



TOWN OF BRUNSWICK

PLANNING BOARD

28 FEDERAL STREET, BRUNSWICK, ME 04011-1583

TOWN OF BRUNSWICK

PLANNING BOARD

AGENDA

BRUNSWICK STATION

16 STATION AVENUE, ROOM 217

Tuesday, November 6, 2012

7:00 P.M.

1. **WORKSHOP:** The Planning Board will hold a workshop session regarding the Town Zoning Ordinance, Chapter 2, Section 216, relating to the issuance of Certificates of Occupancy for demolitions in the Village Review Overlay Zone.
2. Other Business
3. 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.

**BRUNSWICK PLANNING BOARD
TUESDAY, JULY 31, 2012**

MEMBERS PRESENT: Chairman Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis (dismissed at 20:23, Richard Visser and Steve Walker (arrived at 19:10)

STAFF PRESENT: Anna Breinich, Kris Hultgren and Town Attorney, Pat Scully

A meeting of the Brunswick Planning Board was held on Tuesday July 31, 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: 12-020 Medical Office Building: The Board will review and take action on a **Final Plan** application submitted by Priority Group, LLC to construct a medical office building at 14 Thomas Point Road (**Assessor's Map CC1, Lots 26 & 42**) in the **Cooks Corner Zoning District**.

Kris Hultgren reviewed his Memo to the Board dated July, 27, 2012 and stated that this is a Final Plan application for a medical office building at 14 Thomas Point Road with plans to construct a field house. Kris stated that the existing on site building is 5,000 square feet and the applicant proposes to add an additional 5,000 square feet of office space with an additional 10,000 square foot field house. Kris noted the Planning Board approved the Sketch Plan at the June 26th meeting and the Staff Review Committee reviewed the project for their final approval at their July 23rd meeting.

The applicant, Kurt Neufeld with Sitelines, reviewed the project and stated that the existing site has a single entrance and is a story and a half. Kurt stated that the adjacent lot will be combined to make a larger lot, about 1.8 acres. The office will be primarily used for physical therapy and the field house will be available during the weekends for sports. Kurt stated that the building will have a peaked roof and there will be a granite post and black metal fence adjacent to Thomas Point Road as well as ample parking lot plantings. The site plan has remained unchanged with two entrances, the main entrance at Thomas Point Road. The sidewalk will be parallel to Thomas Point Road and will be five feet wide as discussed at the June 26th meeting. Kurt stated that the project does not require any state permits for the drainage system and the system itself meets the Town of Brunswick requirements. Traffic has been analyzed by Diane Morabito, of Maine Traffic Resources and Kurt reviewed formalizing the left and right turn striping pattern improvements on Thomas Point Road. Kurt stated that in reviewing this with John Foster, the Town Engineer, Foster stated that he would like to see the striping improved to create 11 foot lanes and for the applicant to modify the island and curbing as necessary.

**MOTION BY DANN LEWIS THE FINAL PLAN BE DEEMED COMPLETE.
SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.**

Charlie Frizzle, referring to correspondence from the Town contractor, Sebago Technics, suggested that instead of constructing a sidewalk now, that the applicant place money in escrow towards the sidewalk for a time when and if Thomas Point Road is improved. The applicant is

open to this so long as there is a time limit and the funds are not tied up indefinitely. Charlie asked Anna Breinich if this was a viable alternative and Anna replied that they have the ability to put it into escrow account dedicated for that purpose. Steve Walker asked what the priority level was for improvements for Thomas Point Road; Kris Hultgren replied that he did not know and stated that the Cooks Corner Master Plan alludes to improvements on Thomas Point Road with no specific timeline. Charlie replied that there needs to be a time limit and if that time limit is reached with no plans to improve Thomas Point Road then the applicant builds the sidewalk as proposed; Steve suggested 10 years and Charlie agreed. Kurt stated that the applicant would prefer a five year timeframe; Charlie agreed and suggested adding a phrase that if improvements for Thomas Point Road are not on the capital improvements list by this point the applicant will go forward and construct the sidewalk.

Chairman Charlie Frizzle opened the meeting to the public hearing. No public comment and the public hearing was closed.

Charlie Frizzle asked staff where the number of parking spaces was derived from. Kris Hultgren replied that the 60 parking space number because the warehousing use is based on square feet at two spaces for 20,000 square feet; he stated that it was a little tricky since the field house use does not fit into any category in the ordinance but staff felt there was ample parking on site. Charlie noted that the peak hours for the field house and the medical office building will be at different times and suggested that the applicant apply for minor modification review to reduce parking spaces if the applicant feels that they can get along with less.

Margaret Wilson, in reference to the finding for the stormwater provided by Summit Environmental dated July 23, 2010, stated that she is concerned that there is no conclusion in the finding that the soil is appropriate for infiltration. She asked that a conclusion be requested; staff agreed.

