of each year, and will take any appropriate action.**

Assistant Manager Harrington reported that Town Manager Don Gerrish had met with Danny's, Downeast, and Z-Dogs, who all told him that they have no problems getting on and off the Mall. Wrappers reported that they had no trouble getting on the Mall, but had experienced problems getting off the Mall since they leave earlier in the afternoon than the others. All the vendors were told that if they experience problems getting off the Mall, the Town will provide them with cones to reserve parking spaces prior to leaving. Assistant Manager Harrington went on to report the results of a survey, which had previously been requested by Councilor Rice, of nearby towns that have vendors. She reported that Bath has a committee that oversees the vendors, one of which is allowed to remain overnight, and that they have not had any problems. In Freeport, regulations differ according to whether the vendor is on public or private property. They have no special removal requirements; however, on public property they have none that stay overnight.

Chair Priest opened the public hearing at 8:30 p.m.

**Laura Brann**, resident – read an e-mail from her son in support of allowing the vendors to remain on the Mall. Ms. Brann also read her own prepared statement of support.

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

**Sandra Webber**, owner of Downeast Hot Dogs – stated that she had cut a tire on the granite curb last week. It is possible, but impractical, to remove the carts. She has had to hire someone to place and remove her cart every day at a cost that will end up being in the thousands of dollars by summer's end. She also said that Wrappers had to wait two hours after closing at 3:00 p.m. today, to move his cart. She fears that the problem will become worse with the summer traffic. Ms. Webber thinks it makes good sense to leave

**Town Council Minutes**

**May 20, 2002**

**Page 5**

the carts on the Mall, eliminating traffic tie-ups and saving damage to the carts and to the Mall.

**Carl Fattig**, 66 Storer Rd. - read a prepared statement in opposition to the proposal to allow the vendors to remain on the Mall overnight. Mr. Fattig closed by reading a passage from the Wheeler Book, a history of Brunswick, Topsham, and Harpswell, citing the annual report of the Selectmen in 1873 concerning use of the Mall for rest and recreation.

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

**Bob Whyte**, 29 Barrows St. – had signed the petition in support of leaving the carts on the Mall, but now has changed his mind. He feels the Mall is public domain space that should be used for the public and general good, as the vendors provide during the day, but that no group should have exclusive use for extended periods of time.

**Ted Crooker**, 44 Storer Rd. – thinks it is all right for the vendors to stay on the Mall overnight. He asked the Council to consider having one fee for leaving the carts on the Mall, and another fee for taking them off.

**Steve Kerchel**, Brian Dr. – thinks that the encroachment on the public domain is minimal and that the vendors add a significant value to the town. He would like to see them stay and the Town make it easy as possible for them to do business.

**Tim Stewart**, Elwell Ln. – thinks it is wrong to ask the vendors to move just because of the view. There didn't seem to be any problem last year when they were allowed to stay. He would rather see the carts stay than possibly have to close down their business because they have to move every night.

**John Lemont**, resident – said it is too bad there is so much controversy over the vendors carts on the Mall. He feels the vendors on the Mall are an asset to the town of Brunswick and sees no problem with them staying there.

**Dallas Phillips**, Baribeau Dr. – works with Z-Dogs owner. Mr. Phillips urged compromise on the issue. He would very much like to stay on the Mall overnight, but if a majority of the people do not like seeing the carts there, he suggested the possibility of being allowed to leave them there at certain times, when events on the Mall make getting on and off difficult. He also suggested curb cuts to make it easier for the carts to be taken on and off the Mall.

Chair Priest closed the public hearing at 9:06 p.m.

Councilor Randolph reiterated her previous comments that she has never heard a Councilor say, and it has never been the intent of the Council, to remove the carts altogether.

At Councilor Rice's request, Chair Priest read a letter that he received, from Edward Galvin, asking that the ordinance be left as it is.

