



**TOWN OF BRUNSWICK**

**PLANNING BOARD**

28 FEDERAL STREET, BRUNSWICK, ME 04011-1583

**TOWN OF BRUNSWICK**

**PLANNING BOARD**

**AGENDA**

**BRUNSWICK STATION**

**16 STATION AVENUE, BRUNSWICK, ME**

**ROOM 217**

**Tuesday, November 27, 2012**

**7:00 P.M.**

1. **Public Hearing:** The Planning Board will hold a public hearing to consider an amendment to the Town Zoning Ordinance, Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone.
2. **Case Number: 12-039 10-Unit T-Hangar:** The Board will review and take action on a joint **Sketch and Final Plan** application submitted by MRRA to construct a 10-unit nested T-hangar at Brunswick Executive Airport (**Assessor's Map 40, 0**) in the **Reuse - Aviation Related (R-AR) Zoning District**.
3. Other Business
4. Minutes

It is the practice of the Planning Board to allow public comment on development review applications and all are invited to attend and participate.

Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.

November 14, 2012

**PROPOSED AMENDMENTS TO BRUNSWICK ZONING ORDINANCE**  
**Section 216 Village Review Zone (VRZ)**

**216.1 Purpose**

The purpose of the Village Review Zone is to promote the economic, cultural, educational, and general welfare of the Town of Brunswick by:

- A. Applying design standards in a reasonable and flexible manner in order to maintain Brunswick's traditional features and to ensure compatible construction and rehabilitation in the Village Review Zone without stifling change and development or forcing modern recreations of historic styles.
- B. Developing administrative methods and objective standards that identify, and encourage the preservation and enhancement of buildings, sites, and structures that have historic or architectural or significance in the town.
- C. Promoting economic development by enhancing the attractiveness of the Town to businesses, shoppers, home-buyers and home-owners, residents, tourists and other visitors to Brunswick.
- D. Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.
- E. Promoting and protecting neighborhood character.
- F. Providing a review mechanism to ensure that new construction and alterations in the Village Review Zone are compatible with the zone's traditional development patterns and building styles.
- G. Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, street widths and public amenities.
- H. Stabilizing and improving property values through design review and historic preservation.

**216.2 Duties of the Village Review Board**

The Duties of the Village Review Board are to:

- A. Review new construction, additions, or alterations, ~~relocations or demolitions~~ within the Village Review Zone, and issue a Certificate of Appropriateness where the requirements of this Section are satisfied.
- B. Develop, regularly update, and apply the Board's Design Guidelines in review of applications for Certificates of Appropriateness for proposed new construction, additions, or alterations, ~~relocations or demolitions~~ on properties within the Village Review Zone.
- C. Act in an advisory role to the Town Council, Planning Board and other Town bodies regarding proposed demolitions or relocations of structures and the protection of historic sites, structures, and artifacts.
- D. Review and comment upon proposed National Register nominations for properties within the Town.
- E. Conduct or cause to be conducted a continuing survey of architectural resources in the community using guidelines established by the Maine Historic Preservation Commission.
- F. Work toward the continuing education of Brunswick residents regarding historic preservation issues and concerns.

G. Provide a resource of information and expertise to help those interested in building or rehabilitating structures in the Village Review Zone and elsewhere.

### **216.3 Village Review Board Membership**

- A. The Village Review Board shall consist of seven members.
- B. All members shall be appointed by the Town Council for three year terms except that, for the first board constituted under this ordinance, the initial terms shall be staggered so that no more than two vacancies are opened during any given year.
- C. Annually, on or about February 22, the Village Review Board shall choose a Chair and Vice-Chair from its membership.
- D. A quorum shall consist of four members.
- E. The Village Review Board shall adopt its own rules of procedure and shall establish appropriate meeting times.
- F. The membership should include Brunswick citizens with interest, expertise or experience in the fields of architecture, history, architectural history, planning, law, construction or other related fields. At least one member shall be a representative from the Pejepscot Historical Society and another resident of the Village Review Zone.

### **216.4 Certificate of Appropriateness**

A. A Certificate of Appropriateness is required for any of the following in the Village Review Zone:

- 1. Construction of a new structure.
- 2. Addition to an existing structure.
- 3. An alteration to the exterior appearance of any structure with the exception of normal maintenance and painting. This includes, but is not limited to, any construction requiring a building permit, the creation of new impervious surfaces, the construction of fences, changes in windows or façade materials, or the elimination or addition of any ornamentation. This does not include replacement of windows, facades and building ornamentation with articles that are identical in design and materials.
- 4. Relocation of any structure, or portions thereof.
- 5. Demolition of any structure or portions thereof.
- 6. Construction, installation or alteration of any sign, with the exception of directional signage with an area of less than three square feet.

~~B. The power to grant a Certificate of Appropriateness for demolitions or relocations is vested in the Planning Board, except for minor demolitions or relocations as set forth in Section 216.10 of this Ordinance.~~

B. The power to grant a Certificate of Appropriateness for new construction, additions, or alterations, ~~relocations or demolitions~~ under this Section is vested in the Village Review Board; however that power is hereby delegated in accordance with the following provisions:

- 1. The Director of Planning and Development shall have the power to grant a Certificate of Appropriateness for new construction, additions or alterations in cases where, in her/his

judgment, the impact of the proposed activities will be minor and in keeping with the review standards of the Ordinance.

2. The Director of Planning and Development shall regularly apprise the Village Review Board of Certificates of Appropriateness granted in accordance with paragraph 1, above, so that the Board may provide guidance to the Director regarding the exercise of its delegated authority.

3. Notwithstanding the authority delegated to the Director of Planning and Development, the applicant and the Village Review Board Chair each has the right to require review of an application by the Village Review Board.

4. The Director of Planning and Development may find proposed changes to an approved certificate of appropriateness or related materials to be a minor modification in which case approval by the Village Review Board shall not be necessary.

C. The power to grant a Certificate of Appropriateness for demolitions or relocations is vested in the Planning Board, except for minor demolitions or relocations as set forth in Section 216.10 of this Ordinance.

ED.: If a structure or property has been damaged by fire, flood, storm or other natural disaster, and emergency temporary repairs are required in order to protect health or safety, or to prevent further damage to the structure or property, the Codes Enforcement Officer may waive temporarily the requirements of this Article for a Certificate of Appropriateness and issue a building permit for such emergency temporary repairs, including demolition or partial demolition. No later than 30 days after the issuance of the permit, the permit applicant must apply for a Certificate of Appropriateness if the repairs already made or any planned permanent repairs or additional demolition work require a Certificate of Appropriateness under Section 216.54 paragraphs A, B or C.

### **216.5 Limitation on Granting of Other Permits**

No building permit or final development review approval may be issued until a Certificate of Appropriateness is granted. Where an application requires both a Certificate of Appropriateness and Development Review, the application for Development Review may be submitted prior to the granting of the Certificate of Appropriateness; however, should the Certificate of Appropriateness not be granted, the application for Development Review shall be denied. If the Certificate of Appropriateness is granted with conditions, those conditions may be added to the Development Review approval as a minor modification pursuant to Section 403.3B.