MOTION BY MARGARET TO APPROVE THE FOLLOWING WAIVERS:

1. Section 412.2.B.8-Name, location and width of paving for proposed roads
2. Section 412.B.14-Location of proposed cross section of sanitary sewers
3. Section 412.2.B.16-Class A Soil Survey
4. Cooks Corner Sidewalk Standard.

SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

MOTION BY STEVE WALKER THAT THE FINAL PLAN IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

2. That prior to receiving a building permit, the applicant submits an updated stormwater management plan implementing those recommendations detailed in Sebago Technics peer review as required by Staff.
3. That prior to receiving a building permit, the applicant pays a solid waste impact fee of \$2,018.
4. That prior to receiving a building permit, the applicant pays the peer review fee of \$450.00.
5. That prior to receiving a Certificate of Occupancy, the applicant shall coordinate with the Public Works Director to construct adjustments to the curb and/or island and place pavement markings to define 11' wide left and right turn lanes at the exit of Thomas Point Road at Bath Road.
6. The applicant shall set aside funds in escrow to construct a 5' bituminous sidewalk along the front of the parcel on Thomas Point Road. The funds set aside shall be based on an estimate by Public Works Director John Foster. If after 5 years Thomas Point Road is not realigned, or the realignment of Thomas Point Road is not part of the town's Capital Improvement Plan, the escrow funds shall be released and the applicant shall construct the 5' bituminous sidewalk. The applicant may choose to leave the funds in escrow for more than 5 years.

SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Case Number: 12-014, Crestview Subdivision Amendment: The Board will review and take action on a **Final 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 reviewed his Memo to the Board dated July, 27, 2012 and stated that the applicant wishes to subdivide a 7.39 acre lot into three lots on Crestview Lane. Kris stated that the application was before the Staff Review Committee on July 23rd and the Sketch Plan was approved by the Board on July 10th.

The applicant, John Gordon, stated that his proposal is to split the lot into three and would include his existing home. Mr. Gordon stated that one lot would be two acres and the other would be 2.2 acres. Since the last meeting Mr. Gordon stated that he has been asked if he would take into consideration the view easement that was in place when his house was originally built. It was asked that he bring the cut line back to the view line another 25 feet to the 50 foot setback from the conservation easement; he has agreed and the line has been brought back to the 50 foot mark. Mr. Gordon stated that they are still waiting for DOT (Department of Transportation) posting in regards to the curb cut.

**MOTION BY DANN LEWIS THAT THE FINAL PLAN BE DEEMED COMPLETE.
SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

Charlie Frizzle asked the Town Attorney, Pat Scully, to address the issue of standing for the applicant as discussed at the July 10th meeting. Mr. Scully clarified that question and stated that this lot is one part of a previously approved subdivision and the applicant is not the original developer of the subdivision but is asking for a subdivision of his lot. He stated that as he understands the question to be as follows: since the applicant is not the original developer of the subdivision, does he have standing to come before the Planning Board and ask for an amendment; Mr. Scully responded that the applicant does have standing. He stated that in some cases a subdivision or some other development may not have been fully developed and the original developer may still control the property; in this case you would expect the original developer to come back and request an amendment. In other cases all of the lots may have sold and the original sub divider no longer has an interest in the development or is not in a position to seek a modification because he/she no longer has control of the property; in this case the original lot owner, such as this request, is the only person who can seek an amendment of this plan as it effects that lot. Mr. Scully stated that if the amendment affected more owners, you would need to have the owners of the larger effected properties. Mr. Scully reiterated that the applicant does have standing and is probably the only one who does. Steve Walker stated that he understands the standing over the 7.39 acres as a clean option for a lot split, but given that that Burgess still has ownership of the open space, wouldn't he need to approve an amendment beyond a single lot split? Mr. Scully replied "no" and stated that the reason is because the impact of this change is falling entirely on the applicant's lot. Steve replied that due to the separation of the Burgess ownership and the 7.39 acres, is there any issue with Mr. Gordon requesting his lot be split three times based on actions that he did not take in terms of setting conservation lands aside. Mr. Scully replied that what is being sought is an amendment to what was the original plan and in reviewing the original plan this is to be treated as an amendment and in doing so you must look at the larger parcel. The Planning Board must make sure that the impact for the conservation land is met as a whole and that they do not cross a point where the original density of the conservation area would have supported.

Charlie Frizzle stated that with respect to other legal issues which have been raised and may affect their decision, Pat Scully has addressed in his letter dated July 26, 2012; the Planning Board will not discuss these issues any further.