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

Councilor Crimmins said that the Town created this problem when they put in the new curbs, and, also, that this is not yet the peak season on the Mall. He reminded everyone that 1700 signatures had been obtained in support of the vendors, and that all the Councilors have received numerous comments asking someone to speak up for the vendors. He said the vendors have provided service for years and are only asking for fairness.

**Councilor Crimmins moved, Councilor Watson seconded to amend the License and Business Regulations, Chapter 10, Article II, Section 26 (B) (6) (c) as proposed.**

Councilor Galloupe stated that the vast majority of his constituents whom he has heard from, want the vendors to remain on the Mall.

Councilor Sartoris said that most of her feedback was based on the impression that the Council wants the vendors off the Mall altogether and the misunderstanding that they had always been allowed to stay overnight on the Mall. She would like to find a middle ground and wants the Town Manager to continue to look at the problem of the physical layout that has been created. Most of the comments she heard were asking the Council to find a compromise. The fees that are charged are based on the vendors being there during the day and they are not exorbitant. It is first and foremost a public space, not full time commercial space. She supports having the vendors there and will make a proposal for finding a middle ground.

Councilor Rice said that he had never thought of moving the carts off the Mall altogether. His constituent calls have been about 50/50 for leaving them on overnight. It is a privilege to be there and the vendors provide us a great service. He has always thought it was a great idea to have them on the Mall. It is a policy issue and he thinks there is room for compromise; He hoped it would be in making it easier for the vendors to get on and off the Mall.

Councilor Randolph supports the vendors being on the Mall during the day. Her constituents have told her the vendors are getting a privilege at a very reasonable price and they do not see them staying there at that level at this time. She does not support the ordinance amendment and wants the Town to do whatever is necessary to make it easier for the vendors, such as providing curb cuts if that is what is needed, and wants everyone to work together toward compromise.

Councilor Lowe thinks it is clear that everyone enjoys the vendors being on the Mall and that there was never even a hint that the Council wanted them off the Mall altogether. He favors them off the Mall at night. He agreed with Councilor Rice's comments and wants Town staff to continue to work with the vendors to facilitate them getting on and off the Mall. He is open to compromise, as well.

Councilor McCausland asked what the possible middle ground might be.

**Town Council Minutes**

**May 20, 2002**

**Page 7**

Councilor Sartoris offered the idea of allowing the vendors some overnights on the Mall when it is known that there will be significant events on the Mall the next day that would make getting on the Mall onerous. She has already spoken with the Director of Parks and Recreation and she feels the idea is workable. The language Councilor Sartoris suggested is as follows: No equipment may remain on the public way when the vendor is not open for business, except as approved by the Director of Parks and Recreation. Such approval shall allow equipment to remain on the Mall overnight when the following day's activity is expected to make vendor arrival unduly difficult. Such approvals shall not exceed six (6) times per year.

Chair Priest stated that the amendment would be less restrictive, and, therefore, allowable.

Councilor Galloupe said that the motion is to leave the vendors there all the time, and the amendment is to allow them only part of the time, which is more restrictive, therefore, being out of order.

Councilor Sartoris said that her perception was that the amendment would be making a smaller change than the original proposal and therefore, would be allowable.

Chair Priest then agreed with Councilor Galloupe that the amendment was more restrictive and suggested voting on the main motion and if it fails, then offering the amendment as a new motion to be set for public hearing.

Councilor Galloupe suggested an emergency motion at the current meeting. Chair Priest was unsure if that could be done without a public hearing. Councilor Galloupe said an emergency ordinance could be done without a public hearing but that this might not be that pressing. Chair Priest preferred to rely on the Town Manager's discretion rather than risk a legal problem with advertising a public hearing.

Chair Priest realized that would put the vote after Memorial Day but thought that knowing the Council's desire for the change, the Town Manager would make allowance for the holiday. Hearing no further comments, Chair Priest called for a vote on the motion.