### **216.6 Application for Certificate of Appropriateness**

Applications for Certificates of Appropriateness shall be available on a form provided by the Department of Planning and Development, which will forward completed applications to the Village Review Board and/or the Planning Board as appropriate. The applicant shall provide the following information:

- A. Name, address and interest in the property.
- B. Location and nature of the proposed change.

C. A brief description of the proposed construction, reconstruction, alteration, demolition and proposed re-use, or other change. The description shall include the reason for the change, and will demonstrate how the proposal is in compliance with Section 216.9.

D. A drawing illustrating the design, texture, and location of any construction, alteration, or demolition for which a certificate is required. The drawing shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relation to exterior appearances and the architectural design of the building. Proposed materials and textures shall be described, including samples where appropriate. Drawings need not be prepared by an architect or engineer, but shall be clear, complete, and specific.

E. Photographs of the building(s) involved and of immediately adjacent buildings. The Pejepscot Historical Society may be contacted for information about the building(s).

F. A Site Plan showing the relationship of proposed changes to walks, driveways, signs, lighting, landscaping, and adjacent properties.

G. The [Village Review Board](#) [or Planning Board](#) may grant a waiver of submission requirements if it finds that the submission of that information is not relevant to a determination that the proposal will satisfy the applicable review standards.

## **216.7 Section Skipped**

## **216.8 Review Process**

### **A. Village Review Board**

An application for a Certificate of Appropriateness from the Village Review Board [or the Planning Board](#) shall be filed at least 14 days before the meeting at which it will be discussed. The Town shall notify the owners of all property within a 200-foot radius of the boundaries of the property under review, giving a general description of the project and specifying its location. Notifications shall be mailed via first class mail, at least 10 days prior to a scheduled review, stipulating the time and place of the Board's meeting. At the meeting, the Village Review Board [or the Planning Board](#) shall determine whether to accept the application as complete, accept the application with the condition that additional materials or information be provided prior to decision, or return the application to the applicant as incomplete. Within 30 days after accepting the application, the Village Review Board [or the Planning Board](#) shall decide whether to grant a Certificate of Appropriateness. The Village Review Board [or the Planning Board](#) shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for the decision. Appeals of decisions by the Village Review Board [or the Planning Board](#) are decided by the Zoning Board of Appeals.

### **B. Department of Planning and Development**

When the Department of Planning and Development reviews the Certificate of Appropriateness, it shall either render its decision or refer the application to the Village Review Board [or the Planning Board](#) within 10 days of receipt of complete application materials. Appeals of decisions by the Department are decided by the Village Review Board [or the Planning Board, as applicable](#).

## 216.9 Standards for Review of Application of Certificate of Appropriateness

### A. Buildings and Other Structures

1. In approving applications for a Certificate of Appropriateness, the Village Review Board, or in the case of demolitions or relocations, -the Planning Board, shall make findings that the following principles have been complied with:
  - a. To the greatest practical extent, structures that contribute to the character of the Village Review Zone shall remain unaltered.
  - b. Any alteration of existing properties shall be compatible with their historic character, as well as with any surrounding properties.
  - c. New construction shall be compatible with surrounding historic properties.
  - d. All Certificates of Appropriateness for new construction, alterations or demolition shall be in accordance with applicable requirements of both this Ordinance and the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings.
  - e. The ~~Village Review Board's~~ application of the U.S. Secretary of Interior's Standards will be in accordance with the Village Review Board's Design Guidelines.

### B. Signs

Signs shall comply with the requirements of Chapter 6 (Sign Regulations).

### C. Specific Standards for New Buildings and Major Additions in the TC1 (Maine Street) and TC2 (Fort Andross) Districts

The following provisions apply only to new buildings located within the TC1 and TC2 Districts, and do not apply to renovations of, or major additions to, pre-existing structures:

1. Parking lots shall be prohibited in side and front yards, except if the application involves the renovation of existing structures where such a configuration currently exists. In cases where such parking configurations exist, the parking area shall be screened from Maine Street with landscaping or fencing.
2. Site plans shall identify pedestrian ways and connections from parking areas to roads. Clearly identified pedestrian paths to, from and across parking lots to Maine Street shall be required.
3. All dumpsters and mechanical equipment shall be located 25 feet away from a public street and shall be screened from view of a public road.
4. Where a side-setback exists it shall be at least 10 feet wide. Side yards of more than 10 feet shall be landscaped and may be used as driveways, pedestrian pathways and semi-public spaces, such as restaurant patios.
5. All new buildings and additions on Maine Street may not be set back from the property line. This may be waived if at least 60% of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.
6. Parapets, projecting cornices or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.
7. Heating, ventilation, and air conditioning equipment on the roof shall be screened from the view of any public street.

8. On Maine Street, all new buildings, or additions that add more than 50% new floor area to a structure, shall be at least two stories high and not less than 20 feet tall at the front lot line.
9. Awnings and overhangs are permitted.
10. The first floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50% glass. Upper floors shall have a higher percentage of solid wall with between 15% and 40% glass.
11. No building shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
12. No building facing or visible from a public street shall have more than 15 feet horizontally of windowless wall.
13. Building Materials:
  - a. The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.
  - b. The use of vinyl and/or aluminum siding must be in accordance with the Board's Design Guidelines. Asphalt and asbestos siding are prohibited.
  - c. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.

#### **216.10 Certificate of Appropriateness for Demolition**

- A. No permit for demolition or ~~removal~~-relocation of a structure or a portion of a structure in the Village Review Zone shall be issued without a Certificate of Appropriateness.
- B. ~~The Planning Board, after receiving the recommendation of the Village Review Board, has the power to approve, approve with conditions or deny a Certificate of Appropriateness for a proposed demolition or removal~~relocation of a structure or portion of a structure. In the case of a minor demolition, such as the removalrelocation of a structure or portion of a structure, the Director of Planning and Development shall have the power to grant a Certificate of Appropriateness if, in her/his judgment, the impact of the proposed demolition or removalrelocation will be minor and in keeping with the review standards of the Ordinance. The Director of Planning and Development shall notify the Planning Board Chair of applications for approval of a minor demolition or removalrelocation. Notwithstanding the authority delegated to the Director of Planning and Development, the applicant and the Planning Board Chair each has the right to require review of the minor demolition or removalrelocation application by the Planning Board.
- C. Where the demolition or ~~removal~~-relocation is proposed in connection with development of the property, the ~~Village Review Board~~Director of Planning and Development or the Planning Board may require that the developer demonstrate binding financial commitments or provide performance guarantees to ensure that any approved development on the site is properly completed.
- A.D. ~~\_\_\_\_\_~~ Within 30 days ~~of the later of issuance of the recommendation of the Village Review Board or receipt of a complete application~~, the ~~Planning Board~~ Village Review Board shall either grant the certificate, grant the certificate with conditions attached, deny the certificate, or declare a 90-day moratorium for the proposed demolition. The purpose of the 90-day moratorium is to provide time for the applicant:

1. To relocate the structure.
2. To produce photographs and/or scale drawings to document the structure (in which case two copies of all such materials are to be provided to the Town), and/or
3. To examine, with the Planning Board, alternative ways for the applicant's needs to be met.

