

**BRUNSWICK PLANNING BOARD
TUESDAY, JULY 10, 2012**

MEMBERS PRESENT: Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis, Richard Visser and Steve Walker

STAFF PRESENT: Kris Hultgren

A meeting of the Brunswick Planning Board was held on Tuesday July 10, 2012 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chairman Charlie Frizzle called the meeting to order at 7:00 P.M.

Case Number: 12-014, Crestview Subdivision Amendment: The Board will review and take action on a **Sketch Plan** application submitted by John Gordon to create a three lot subdivision at 74 Crestview Lane (**assessor's Map 27 Lot 27**) in the **Coastal Protection (CP1) Zoning District**.

Kris Hultgren began by reviewing his Memo to the Planning Board dated July 6, 2012 and stated that the Sketch Plan is to amend the previously approved Crestview Subdivision by dividing one (1) lot into three (3). Kris reviewed the location of the lot and noted that there are a few issues at hand. The first issue is that this is an Open Space Subdivision approved by the Planning Board in 1996; the subject lot was created prior to this in 1994 but approved as part of the Crestview Subdivision by the Planning Board in 1996. Kris stated that the Open Space subdivision had roughly 100 acres of gross land which was included; 53 acres were set aside and permanently protected with a conservation easement. Kris stated that in the Coastal Protection Zone there is a four (4) acre minimum lot size; this standard is allowed to be reduced if the project conforms to the Open Space subdivision standards and sets enough land aside. After calculation, the Open Space subdivision is allowed to have 22 units; in 1996 the subdivision was approved to include 10 units and the two (2) requested would be a total of 12 which will meet the density of the Open Space subdivision. Kris noted that the conservation land is monitored by the Town and the Conservation Commission.

Kris Hultgren stated that another issue is that the subdivision is located within the Brunswick Rural Smart Growth (BRSG) and noted that the subject lot is located 100% within the Wildlife Corridor and subject to these standards. Kris stated that there are mitigation requirements that are based on the amount of disturbed land that is proposed for each of the lots and noted that the applicant has delineated these disturbances on the Sketch Plan application and still has enough land left over which must remain permanently protected; the Sketch Plan meets the requirements of the BRSG. Kris noted that the Conservation Commission reviewed this project at their June 13, 2012 meeting and that a copy of their minutes were included in the Planning Board packet.

Kris Hultgren address the deed conveyance that was included in the Planning Board packet and correspondence between the applicant, his attorney and abutter. Kris reviewed the history and stated that there was a deed restriction placed on the subject lot

in 1994 when it was created by Don Burgess. In 2011 Mr. Burgess released the restriction. Kris pointed out that there was a question from an abutter over the legality of the conveyance release because one (1) of the restrictions was to preclude subdivision for 20 years from the creation of the lot. Kris stated that it is the opinion of the Town Attorney that the conveyance restrictions were released in a lawful manner and does not restrict this lot from being subdivided.

Kris Hultgren noted that the Staff Review Committee reviewed this project at their June 25, 2012 meeting. One issue raised by Public Works was the location for the driveway for the middle lot; the driveway opening permit is still under review by Public Works.

The applicant, John Gordon, reviewed the lot, disturbed area and calculations and noted that the driveway in the proposed lot 1A has been moved further from the corner after discussions with Jim Higgins from Public Works. Mr. Gordon stated that most of the lots in the subdivision are roughly two (2) acre lots.

MOTION BY DANN LEWIS THAT THE SKETCH PLAN APPLICATION BE DEEMED COMPLETE. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

Steve Walker asked Kris Hultgren how one (1) owner of a lot in a subdivision can apply for a subdivision amendment. Kris replied that this subdivision is tricky and stated that in 1994 when this lot was created by a much larger lot, prior to the creation of the subdivision, the conveyance restrictions for the subject lot were created and recorded. Kris went on to state that in 1996 Don Burgess created another subdivision and at this time the subject lot was included in and treated as part of the new subdivision. Steve asked why the history from 1994 mattered and Kris replied that there was some question as to why the subject lot was included; after discussion with the Town Attorney, it was felt that the subject lot should not have been included. Kris noted that no homeowners association was ever created for this subdivision. Steve replied that he does not understand how one lot owner in a subdivision, who isn't the original developer, can apply for an amendment to a larger subdivision. Kris replied that the Planning Board has seen multiple subdivision amendments; Steve stated that in this instance it is an owner who bought into a small piece of the subdivision and is now changing the lot density and conditions for the other residences within the subdivision. Kris and Steve discussed how the applicant can subdivide this lot within the subdivision; Charlie Frizzle stated that before proceeding to the Final Application, that the Town Attorney was the most appropriate person review the issue of standing that Steve has raised.

Margaret Wilson asked if the subject lot was outside the originally conserved land and Mr. Gordon replied that it was. Margaret asked Mr. Gordon to illustrate where on the property that they plan to mitigate the disturbed area on the proposed lots. Steve McConnell, land surveyor, showed on the drawings that it is the area not shaded.

Chairman Charlie Frizzle opened the meeting to public comment.

John Sperzel of 61 Crestview Lane stated that he believes that the release of the deed conveyance that was obtained was not legal and provided to the Planning Board and the applicant a letter stating why he believes this with case law notation. Mr. Sperzel asked for a written letter from the Town Attorney stating the determination.

Chairman Charlie Frizzle closed the meeting to public comment.

Margaret Wilson stated that for purposes of the Sketch Plan, she believes that the Town Attorney has seen and deliberated on some of the issues brought forth that the Planning Board can move forward and ask for determinations to be included in the final plan.

MOTION BY RICHARD VISSER THAT THE SKETCH PLAN BE APPROVED AS PROPOSED. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Other

- July 24, 2012 agenda to include Public Hearing on Zoning Ordinance amendment from June 26th meeting.
- July 31, 2012 agenda to include Final Application for Cook's Corner Medical Office Building, joint Sketch and Final for Mine Woolens to construct a 7,886 square foot addition and Final for Crestview Subdivision Amendment.

Minutes

MOTION BY STEVE WALKER TO APPROVE THE MINUTES OF MAY 22, 2012. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

Adjourned

This meeting was adjourned at 7:30 P.M.

Attest



Tonya D. Jenusaitis
Recording Secretary