**Restated motion: Councilor Crimmins moved, Councilor Watson seconded to amend the License and Business Regulations, Chapter 10, Article II, Section 26 (B) (6) (c) as proposed. Vote on the motion. In favor: Watson, Galloupe, Crimmins, McCausland. Opposed: Sartoris, Rice, Priest, Randolph, Lowe. The motion failed.**

Councilor Rice asked the Director of Parks and Recreation, Tom Farrell, if there was a means of getting the carts through on the backside curb cuts. Director Farrell explained that the Mall Management Committee was formed to deal with the degradation of the Mall. Managing the turf on the lower Mall was an area of concern. A minimal number of access points were created, to minimize the impact and to deal with the impact in a reduced area. They knowingly chose to put the Farmers Market in the ice rink area, and contain the problem area there. The vendors could come across the Mall through the curb cuts but a different set of challenges would be posed by the elevated concrete receptacles

**Town Council Minutes**

**May 20, 2002**

**Page 8**

and trees. Adding curb cuts on the Maine St. side could possibly be done, but it is an engineering issue that he cannot answer. He felt that removing the vendors from the Mall altogether had never been an issue. He explained that the seven-inch curb was put in place to make it more difficult for other vehicles to get on the Mall for events and he reiterated that the vendors knew they would have to provide ramps. Director Farrell said this is not only a food vendor issue. The Mall Management Plan also contemplates the Farmers Market being moved to the Maine St. Station property at a later date. Councilor Sartoris asked for guidance on how to proceed with her proposal.

Assistant Manager Harrington stated that it was her understanding that to reduce the scope of the amendment from what was advertised was permitted.

Chair Priest agreed with Ms. Harrington.

Councilor Galloupe again stated that the amendment was more restrictive, that to amend the number of days downward was to restrict what was advertised.

Chair Priest agreed that it was more restrictive and said that you cannot go beyond what is advertised but you can do less than is advertised.

Councilor Randolph said that tabling the item to later in the meeting and contacting the Town Attorney should be considered.

Chair Priest ruled that it is more restrictive and that it is allowed to be done, that you cannot go beyond what is advertised but you can do what is less than advertised.

Councilor Galloupe challenged the ruling of the Chair and asked for a vote of the Council.

Councilor Lowe said that the purpose of the advertising is to demonstrate the difference between the current state and what might be, and that this amendment is in between, therefore, falling within the parameter of what was proposed and the existing law.

Chair Priest said the reason for his ruling was fairness. Has the public been adequately notified of the most that could happen if the motion were adopted? He said that had been done and Councilor Sartoris' proposed motion is doing less than that.

Councilor Galloupe remained in strong disagreement with the ruling.

Chair Priest called for a vote on his ruling.

**Shall the Town Chair be upheld? In favor: Watson, Sartoris, Rice, Priest, Randolph, Lowe, Crimmins, McCausland. Opposed: Galloupe. The Chair is upheld.**

**Councilor Sartoris moved, to amend Chapter 10, Article II of the Municipal Code of Ordinances Section 10-26 (B) (6) (c) by adding the underlined text: Operations of the licenses shall be confined to those hours and parts of public ways designated in**

**the license. No equipment may remain on the Mall when the vendor is not open for business, except as approved by the Director of the Parks and Recreation Department. Such approvals shall allow equipment to remain on the Mall overnight when the following day's activity is expected to make vendor arrival unduly difficult. Such approvals shall not exceed six (6) times per year.**

Point of order by Councilor Galloupe to question if the motion was an amendment or for future advertisement. If for current consideration, he said the motion should be to reconsider.

**Councilor Sartoris moved, Councilor Priest seconded, to reconsider the previous vote. The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the motion as previously stated.**

Councilor McCausland asked if the six nights were the same nights for all the vendors, and why the number six was chosen.

Councilor Sartoris responded that the number was tied to the events, not the vendors, and that six seemed to be adequate to deal with the number of town events held on the Mall.