~~B.~~ If at the end of the 90-day period, no satisfactory solution has been found, then the ~~Village~~ Review Planning Board shall either grant or deny a Certificate of Appropriateness to demolish the structure.

~~CE.~~ Any grant or denial of a Certificate of Appropriateness for demolition shall be based upon the criteria in Section 216.9 as well as findings based on the following:

1. The significance of the structure proposed for demolition, as evidenced by its status as listed or eligible for listing on the National Register of Historic Places
2. The condition of the structure provided that the applicant has not contributed significantly to the deterioration of the structure.
3. The availability of permitted alternative uses of the structure that would maintain its economic viability.

~~DF.~~ A written notice of the determination ~~of the Village Review Board~~, including findings of fact, shall be sent by regular mail to the applicant ~~and to the Planning Board~~ within 10 days of the ~~Village Review Board's determination~~ decision of the Director of Planning and Development or the Planning Board.

## **216.11 Appeal to Zoning Board of Appeals**

### **A. Applicability**

1. Any applicant whose application for Certificate of Appropriateness has been denied, or approved with conditions unacceptable to the applicant, may, within 30 days of such denial, file an appeal with, or make application for a Certificate of Economic Hardship from, the Zoning Board of Appeals.
2. The Zoning Board of Appeals shall approve an application for a Certificate of Economic Hardship to allow the proposed activity or demolition only if it finds that the denial of approval will result in the loss of the reasonable use of the property.

### **B. Standards to be Applied with Certificate of Economic Hardship**

In determining loss of reasonable use, the Zoning Board of Appeals shall consider among other things any information presented concerning the following:

1. Any opinions from a licensed engineer or architect with experience in renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation.
2. Any estimates of the cost of the proposed new construction, additions, alterations, relocations or demolitions, and an estimate of any additional cost that would be incurred to comply with the

recommendations of the Village Review Board or Planning Board for changes necessary for it to be approved.

3. Any estimates of the market value of the property:

a. In its current condition.

b. After completion of the proposed alteration, construction, demolition, or ~~removal~~relocation.

c. After any expenditures necessary to comply with the recommendations of the Village Review Board or Planning Board for changes necessary for it to approve a Certificate of Appropriateness.

d. In the case of a proposed demolition, after renovation of the existing structure for continued use.

4. In the case of a proposed demolition, any estimates from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of any existing structures or objects.

5. The cost to relocate the structure, object or artifact as determined by a written estimate(s) from professional(s) in the field.

### **C. Information to be Supplied by the Applicant with Certificate of Economic Hardship.**

The applicant shall submit the following information for an application to be considered complete. The applicant may request that certain information below be confidential to the extent permitted by State Law.

1. The assessed value of the property and/or structure for the two most recent assessments.

2. The real property taxes paid for the previous two years.

3. The amount paid for the property by the owner, the date of purchase, and the party from whom the property was purchased (seller), including a description of the relationship, if any, between the owner and the seller.

4. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years.

5. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing, or ownership of the property, or statement that none were obtained.

6. All listings of the property for sale or rent, price asked, and offers received, if any, within the previous four years, or a statement that none were obtained.

7. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.

8. For income-producing property, itemized income and expense statements from the property for the previous two years.

9. Estimate of the cost of the proposed new construction, additions, alterations, relocations or demolitions, and an estimate of any additional cost that would be incurred to comply with the

recommendations of the Village Review Board or Planning Board for changes necessary for it to approve a Certificate of Appropriateness.

10. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.

#### **D. Lack of Information Made Available**

In the event that the information required to be submitted by the applicant is not reasonably available, the applicant shall submit a written statement indicating which information is unavailable, and shall describe the reasons such information is unavailable.

#### **E. Public Hearing**

The Zoning Board of Appeals shall hold a public hearing on the application within 30 days of receipt of the complete application. Notice of the public hearing shall conform to the requirements found in Chapter 4 of this ordinance for public hearings.

1. When the applicant requests the demolition of a landmark or a contributing structure within the Village Review Zone, the applicant will, at the time of submission of the appeal, place a notice supplied by the Codes Enforcement Officer in a prominent place on the structure and maintain it there at all times during the pendency of the demolition application. The notice shall be substantially in the following form:

This structure has been proposed to be demolished by its owner. For further information, contact the Brunswick Codes Enforcement Officer at 725-6651.

#### **216.12 Expiration of Certificate of Appropriateness**

If two years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Codes Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board or the Planning Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Village Review Board or Planning Board may consider any changes to the Zoning Ordinance or any other new information relevant to the application when considering an extension request.

**MAJOR PROJECT DEVELOPMENT REVIEW  
SKETCH PLAN APPLICATION  
and  
FINAL PLAN APPLICATION**

**CONSTRUCT 10-UNIT T-HANGAR  
at  
BRUNSWICK EXECUTIVE AIRPORT  
BRUNSWICK, MAINE**

November 16, 2012

*Prepared For:*

**MRRA**



Midcoast Regional  
Redevelopment Authority

*Prepared By:*

**Hoyle, Tanner  
& Associates, Inc.**

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Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine

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November 6, 2012

Anna M. Breinich, AICP  
Department of Planning & Development  
28 Federal Street  
Brunswick, Maine 04011

Regarding: **Major Project Development Review**  
**Construct 10-Unit T-Hangar**  
**Brunswick Executive Airport, Brunswick, Maine**

Dear Ms. Breinich:

On behalf of the Midcoast Regional Redevelopment Authority, Hoyle, Tanner & Associates, Inc. is pleased to submit a Major Project Development Review for the construction of a 10-unit nested T-hangar at Brunswick Executive Airport. The proposed hangar will be a pre-fabricated metal structure. The following fees are included with this submission:

Abutter notification - \$20.00  
Final plan review - \$1,975.50 (11,975 sf x \$0.10 per sf)  
Total Fees - \$1,995.50

#### PROJECT DESCRIPTION

Brunswick Executive Airport is owned and operated by Midcoast Regional Redevelopment Authority (MRRRA) and is being converted from the former Naval Air Station to meet the needs of the civilian aviation public. Located along Route 24, Bath Road, the airfield sits on tributaries to both Mere Brook and the Androscoggin River. The facility consists of twin parallel runways, with associated parallel taxiway, and aprons. Hangars, air traffic control towers, and other facilities remain from the Naval Air Station. The proposed project consists of the removal of the foundation of an old Navy hangar, Hangar 1, and the construction of a new 10-unit T-hangar within the old footprint of Hangar 1. T-hangars are an arrangement of hangar bays that are in the shape of a "T". The shape allows the bays to be placed back to back thus affording a more economical use of space. Aircraft access the bays from both sides of the structure.

The old 89,765 square foot Navy hangar was originally constructed in the late 1940's or early 1950's and was expanded in the early 1960's. It was demolished in 2005 and all that remains is the concrete floor, door rails and foundation. The new approximately 52' by 232', 11,975 square foot, 10-unit T-hangar is a

Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine

pre-fabricated manufactured metal building. The roof, walls, partitions and structural columns will be metal. The floor and foundation will be concrete. The structure will include a bathroom. The structure is unheated except for the bathroom.

The site is within the existing perimeter fence that surrounds the airport. Access to the hangar will be off Orion Street through an existing gate. There will be no parking around the exterior of the building. The tenants will be expected to store their vehicles inside their respective hangar bay while operating their aircraft. Any extra vehicles will be parked outside of the fence where there are existing unused parking spaces already available. These parking spaces originally serviced Hangar 1.

The foundation of Hangar 1, which will be removed, will be replaced with bituminous concrete. The T-hangar will be surrounded on all sides with bituminous concrete pavement and there will not be an opportunity for landscape materials.

The total project costs for installation of the T-hangar is \$1,153,826. It is anticipated that construction will begin in December of 2012 and will continue through May 2013.

The applicant will request waivers for the following items:

- Class A soil survey. The project is located on an existing hangar foundation and therefore the character of the proposed use is identical to the previous use.
- Profile, cross-section dimensions, curve radii of existing streets. The project will be accessed off from Orion Street through an existing gate. No changes are proposed to Orion Street.
- Parking space requirements. Parking will not be allowed adjacent to the T-hangar as this would present a safety hazard to taxiing aircraft. Tenants will be required to park their vehicles inside their hangar bays or will need to park them outside the fence in existing parking spaces adjacent to Orion Street.
- Landscaping. The hangar will be surrounded on all sides with bituminous concrete pavement. The structure does not have road frontage. Aircraft will access the hangar from both sides. Any landscaping surrounding the hangar would pose a safety hazard to taxiing aircraft, both by being an obstacle and by attracting wildlife.

#### PERFORMANCE STANDARDS

The following is in response to the performance standards put forth in Chapter 5 of the Zoning Ordinance.

#### *501 Preservation of Natural Features and Net Site Area*

There are no existing features on the site that are important to the natural, scenic, and historic character of the Town or which add value to development. There are no such features that would warrant

Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine

being preserved. The existing site is entirely comprised of concrete. The project proposes to replace this with the hangar footprint and bituminous concrete pavement.

*502 Flood Hazard Areas*

The project site is located in Zone C, which is described as Areas of Minimal Flooding on the Flood Insurance Rate Map (FIRM) for Cumberland County, Maine. Brunswick, Maine is depicted on Panel 15 of 35 of the FIRM. It is included in Attachment D.

*503 Steep Slopes and Embankments*

There are no steep slopes or embankments greater than 25% on the project site.

*504 Stormwater Management*

The project area currently consists of 100% impervious area, including concrete apron pavement and concrete hangar floor and foundation. The proposed construction will disturb approximately 122,730 square feet and replace the existing concrete pavement and floor area with 11,975 square feet of metal roof and 110,755 square feet of bituminous pavement. This project does not result in an increase in impervious surfaces and is on previously developed area, therefore it will not result in an increase to stormwater runoff. A Site Location of Development Minor Revision Permit was applied for and received from the Maine Department of Environmental Protection. A copy of the permit can be found in Attachment E.

*505 Groundwater*

There are no adverse impacts to groundwater anticipated from this development. Stormwater runoff will be collected in the existing drainage system and the bathroom will be tied into the local sewer system, which is owned and operated by the Midcoast Regional Redevelopment Authority.

*506 Erosion and Sedimentation*

The project site will be stabilized with bituminous pavement. Erosion control BMPs will be installed prior to the commencement of work as described in the Maine Erosion and Sedimentation Control BMP Manual, 2003 and as shown on the plans. Sweeping of pavement and inlet protection will be required.

*507 Sewage Disposal*

The proposed T-hangars will be connected to the sanitary sewer system owned and operated by the Midcoast Regional Redevelopment Authority. This sewer system is connected to the Brunswick Sewer District. An ability to serve letter from the Brunswick Sewer District is included in Attachment F.

*508 Water System*

The proposed T-hangars will include a restroom. The existing water utility line will extend to the hangars. An ability to serve letter from the Brunswick and Topsham Water District is included in Attachment F.

Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine

*509 Community Facilities Impact Analysis*

The proposed project will result in minimal water and sewage impacts. There will be no impact on the traffic system or school system. No other impacts outside the boundary of the project are anticipated.

*510 Development Impact Fees*

It is not anticipated that the project will result in a negative impact or decline in the level of service of any existing municipal infrastructure systems or services.

*511 Development of New Streets*

There are no new streets proposed for this project.

*512 Off Street Parking*

There will be no parking proposed for this project. Hangar tenants will be required to store vehicles inside the hangar bay while operating their aircraft. Vehicles parked on the apron pose a safety hazard to taxiing aircraft. Existing parking is available outside the perimeter fence. This parking area is currently unused and therefore will offer plenty of parking opportunities for hangar tenants.

*513 Curb Cuts and Highway Access*

The project is located on an apron and is not accessed directly from a street and therefore does not propose any new curb cuts.

*514 Off Street Loading Requirements*

Daily operation of the hangar will not require off street loading.

*515 Appearance Assessment*

See Attachment G for a letter from Steve Levesque stating that the project is in compliance with the Brunswick Landing & Topsham Commerce Park Design Guidelines.

*516 Building Configuration*

The proposed hangar will be utilized primarily for the cold storage of aircraft and is oriented so that the hangar doors face east and west to maximize solar exposure during winter months.

*517 Preservation of Historic Resources*

There are no historic resources identified on the site.

*518 Access for Persons with Disabilities*

The facility meets ADA requirements.

*519 Recreational Requirements for Residential Developments*

The project is not a residential development therefore this section is not applicable.

Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine

*520 Fiscal Capacity*

The project will be funded 90% by the FAA through the airport improvement program, 5% by the state of Maine and 5% by the Midcoast Regional Redevelopment Authority. The FAA grant has already been awarded and a copy of the grant offer can be found in Attachment H.

*521 Performance Guarantee*

A performance guarantee is not anticipated for this project.

*522 Home Owners/Property Owners Association*

There are no home owners/property owners associations proposed by this project.

*523 Protected Conservation Land*

There is no protected conservation land associated with this project.

*524 Noise and Dust*

Dust is a hazard to aircraft and therefore is carefully monitored and minimized during construction. Noise will be limited by complying with the standard hours of construction per Section 524.1. There are no anticipated long-term increases to dust or noise levels as a result of this project.

We look forward to meeting with you and the Planning Board at the November 27<sup>th</sup> meeting. Please contact me if you have any questions or concerns regarding the application.