Councilor Crimmins said that six was an arbitrary number and that the Director of Parks and Recreation or the Town Manager should decide when overnight approvals were necessary, until such time as the issue is brought back with better suggestions.

Chair Priest said that Councilor Crimmins' suggestion would be giving no standard for a decision. Councilor Crimmins suggested allowing it for thirty days.

Councilor Sartoris clarified that this proposal is not intended to solve the problem of getting the vendors on and off the Mall every morning. It is intended to solve a specific problem with events on the Mall.

**Councilor McCausland moved the question, Councilor Watson seconded. The motion carried with nine (9) yeas.**

Councilor restated the language of the text changes in her motion:

**Operations of the licenses shall be confined to those hours and parts of public ways designated in the license. No equipment may remain on the Mall when the vendor is not open for business, except as approved by the Director of Parks and Recreation. Such approvals shall allow equipment to remain on the Mall overnight when the following day's activity is expected to make vendor arrival unduly difficult. Such approvals shall not exceed six (6) times per year.**

Councilor Lowe questioned the use of the words Mall and public way. Councilor Sartoris said her intention was to keep the existing wording up until the word except.

Chair Priest reminded the Council that the ordinance amendment was advertised to be on an emergency and regular basis, so if it gets six yeas, it will take effect immediately.

**Restated motion:**

**Councilor Sartoris moved, Councilor Randolph seconded, to amend Chapter 10, Article II of the Municipal Code of Ordinances Section 10-26 (B) (6) (c) by adding the underlined text: Operations of the licenses shall be confined to those hours and parts of public ways designated in the license. No equipment may remain on the Mall or public way when the vendor is not open for business, except as approved by the Director of Parks and Recreation. Such approvals shall allow equipment to remain on the Mall overnight when the following day's activity is expected to make vendor arrival unduly difficult. Such approvals shall not exceed six (6) times per year. In favor: Watson, Sartoris, Galloupe, Rice, Priest, Randolph, Lowe, McCausland. Opposed: Crimmins.**

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

Councilor Watson reiterated that the Town Manager was to continue to work with the vendors to solve the access problem that the Town created. Chair Priest and Assistant Manager Harrington made assurances to that effect.

**72. Tabled item: The Town Council will consider a new redistricting ordinance relative to updating boundary lines for voting districts, will take any appropriate action.**

The public hearing was held at the Council meeting of May 6, 2002.

**Councilor McCausland moved, Councilor Randolph seconded, to adopt the proposed Redistricting Ordinance relative to updating boundary lines for voting districts. The motion carried with nine (9) yeas.**

*(A copy of the legal description and map will be attached to the official minutes.)*

Councilor Randolph asked that the Redistricting Committee be thanked for all their work.

**47. Tabled item: The Town Council will consider proposed Zoning Map and Zoning Ordinance Amendments, and the proposed Cooks Corner Design Standards, will take any appropriate action.**

Theo Holtwijk, Director of Planning and Development stated that the Council had held a workshop at Cooks Corner on May 1, 2002, and afterwards had accepted written comments, as well.

Councilor Sartoris explained that she and Councilor Rice worked together to be able to come back to the Council with some recommended actions on the comments received. They proposed substantive changes in many of the areas requested.

Town Council Minutes

May 20, 2002

Page 11

The Council proceeded by reviewing each of the comments made, as compiled in a memo from Theo Holtwijk, dated May 20, 2002, a copy of which is attached to these minutes. The Council also reviewed the recommendations from Councilors Rice and Sartoris as spelled out in their memo to the Council, dated May 20, 2002, a copy of which is attached to these minutes.

**Councilor McCausland moved, Councilor Watson seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: Table 205.1 Use Table Dwelling, Single or Two Family permitted use. The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Crimmins seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: Table 205.1 Use Table Motor Vehicle Sales permitted use. The motion carried with nine (9) yeas.**

**Councilor Crimmins moved to eliminate size limitation in Table 205.2 Dimensional Table.**

Councilor Sartoris said she was prepared to propose to increase the size limitation to 250,000 sq. ft.

Director Holtwijk explained that Table 205.2 Dimensional Table and Note 1 on the following page are related and that to make a change in the table versus making the same change in Note 1 is a major difference. Making the change in the table itself, to 250,000 sq. ft., effectively does away with the need to have Note 1. The proposed Note 1 says you can go up to 150,000 sq. ft. if you follow one of several options. One could change the footprint maximum in Note 1 and thereby still retain application of the options outlined there.

Councilor Lowe stated he was supportive of moving the limit to 250,000 and would prefer to do it as part of Note 1.

**Councilor Crimmins moved to eliminate the size limits completely. The motion received no second.**

**Councilor Sartoris moved, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: amend Table 205.2 Dimensional Table to 250,000 sq. ft. and Note 1 to 250,000 sq. ft. maximum.**

Councilor Lowe explained his understanding of Note 1. Replacing 150,000 with 250,000 and leaving the dimensional table as is, has the intent of buildings as a general rule being limited to 50,000 sq. ft. but can be from 50,000 to 250,000 sq. ft. with this motion of revising the provisions of note 1 and leaving the dimensional table as is.

Councilor McCausland asked if this would allow a super big box. Mr. Holtwijk responded that if the change was made in Note 1 it would be allowed.

Councilor Sartoris revised her motion:

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: amend Note 1 to 250,000 sq. ft. maximum.**

Councilor Randolph asked if the change is made only in Note 1, would this prevent Wal-Mart from expanding. Mr. Holtwijk said no, that item #7 in Note 1 addresses this and would permit an expansion. Councilor Randolph went on to state that she would vote for the amendment because her constituents are in support of it, although she is personally opposed.

**Councilor Rice moved the question.**

**Vote on the motion: The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Lowe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: Section 111 Definitions and Section 413 Common Development Plan, add redevelopment building on multiple lots as another option. The motion carried with nine (9) yeas.**

Regarding the suggestion to change all shalls to shoulds and change the title of the document to design guidelines, Councilor Sartoris said that the standards offer more predictability, yet are flexible.

Councilor Crimmins based the motion he is proposing on the input he heard from developers and people at Cook's corner.

**Councilor Crimmins moved, Councilor Watson seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: to change all shalls to shoulds and change the title of the document to design guidelines.**

Councilor Rice said that as a compromise, in his recommendations he made changes in the language that would allow flexibility without changing all shalls to shoulds. As the review continues, the changes will become evident and he thinks they accomplish his goals.

Councilor Crimmins said it is not just the people in Brunswick who are affected but those contemplating coming to Brunswick and we need to put some trust and faith in the developers.

Councilor Sartoris said that without standards the developers are hamstrunged, they are unsure what criteria they have to meet.

**Vote on the motion. In favor: Crimmins. Opposed: Watson, Sartoris, Galloupe, Rice, Priest, Randolph, Lowe, McCausland. The motion failed.**

**Councilor Sartoris moved, Councilor Galloupe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: I-2 Building & the Street: Relationship of Building to Roadway, reduce threshold to 35,000 sq. ft. The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: I-2 Building & the Street: Parking Patterns, to make allowance for front parking of automobiles if that is the sales product of that business.**

Councilor Rice had been concerned with how businesses that have the majority of parking out front today would be impacted by this proposal. He felt that the waiver provision that is provided would cover the existing facilities.

Councilor Sartoris clarified the motion with specific language, no more than 50% under these circumstances, with the exception of parking areas which are used in the display of vehicles for sale. Councilor Randolph agreed with using this specific language in the motion.

Revised motion:

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: I-2 Building & the Street: Parking Patterns, add the phrase “with the exception of parking areas which are used for the display of vehicles for sale.”**

In response to Councilor Lowe’s inquiry, Councilor Sartoris explained that under this proposal automobile sales businesses could put 100% of their vehicles for sale in the front, not customer, employee or service parking. Councilor Rice agreed with this explanation. Customer, employee or service parking would still be subject to the 50% rule.