Sincerely,

**HOYLE, TANNER & ASSOCIATES, INC.**



Nils Gonzalez, PE  
Engineering Manager, Aviation  
(603) 669-5555 X-192

Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine

**ATTACHMENT A**

**Sketch Plan Application Form and Checklist**

**MAJOR DEVELOPMENT REVIEW  
SKETCH PLAN APPLICATION**

1. Project Name: Construct 10-Unit T-Hangar
2. Project Applicant  
 Name: Midcoast Regional Redevelopment Authority  
 Address: 2 Pegasus Street, Unit 1, Suite 200  
Brunswick, ME 04011  
 Phone Number: 207-725-9701
3. Authorized Representative  
 Name: Hoyle, Tanner & Associates, Inc.  
 Address: 150 Dow Street  
Manchester, NH 03101  
 Phone Number: 603-669-5555
3. List of Design Consultants. Indicate the registration number, address and phone number Of any engineer, surveyor, architect, landscape architect or planner used:
1. See Attached  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_
5. Physical location of property being affected: On Airfield inside secure area on former Hangar 1 Foundation
6. Lot Size: 17.34 Acres
7. Zoning District: R-AR
8. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application? The Midcoast Regional Redevelopment Authority (MRRA) owns the property. Abutting property is owned by the U.S. Government and MRRA.
9. Assessor's Tax Map 40 Lot Number 2 of subject property. FOST Parcel AIR-6
10. Brief description of proposed use: Cold storage of aircraft.
11. Describe specific physical improvements to be done: Remove old Hangar 1 Foundation, Construct 10-Unit T-Hangar, Install Electrical, Water and Sewer Utilities, repave old hangar footprint to make suitable for the passage of aircraft

Owner Signature: \_\_\_\_\_

Applicant Signature (if different): \_\_\_\_\_

**Required Attachments (by Applicant):**

- Sketch Plan Check List
- Sketch Plan Requirements for Open Space Developments (if applicable)
- Request for Waivers (if applicable)
- Required Copies of Sketch Plan

**Required Attachment (by Planning and Development Department):**

- Listing of all owners of property within 200-foot radius of property under review.

## SKETCH PLAN REQUIREMENTS

Key: "O"= omit; "S"=submit; "NA"=not applicable; "W" = waiver; "P"=pending

Item	O	S	NA	W	P	Comments
Indicate Variances Granted			X			
Indicate Special Permits			X			
Indicate Special Exceptions			X			
Date, north point, scale		X				
Land area, existing use of the property, location of proposed development, locations reserved for future development		X				
Tentative rights-of-way locations, lot lines, lot numbers, lot areas			X			
Estimated soil boundary locations from the Soil Conservation Service Medium Intensity Soil Survey noting areas of severe and very severe soil limitations				X		waiver requested see narrative
Existing natural, topographical, and cultural features including areas of steep slopes, bedrock outcrops, ponds, streams, aquifers, and other water bodies, wetlands, groundwater recharge areas, slumps, flood hazard areas, trees, and other vegetation, excavation sites, stone walls, net site area, historic and archeological sites, structures, or districts, and any other pertinent features.			X			
Tentative locations of proposed structures, owners of existing structures, and neighboring land uses		X				
Special conservation and recreation areas			X			
Location map		X				
Zoning information, including the zoning district(s) in which the property is located and the location of any overlay zones depicted on the plan.		X				
Any conditions imposed by previous development on the site.		X				
Other information Planning Board/Staff Review Committee deems necessary to conduct an informed review.		X				
Letter of consent signed by property owner authorizing the development review application in cases where applicant is not the owner of the property.			X			
Application Fee		X				
For Open Space Developments, sketch plan design review requirements indicated in Section 308.1			X			
Open Space Development: Request for Bonus Density			X			

4. List of Design Consultants:

Project oversight, site design, foundation design:

Robert Furey, PE 12437

Peter Griem, PE 12609

Hoyle, Tanner and Associates

150 Down Street

Manchester New Hampshire

(603) 669-5555 – Robert Furey

(603) 431-2530 – Peter Griem

Architecture, code compliance:

Jerry Teppe, FAIA 2507

JRT AIA, Architect

741 Upper Straw Road

Hopkington, NH 03229

(603)223-9938

Project plumbing and mechanical design

Arron Sirois, PE 13030

Colby Companies

47A York Street

Portland, ME 04101

(207) 553-7753

Project electrical design:

Lee Carroll, PE 2718

Lee Carroll Electrical Consultant

1 Madison Avenue

Gorham, NH 03581

(603) 466-5065

Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine

**ATTACHMENT B**

**Final Plan Application Form and Checklist**

**MAJOR DEVELOPMENT REVIEW  
FINAL PLAN APPLICATION**

1. Project Name: Construct 10-Unit T-Hangar

2. Project Applicant

Name: Midcoast Regional Redevelopment Authority  
Address: 2 Pegasus Street, Unit 1, Suite 200  
Brunswick, ME 04011  
Phone Number: 207-725-9701

3. Authorized Representative

Name: Hoyle, Tanner & Associates, Inc.  
Address: 150 Dow Street  
Manchester, NH 03101  
Phone Number: 603-669-5555

4. List of Design Consultants. Indicate the registration number, address and phone number of any engineer, surveyor, architect, landscape architect or planner used:

1. See Attached.
2. \_\_\_\_\_
3. \_\_\_\_\_

5. Physical location of property being affected: On airfield inside secure area on former Hangar 1 Foundation

6. Lot Size: 17.34 Acres

7. Zoning District: R-AR

8. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application? The Midcoast Regional Redevelopment Authority (MRRA) owns the property. Abutting property is owned by the U.S. Government and MRRA.

9. Assessor's Tax Map 40 Lot Number 2 of subject property. FOST Parcel AIR-6

10. Brief Description of proposed: Cold storage of aircraft.

11. Describe Specific Physical Improvements to be Done: Remove old Hangar 1 Foundation, Construct 10-Unit T-Hangar, install electrical, water and sewer utilities, repave old Hangar footprint to make suitable for the passage of aircraft.

Owner Signature: \_\_\_\_\_

Applicant Signature (if different): \_\_\_\_\_

**Required Attachments (by Applicant):**

- Final Plan Check List
- Final Plan Requirements for Open Space Developments (if applicable)
- Request for Waivers (if applicable)
- Required Copies of Final Plan

**Required Attachment (by Planning and Development Department):**

- Listing of all owners of property within 200-foot radius of property under review.