**Vote on the motion. The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: I-6 Parking Off-Street Parking, add the phrase “with the exception of parking areas which are used for the display of vehicles for sale.” The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: I-6 Parking: Front Parking Lots, to add “rolling berms”. The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Lowe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: I-9 Service Areas Recycling Facilities, add the sentence “Internal recycling centers are permitted.” The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Crimmins seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: I-13 Common Development Plan Signage, revise text to read “Sign colors shall be complementary to the colors on the building.” The motion carried with nine (9) yeas.**

**Councilor Rice moved, Councilor Lowe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: II-7 Pedestrian Spaces Planning, delete last sentence and replace with “The design should be a collaborative effort between design professionals, such as architects, landscape architects, engineers and artists.” The motion carried with nine (9) yeas.**

Regarding II-8 Bicycle Facilities: Bicycle Routes, Councilor Rice suggested revising the text to say “Developers of new roadways should consider, in consultation with the Bicycle and Pedestrian Advisory Committee, accommodating bicycle traffic. This can be done with five foot wide paved shoulders or shared lanes.”

Councilor Randolph said that the Council should look at what is being done right now in not putting in a bicycle lane at a current construction project in the Cook’s Corner area.

Councilor Lowe is concerned that this proposed change could allow all the new roads at Cook’s Corner to be built without any bicycle access. Councilor Rice said that there are some circumstances where bicycle access or lanes is not appropriate. Chair Priest is also concerned that the area be bicycle friendly. He would rather it be required and rely on a waiver provision where necessary.

Councilor Sartoris offered a compromise, that they will build a bicycle path unless waived by the Bicycle and Pedestrian Advisory Committee, and charge the committee with coming up with a plan for bicycle access at Cook’s Corner.

**Councilor Sartoris moved, Councilor Rice seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: II-8 Bicycle Facilities Bicycle Routes, to say “Developers shall design new roadways to accommodate bicycle traffic unless such requirement is waived by the Bicycle and Pedestrian Advisory Committee.**

Mr. Holtwijk suggested leaving the waiver decision to the Planning Board and charge the Bicycle and Pedestrian Advisory committee with the responsibility to make a recommendation to the Planning Board.

Councilor Sartoris and Councilor Rice agreed with the suggestion.

Revised motion:

**Councilor Sartoris moved, Councilor Rice seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: II-8 Bicycle Facilities Bicycle Routes, to say “New roadways shall be designed to accommodate bicycle traffic unless such requirement is waived by the Planning Board on recommendation of the Bicycle and Pedestrian Advisory Committee. This can be done with five foot wide paved shoulders or shared lanes.”**

Councilor Lowe asked for confirmation that the waiver process would be the same as what exists in the ordinance as it is proposed. Who makes the final decision, asked Councilor McCausland, Planning Board or Bicycle and Pedestrian Advisory Committee?

In response to Councilor McCausland's question, Councilor Rice said that the Planning Board would have the final say regarding the waiver. Councilor Sartoris proposed amending the wording. Councilor Rice agreed to the change.

Revised motion:

**Councilor Sartoris moved, Councilor Rice seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: II-8 Bicycle Facilities Bicycle Routes, to say "New roadways shall be designed to accommodate bicycle traffic unless such requirement is waived by the Planning Board in consultation with the Bicycle and Pedestrian Advisory Committee. This can be done with five foot wide paved shoulders or shared lanes." The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Rice seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: Building Materials Materials Prohibited, add sentence at end of paragraph "Antique-colored bricks are excluded from the multicolored brick requirement stated above." The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Rice seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: III-7 Rooflines Parapets, to delete a sentence and replace it with "The use of parapets is encouraged to break up a flat roofline." The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Rice seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: III-12 Building Mounted Signs Design, to revise text to read "Building mounted signs shall contain only essential information."**

Councilor Randolph wanted to know who decides what is essential information. Councilor Sartoris thought that decision should be up to the Planning Board. Her intention, with this change, was that using the building as a billboard would be specifically prohibited. She said she and Councilor Rice both thought the original proposed amendment, name only, was unduly restrictive.

Mr. Holtwijk said that this recommendation was directly from the petition that had been received.

Councilor Randolph clarified her understanding that a sign could say, for example, the name of the business and the type of store or the hours. Would the sign change daily, Councilor Galloupe asked.

Councilor Rice, in responding to Councilor Galloupe's question, said that the intent was not to have a sign that changed daily, that it was essentially permanent information.

Councilor Lowe moved the question.

**Vote on the motion. The motion carried with eight (8) yeas. Opposed: Randolph.**

**Councilor Sartoris moved, Councilor Lowe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: III-12 Building Mounted Signs Mounting, delete the sentence "In general, signs shall be located a minimum of 18" from the corner of the building." The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Randolph seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: III-12 Building Mounted Signs Lighting, delete the sentence "Internally illuminated signs shall consist of light lettering on dark backgrounds." The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Lowe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: III-14 Awnings Materials, revise the text to read "Awnings and canopies shall not be made of reflective materials." The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Lowe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: III-18 Large Retail Establishments Facades and Exterior Walls, revise text to read "Ground floor facades that face public or private streets shall have features such as display windows, entry areas, or awnings along 40% or more of their horizontal length." The motion carried with nine (9) yeas.**

**Councilor Sartoris moved, Councilor Lowe seconded, to amend the proposed Zoning Ordinance Amendments of 12/4/01 as follows: IV-5 Parking Lot Landscaping Screening, revise text to read "Parking lots shall be separated from the street by plantings, earth berms, rolling berms, walls and/or other landscape elements. The motion carried with nine (9) yeas.**

**Councilor Rice moved, Councilor Sartoris seconded, to charge the Town Manager to develop a proposal that shares the costs of development in Cook's Corner zone of perimeter road, other road connections, sidewalks and interconnecting walkways in an equitable manner between developers and the Town, taking also into consideration the value of the land reserved for such purposes. This proposal may include impact fees and TIF."**

Councilor Randolph suggested it say "may include, but not necessarily limited to" to be more inclusive.

**The motion carried with nine (9) yeas.**

**Councilor Rice moved, Councilor Sartoris seconded, to charge the Planning Board to review zoning ordinance section 109.3 “Lighting” and recommend any amendments as necessary. The motion carried with nine (9) yeas.**

Councilor Sartoris said she and Councilor Rice understand that the Planning Board has been working on the issue of expansions of special permit uses. Expansions of special permits are proposed to fall into three size classes (analogous to existing section 402) with smaller expansions being handled by the Director of Planning or the Staff Review Committee using the special permits. A proposal on this is expected shortly.

Councilor Lowe retracted his motion from the previously tabled discussion.

**Councilor Sartoris moved, Councilor Rice seconded, to adopt the proposed Cooks Corner Zoning Ordinance amendments including text, map and design standards, as amended this evening. The motion carried with nine (9) yeas.**

*(Copies of memos from Director of Planning and Development, dated May 20, 2002, and Councilors Rice and Sartoris, dated May 20, 2002, and proposed amendments of 12/4/01, will be attached to the official minutes.)*

**Councilor McCausland left the meeting.**

**89. The Town Council will consider setting a public hearing to amend the Town Ordinance to designate a “Loading Zone” on South Street, south side, commencing 190 feet east of the intersection of Park Row and extending easterly for a distance of 145 feet, and will take any appropriate action.**

Chief Hinton requested a change to advertise the amendment as a fifteen minute loading zone, to be considered on a regular and emergency basis.