## FINAL PLAN REQUIREMENTS

Key: "O" = omit; "S"=submit; "NA"=not applicable; "W" = waiver P=pending

Item	O	S	NA	W	P	Comments
Name of Development		X				
Scale, date, north point, area, number of lots (if subdivision)		X				
Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed.		X				
Certification by a professional land surveyor that the land has been surveyed and the boundaries established in accordance with the State of Maine Board of Licensure for Professional Surveyors standards for Category 1 (Standard Boundary Survey), conditions 1, 2, or 3.		X				
Existing zoning district and overlay designation.		X				
Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.		X				
Names of current owner(s) of subject parcel and abutting parcels.		X				
Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.				X		waiver requested see narrative
A general road plan noting circulation, direction, traffic control devices, street lighting and type of lighting proposed.			X			
Existing and proposed easements associated with the development.			X			
Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning Department.			X			no proposed drainage facilities
Location of features, natural and artificial, such as water bodies, wetlands, streams, vegetation, railroads, ditches and buildings.			X			no water bodies, wetlands, streams or railroads exist within the project site

Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of any private wells.		X				
Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.		X				
Topography with counter intervals of not more than 2 feet.		X				
A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.				X		waiver requested see narrative
Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing all trees to removed as a result of the development proposal.			X			no trees within project site
Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.			X			no proposed lighting
Existing locations and proposed locations, widths and profiles of sidewalks.			X			no proposed sidewalks
Location map.		X				
Approximate locations and dimensions of proposed parking areas.			X			no proposed parking areas
Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.			X			no proposed open spaces for conservation and recreation
Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization.		X				
Reference to special conditions stipulated by the Planning Board, with conditions either set forth in full or on the plan or identified as specific documents filed with the Board.			X			no special conditions set
A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the US Army Corps of Engineers.			X			no wetlands impacted
Dedicated public open specs, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.			X			no open spaces or recreation areas within project limits

For Open Space Development, a note indicating the total permitted lot count of the entire land tract based upon the destiny standards in this Ordinance, the number of lots created by the Plan, and the numebr of lots permitted to be subdivided in the future, as well as a table showing setback requirements and impervious surface coverage limits for each lot.			X			no open spaces proposed
Building envelops showing acceptable locations for principal and accessory structures.		X				

**FINAL PLAN/SUPPORTING DOCCUMENTS**

Key: "O" = omit; "S"=submit; "NA"=not applicable; "W" = waiver P=pending

Item	O	S	NA	W	P	Comments
Documentation of Ownership or contract.		X				
Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which conservation land will be owned, maintained, and protected.		X				
Draft performance guarantee or conditional agreement.			X			none anticipated
Disclosure of any required permits from the Department of Environmental Protection, Marine Resources, US Army Corps of Engineers, Department of Inland Fisheries and Wildlife, or other agencies, as applicable; or, if a permit has already been granted, a copy of that permit.		X				
Any additional studies required by the Planning Baord, which are deemed necessary in accordance with this Ordiancne.			X			none anticipated
Storm water management program for the propped project prepared by a professional engineer.	X					a SWPPP is in the process of being developed for the entire airport
A storm water management checklist prepared by the Cumberlnd County Soil and Water Conservation District inada availabel at the Brunswick Department of Planning and Development.	X					

An erosion and sedimentation control checklist prepared by the Cumberland County Soil and Water Conservation District.	X					
A statement from the Brunswick-Topsham Water District of conditions under which water will be provided.		X				
A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.			X			project limits are not within the aquifer protection zone
A Statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.	X					
A statement from the Superintendent of the Brunswick Sewer District of the conditions under which the Sewer District will provide sewerage disposal service and approval of the sanitary sewers proposed within the development.		X				
Where a septic system is to be used, evidence of soil suitability.			X			septic is not being used
All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of Section 411.		X				
A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.		X				
An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.		X				
A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems.			X			
The size and proposed location of water supply and sewage disposal systems.		X				
A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, location and purpose and type of vegetation.				X		waiver requested see narrative

4. List of Design Consultants:

Project oversight, site design, foundation design:

Robert Furey, PE 12437

Peter Griem, PE 12609

Hoyle, Tanner and Associates

150 Down Street

Manchester New Hampshire

(603) 669-5555 – Robert Furey

(603) 431-2530 – Peter Griem

Architecture, code compliance:

Jerry Teppe, FAIA 2507

JRT AIA, Architect

741 Upper Straw Road

Hopkington, NH 03229

(603)223-9938

Project plumbing and mechanical design

Arron Sirois, PE 13030

Colby Companies

47A York Street

Portland, ME 04101

(207) 553-7753

Project electrical design:

Lee Carroll, PE 2718

Lee Carroll Electrical Consultant

1 Madison Avenue

Gorham, NH 03581

(603) 466-5065

**Major Project Development Review  
Construct 10-Unit T-Hangar  
Brunswick Executive Airport, Brunswick, Maine**

**ATTACHMENT C**

**Right, Title, and Interest**

**Includes:**

**Deed**

**Navy Public Benefit Conveyance Approval**

**Exhibit A**

**Boundary Survey performed by a professional land surveyor**

## QUITCLAIM DEED

THIS INDENTURE ("Quitclaim Deed") is made the 28 day of March, 2011 between **United States of America**, acting by and through the Secretary of the Navy, Base Closure Program Management Office Northeast, Philadelphia, PA, hereinafter referred to as "GOVERNMENT," and the **Midcoast Regional Redevelopment Authority**, a body politic and corporate and a public instrumentality of the State of Maine organized under Title 5, Maine Revised Statutes Annotated, Section 13083-G, et seq., hereinafter referred to as "GRANTEE." It is based upon the following facts:

### Recitals

A. Pursuant to provisions of the Federal Property and Administrative Services Act of 1949, and approved June 30, 1949, (63 Stat. 377), as amended, and 49 U.S.C. Sections 47151-47153 (formally known as the Surplus Property Act of 1944 [58 Stat. 765], as amended), a delegation from the Administrator of General Services to the Secretary of Defense and subsequent delegation to the Secretary of the Navy, the Secretary of the Navy may convey surplus property at a closing installation to public bodies when a public purpose is served pursuant to the provisions of 40 U.S.C. § 484(e) (3) (H), as implemented by 41 CFR Part 101-47.304-9, and under the power and authority provided by Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510) as amended, and the implementing regulations of the Department of Defense (32 CFR Part 174); and

B. The GRANTEE, by application dated January 26, 2011 requested a "Public Benefit Conveyance" ("PBC") of a surplus portion of the Naval Air Station, Brunswick Maine, containing approximately 992.1 acres in size, as depicted on the drawing titled "Existing Airport Layout Plan", updated November 18, 2010, attached hereto and made a part hereof as Exhibit "A", and

C. The Grantee's application was approved by the Federal Aviation Administration on January 29, 2011 and accepted by the Department of the Navy on February 7, 2011 and is attached hereto and made a part hereof as Exhibit "B", and

D. The GOVERNMENT has determined approximately 714.53 acres as suitable for transfer, hereinafter referred to as "Airport Parcel 1", and the remaining property will be conveyed by separate deeds.

NOW THEREFORE, by the acceptance of this Quitclaim Deed or any rights hereunder, the GRANTEE, for itself, its successors and assigns, agrees that the transfer of all the Property transferred by this Quitclaim Deed is accepted subject to the following terms, restrictions, reservations, covenants, and conditions set forth below, which shall run with the land, provided

that the Property, both real and personal, transferred hereby may be successively transferred only with the proviso that any such subsequent transferee assumes all of the obligations upon the GRANTEE by the provisions of this Quitclaim Deed with respect to the property being transferred.

IN CONSIDERATION OF THE FOREGOING, of the terms and conditions set forth below and of other good and valuable consideration (the receipt and adequacy of which, as consideration, the parties hereto both acknowledge), the parties hereto, intending to be legally bound hereby, have agreed to, and do hereby, effectuate the conveyance set forth below.