**Councilor Watson moved, Councilor Sartoris seconded, to set a public hearing for June 3, 2002 on the proposed change to the Parking Ordinance, relative to a fifteen minute loading zone on South Street. The motion carried with eight (8) yeas.**

*(A copy of Commander Desjardins’ memo will be attached to the official minutes.)*

**90. The Town Council will consider changes in the Council’s Rules of Order and Procedures and take any appropriate action.**

Councilor Galloupe requested changes to the Rules of Order and Procedure to correct errors, to accurately reflect current practice, to clarify the issue of requiring Council members to vote, to ensure all Councilors have an opportunity to address each topic at least once before a question can be moved, and to allow debate on a motion to table.

Councilor Sartoris noted that a change regarding a motion to table needs to be addressed also in proposed section 28. The last sentence should read “Any such motion, except a motion to amend, postpone indefinitely, or table, shall be put to a vote without debate.

**Councilor Galloupe moved, Councilor Sartoris seconded, to place the proposed changes, as amended, to the Council's Rules of Order and Procedure on the Agenda for June 3, 2002. The motion carried with seven (7) yeas. Opposed: Randolph.**

*(A copy of the proposed changes will be attached to the official minutes.)*

**91. The Town Council will consider approving the list of election wardens, deputy wardens and deputy registrars for the June Election.**

**Councilor Galloupe moved, Councilor Rice seconded, to approve the election wardens, deputy wardens and deputy registrars for the June Election. The motion carried with eight (8) yeas.**

*(A copy of the list of election wardens, deputy wardens and deputy registrars will be attached to the official minutes.)*

**92. The Town Council will consider adding a third citizen member to the Road Acceptance Policy Committee and take any appropriate action.**

Councilor Sartoris, on behalf of the appointments sub-committee, requested an additional opening for a citizen member, bringing the total to three, to better capture the breadth of interest on this issue.

**Councilor Sartoris moved, Councilor Lowe seconded, to add an additional member to the Road Acceptance Policy Committee. The motion carried with eight (8) yeas.**

**93. The Town Council will clarify the intent of the Multi-Generational/ Recreation Program Committee (for old High School) and take any appropriate action.**

Councilor Lowe offered a clarification of the motion at the Council meeting of April 16, 2002 to form a committee regarding the old high school.

**Councilor Lowe moved, Councilor Rice seconded, to reconsider the motion. The motion carried with eight (8) yeas.**

**Councilor Lowe moved, Councilor Sartoris seconded, to form a committee for the purpose of developing program and service priorities and potential occupants associated with the use of the old high school site (including the athletic fields) as a multi-generational community center. In addition, education purposes as defined by the School Board and/or not-for-profit uses as a part of these priorities are acceptable. Significant facility or land proposal issues are not within scope for this committee.**

Councilor Lowe said that his intent was that the committee look at the program and service priorities independent of the site or the building. After receiving information from the committee, the Council would be in a better position to figure out funding or other related issues.

**Town Council Minutes**

**May 20, 2002**

**Page 19**

Councilor Crimmins asked for clarification regarding what is not to be covered by this committee, and whether or not advertising for the committee needs to be changed.

Assistant Manager Harrington pointed out that the original discussion and advertisement were for a program committee, and that the motion on the floor fits in with what was advertised.

Councilors Crimmins and Sartoris expressed concern that there was confusion among the applicants for the position. Councilor Sartoris thought that interviews could continue and Councilor Crimmins added that he thought the previous applicants should be given the opportunity to withdraw. Chair Priest agreed that the sub-committee should offer that opportunity.

**Vote on the motion: The motion carried with eight (8) yeas.**

**Councilor Sartoris moved, Councilor Watson seconded, to adjourn. The motion carried with eight (8) yeas.**

The meeting adjourned at 11:32 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.**

*Elin M. Gould  
Acting Town Clerk  
May 23, 2002*

**June 3, 2002**

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*Date of Approval*

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*Council Chair*