### Conveyance Language

GOVERNMENT does hereby, subject to any easements and encumbrances of record and subject to the reservations, exceptions, notices, covenants, conditions, and restrictions expressly contained herein, grant, sell, convey, remise, release, and quitclaim unto GRANTEE, its heirs, successors, and assigns, without any warranty express or implied as to the quantity or quality of GOVERNMENT's title (except such warranties as are specifically set forth herein, required by 42 U.S.C. § 9620(h)(3), or otherwise required by law), all right, title, and interest in that certain real property (collectively, "PROPERTY"), including, but not limited to the underlying estate, buildings, structures, and improvements, including but not limited to utilities and utility distribution systems, and personal property situated or installed thereon, which the GOVERNMENT has in and to Airport Parcel 1, consisting of 714.53 acres of land, more fully described in the legal description attached to this Quitclaim Deed and incorporated herein as Exhibit "C".

TOGETHER WITH all the right, title and interest of the GOVERNMENT in and to those seven (7) certain easements for the establishment, maintenance, operation and use of a safety area or compatible use zone, consisting of approximately 34.39 acres of land, more fully described and attached to this Quitclaim Deed and incorporated herein as Exhibit "D".

FURTHER, TOGETHER WITH all and singular the ways, waters, water-courses, driveways, rights, hereditaments and appurtenances, whatsoever thereunto belonging, or in any way appertaining, and the reversions and remainders, rents, issues and profits thereof, and any interest the Government has in water rights and mineral rights, and all the estate, right, title, interest, property, claim and demand whatsoever of GOVERNMENT, in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof, and

TO HAVE AND TO HOLD the said lots or pieces of ground above described, the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said GRANTEE, its heirs, its successors, and its assigns, and subject to the reservations, restrictions, and conditions set forth in this instrument, to and for the only proper use and behoof of the said GRANTEE, its heirs, its successors, and its assigns forever.

**Special Sections**

**I. Reservation regarding Reciprocal Easements:** An Agreement (Navy Contract No. N47692-11-RP-11X01) creating reciprocal easements granting general access, ingress and egress, and utility service affecting the PROPERTY has been executed by the parties hereto and is incorporated by reference and made apart hereof as if set out in length.

**II. Reservation of Easements:** Subject to Reciprocal Easement Agreement (Navy Contract No. N47692-11-RP-11X01), GOVERNMENT hereby reserves unto itself and any assigns that are Federal agencies for the United States of America the following easements, as more particularly described in Exhibit "E" attached to this Quitclaim Deed and made a part hereof:

- A. United States Coast Guard: (access and utilities easement)
- B. Federal Aviation Administration: (access and utilities easement)
- C. United States Army: (access and utilities easement)

**III. Reservation of Utility Easement for PPV Housing:** In accordance with "Second Amended, Restated and Bifurcated Brunswick Real Estate Ground Lease and Conveyance of Facilities" by and between the United States of America, Department of the Navy, as lessor, and Affordable Mid Coast Housing, LLC, ("Lessee") dated October 29, 2010, and recorded in the Cumberland County Registry of Deeds at Book 28222, Page 303, (the "Lease"), the Lessee has the right of access to and use of the streets, roads, and easements and all electric, telephone, gas, water and sewer and other facilities, and infrastructure ("Utility Distribution System") now or in the future appurtenant to, serving or benefiting the Lessee's Housing Units, which are located on a portion of the PROPERTY. Accordingly, the GOVERNMENT hereby reserves an easement for itself and its assigns under the following terms and conditions:

(a) The Easement shall be limited to the specific location of the Utility Distribution System located on such portion of the PROPERTY that exclusively serves the Lessee's Housing Units, and any such Utility Distribution System that unreasonably interferes with the use of the PROPERTY by the Government, its successors and assigns, will be abandoned or may be relocated to a mutually agreed upon location as not to unreasonably interfere with the use of such portion of the PROPERTY by the Government, its successors and assigns, by the Lessee at Lessee's expense in order to continue use of such Utility Distribution System.

(b) The Easement shall be limited to the specific location of the Utility Distribution System located on such portion of the PROPERTY that exclusively serves the Lessee's Housing Units, and any such New Utility Systems that will unreasonably interfere with the use of such portion of the PROPERTY by the Government, its successors and assigns, will be relocated to a mutually agreed upon location as not to

unreasonably interfere with the use of such portion of the PROPERTY by the Government, its successors and assigns, by Lessee at Lessee's expense in order to use such New Utility Systems;

(c) The GOVERNMENT, its successors and assigns, shall not be obligated to maintain the operation or functionality of the Utility Distribution System;

(d) The GOVERNMENT, its successors and assigns, shall not be obligated to provide any Utility Service through the Utility Distribution System;

(e) Lessee shall obtain the provision of the utility service directly from the applicable utility provider;

(f) The GOVERNMENT, its successors and assigns, shall not be obligated to process any utility payment or any other payment for the provision of utility service to the Lessee;

(g) The GOVERNMENT, its successors and assigns, reserves the right to close a particular utility line if needed to protect the PROPERTY provided however, that reasonable notice shall be provided to the Lessee prior to such closure to the extent that providing such notice will not exacerbate the condition causing damage to the PROPERTY or further damage, cause harm to, or otherwise threaten the protection of human health or the environment, or the PROPERTY; and

(h) The easement shall terminate upon 31 October 2054 or the earlier termination of the Lease.

**IV. Federal Facility Agreement:** The Naval Air Station Brunswick Federal Facilities Agreement, dated 19 October 1990, as amended, is incorporated herein by reference and made a part hereof as if set out in length.

**V. Notice of Environmental Condition:**

(a) Information concerning the environmental condition of the PROPERTY is contained in the document known as the **Finding of Suitability to Transfer (FOST)** dated December 22, 2010, which is attached hereto and made a part hereof as **Exhibit "F"** and incorporated herein by reference, and the receipt of which is hereby acknowledged by the GRANTEE.

(b) Pursuant to CERCLA 42 U.S.C. §9620(h), notice is hereby provided that information contained in the FOST, Exhibit C, as set forth in **Exhibit "F"**, attached hereto and made a part hereof, identifies hazardous substances that were stored for one (1) year or more, none to have been released or disposed of on the PROPERTY.

GOVERNMENT has made a complete search of its files and records concerning the PROPERTY and represents that the FOST provides the requisite: (1) notice of the type and quantity of such hazardous substances, (2) notice of the time the storage, release or disposal took place, and (3) a description of the remedial action taken, if any.

**VI. Representation, Warranty, and Covenant required by 42 U.S.C. § 9620(h)(3)(A)(ii):**  
In accordance with the requirements and limitations contained in Title 42 U.S.C. § 9620(h)(3)(A)(ii), the GOVERNMENT hereby warrants that:

- (a) All remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on Airport Parcel 1 has been taken by the GOVERNMENT; and
- (b) Any additional remedial action found to be necessary after the date of this transfer shall be conducted by the GOVERNMENT.

**VII. Reservation of Access as Required by 42 U.S.C. §9620(h)(3)(A)(iii):** The GOVERNMENT reserves for itself, United States Environmental Protection Agency (USEPA) and Maine Department of Environmental Protection (MEDEP), their officers, agents, employees, contractors, and subcontractors all reasonable and appropriate rights of access to the Airport Parcel 1 for the purpose of monitoring and enforcing these restrictions, provisions and conditions, for the purposes described below, and for such other purposes consistent with any provision of the Federal Facility Agreement (FFA). The right of access described herein shall include the right to conduct tests, investigations, and surveys (including, where necessary, drilling, soil and water sampling, test pitting, boring, soil gas surveys and other similar activities), and to conduct tests or surveys required by the USEPA or MEDEP relating to assessment of environmental conditions on the PROPERTY. Such right shall also include the right to conduct, operate, maintain, or undertake any other response as reasonably necessary (including but not limited to soil removals, monitoring wells, pumping wells, and treatment facilities). Any such entry, and all responses, shall be coordinated in advance by the GOVERNMENT, with such coordination including reasonable notice provided to GRANTEE or its successors and assigns, and shall be performed in a manner which eliminates, or minimizes to the maximum extent possible, (i) any damage to any structures now or hereafter located on the PROPERTY and (ii) any disruption or disturbance of the use and enjoyment of the PROPERTY.

**VIII. Reuse Restrictions:** GRANTEE, its successors, and assigns, covenant that the PROPERTY cannot be used for residential or other uses that include long-term elder care facilities, child day care, pre-school, child playground or any other similar child occupied facility or activity. The PROPERTY shall not be used for dwellings of any kind, lodgings, campground, community centers, recreational facilities, stables, farms, or vegetable gardens.

**IX. Interim Covenant and Restriction Concerning the Use of Groundwater:** GRANTEE, its successors, and assigns, covenant (1) that no groundwater extraction/production supply wells shall be installed or permitted, and (2) that no access to groundwater for dewatering or other purposes shall be permitted in the PROPERTY without the prior written approval of the Department of the Navy (Navy), United States Environmental Protection Agency (USEPA) and Maine Department of Environmental Protection (MEDEP), as appropriate. This restriction shall terminate upon the recording of a notice that there has been: (1) a determination in writing by Navy with concurrence from the USEPA and MEDEP that the groundwater at the IR Program, Military Munitions Response Program (MMRP), or Petroleum Sites poses no unacceptable risks to human health or the environment; or (2) issuance of the Navy covenant required by 42 U.S.C. § 9620(h)(3)(A)(ii) for any sites affecting the transfer parcel certifying that all remedial action necessary to protect human health or the environment with respect to any hazardous substance remaining on the above-mentioned sites has been taken, whichever is the first to occur. In the event that the remedies for any sites adjacent to the transfer property include the recording of deed restrictions with respect to the transfer property, such restrictions shall supersede the restrictions addressed herein.

**X. Asbestos Containing Materials Disclosure and Acknowledgment:** The GRANTEE, its successors, and assigns, covenant and agree that they will comply with all federal, state and local laws relating to Asbestos Containing Materials (ACM) in their use of the buildings and structures on the PROPERTY (including demolition and disposal of underground utilities [e.g., abandoned steam or fuel pipelines] that may contain ACM wrapping). GOVERNMENT assumes no new or further liability as a result of this transfer than it would otherwise have for losses, judgments, claims, demands or expenses, or damages of whatever nature or kind from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with ACM from buildings, structures, and underground utilities on the PROPERTY. Due to the potential presence of undiscovered ACM associated with underground utilities, any subsurface work performed by the GRANTEE must be conducted in accordance with applicable regulations and conducted by trained, properly-equipped personnel. Buildings are transferred "As-Is" and asbestos hazards in said buildings are the responsibility of the GRANTEE. An Asbestos Containing Materials Hazard Disclosure and Acknowledgment Statement is provided as EXHIBIT "G" to this Quitclaim Deed.

**XI. Lead Based Paint Hazard Disclosure and Acknowledgment:** The GRANTEE, its successors, and assigns agree that they will comply with all federal, state, and local laws relating to Lead Based Paint (LBP) in their use of the buildings and structures on the PROPERTY (including demolition and disposal of existing improvements). The GOVERNMENT assumes no new or further liability as a result of this transfer than it would otherwise have for losses, judgments, claims, demands, expenses, or damages of whatever nature or kind from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with LBP from buildings or structures on the PROPERTY. Buildings will be transferred "As-Is" and LBP hazards in said buildings are the responsibility of the GRANTEE. A Lead Based Paint Hazard Disclosure and Acknowledgment Statement is provided as EXHIBIT "H" to this Quitclaim Deed.

(1) In the event the GRANTEE its successors or assigns remediates the PROPERTY to the satisfaction of the GOVERNMENT, the EPA, and the MEDEP, such that it is determined the PROPERTY is suitable for residential habitation, prior to any use for residential habitation or by children under six (6) years of age, the GRANTEE its successors or assigns shall remove all lead-based paint hazards and all potential lead-based paint hazards from the buildings and structures on the PROPERTY and the GRANTEE its successors or assigns shall certify to the GOVERNMENT and the GOVERNMENT shall determine, through its inspection (or at its discretion, the inspection and certification of a local GOVERNMENT official) that all applicable Federal, State, and local lead-based paint requirements have been met, including, but not limited to, the requirements under 24 CFR Part 35 for abatement, removal, rehabilitation, and notice of lead-based paint hazards.

(2) The GRANTEE its successors or assigns understands and agrees that the GOVERNMENT's inspection and finding of satisfactory performance is not intended to and does not constitute a guarantee that all lead-based paint and all potential lead-based paint hazards have been eliminated from the buildings and structures on the PROPERTY and does not relieve the GRANTEE its successors or assigns of the responsibility for complying with the applicable Federal, State, and local lead-based paint laws and regulations.

(3) The GRANTEE its successors or assigns agrees to indemnify the GOVERNMENT to the extent allowable under applicable law from any liability arising by reason of the GRANTEE's its successors or assigns failure to perform the GRANTEE's obligations hereunder with respect to the elimination of immediate lead-based paint health hazards, the prohibition against the use of lead-paint, and the GRANTEE's responsibility for complying with applicable Federal, State, and local lead-based paint laws and regulations.

(4) To the fullest extent permitted by law and equity, these covenants shall be binding for the benefit and in favor of and be enforceable by the GOVERNMENT. The GOVERNMENT shall be entitled to institute legal action to enforce performance and observance of these covenants, enjoin acts which are violative of these covenants, and exercise any other legal or equitable right or remedy with respect to these covenants. These rights and remedies may be exercised separately or in combination.

(5) Following compliance with the covenant set forth in subparagraph (1), above, upon request of the GRANTEE, its successors, assigns, or purchasers for value, the GOVERNMENT shall execute a recordable document acknowledging that this covenant has been terminated and is of no further force or effect.

(6) If the GRANTEE fails to comply with paragraph (1), above, the GOVERNMENT will not exercise the rights reserved in (4), above, if any lender secured by the property gives written notice to the GOVERNMENT that it tends to complete the rehabilitation required by (1), above, and completes such rehabilitation within thirty (30) days from the date of the notice, or within such longer period as the GOVERNMENT may approve in writing.