Margaret Wilson asked for clarification on the area of disturbance and Steve McLellum, Land Surveyor, stated that the area for disturbance has been moved 25 feet closer to the house. Steve Walker asked in terms of monitoring the disturbances, would it make more sense to make the building envelopes more consistent with those limits? Kris Hultgren replied that this project has gone through Staff Review and the Conservation Commission and the boundaries for disturbed area and mitigation have remained the same. Steve suggested showing the building windows more consistent with the limits of disturbances on the plans; make the disturbed area the building window, outside the disturbed area do not show setbacks. Margaret and Charlie agreed.

Chairman Charlie Frizzle opened the meeting to the public hearing. Charlie reminded those wishing to speak that the Planning Board is not a court of law and asked that they only address issues pertaining to the Town's Zoning Ordinance.

John Sperzel, resident of 61 Crestview Lane and an abutter, stated that he has opposed this application based on release of covenants which has been pointed out to be a legal issue. He stated that he provided to the Planning Board at the meeting of June 26, 2012 a letter that addressed issues dealing with Maine real estate law and case law that address the issue at hand. Mr. Sperzel stated that he asked Mr. Scully for an interpretation and what he got was a response to Anna's Question. Mr. Sperzel asked if Mr. Scully had read his letter and if he has any comments. Pat Scully replied that there may be some question between the two owners whether release of this covenants is effective against other lot owners and whether other lot owners would have any complaint about the release and whether or not a court would entertain and what they would do about it. He stated that this would require a factual investigation at a court level, legal investigation and for a judge to decide. He stated that it is not a decision that the Planning Board would make; the Planning Board does not litigate legal matters. Mr. Sperzel asked if Pat Scully was willing to go on record and say that, based on the removal of the restriction of the subdivision of that property, "that it is OK for somebody to get a change in a covenant on a piece of property that they don't own without the knowledge of the owners of that property"? Charlie replied that the Planning Board has reviewed this issue and that is as far as it is going to go. Mr. Sperzel stated that he had an issue from the last Staff Review meeting and the curb cut for Lot 1A. He stated that he spoke to Jim Higgins and John Foster with Public Works and neither seemed to have an issue with moving the curb cut back to the original position. He stated that he wishes for the cut to be located at the original position.

Mr. Sperzel stated that his last issue pertains to the remaining covenants and the covenants that got with the lots run with the land and must be included in any deeds or transfer of the property.

Chairman Charlie Frizzle closed the public hearing.

MOTION BY STEVE WALKER TO APPROVE THE FOLLOWING WAIVERS.

1. 412.2.B.11 – Kind, location, cross section of all drainage facilities, etc.
2. 412.2.B.17 – Location of trees over 10 inches in diameter
3. 412.2.B.25 – Wetlands Map
4. 412.2.C.17 – Landscaping Plan

SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

MOTION BY DANN LEWIS THAT THE FINAL PLAN IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

2. That prior to receiving a building permit, the applicant shall receive a Driveway Entrance Permit from the Department of Public Works and update the final plan, if necessary, in accordance with the permit.
3. That prior to receiving a building permit, the applicant shall pay a solid waste impact fee in the amount of \$258.56 for lots 1A and 1B.
4. That prior to receiving a building permit, the applicant shall submit an updated plan showing building setbacks only within the proposed limits of disturbance.

SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

Case Number: 12-022 Maine Woolens: The Board will review and take action on a joint sketch and Final Plan application submitted by Maine Woolens to construct a 7,886 square foot addition at 15 Paul Street (**Assessor's Map U26, Lot 12**) in the **Mixed Use 2 (MU2) Zoning District**.

Kris Hultgren reviewed his Memo to the Board dated July, 27, 2012 and stated that the application is to expand Maine Woolens existing manufacturing operations at 15 Paul Street. Kris stated that there is an existing building of approximately 8,668 square feet and the applicant wishes to extend this another 7,886 square feet; Staff Review Committee reviewed this application at their July 23rd meeting.

Curt Neufeld with Sitelines reviewed the location and stated that it is set back far from the road. He stated that the facility is for light manufacturing and the existing building is non-conforming with regards to the rear setback and the proposed building will be no more non-conforming than that. The proposed building will extend out to the side. They employ four to five people at any given time and the expansion is not going to change this much. The site plan provides parking up to 11 but based on use they will only use five to eight. Kurt stated that there are no state permits required and the new building will be sprinklered as required by the Fire Chief.

Charlie Frizzle asked Anna if her request that the application be updated with specifications to HVAC had been met; Anna replied that according to the additional information they received, the HVAC unit is not to be located on the roof and they are all set.

Margaret Wilson asked if the Planning Board could waive parking requirements; Kris Hultgren replied that the Planning Board has the ability to waive the requirements under Section 512 and noted that Planning Staff would support this based on the use of this site and very little traffic to this site. Margaret asked how a big truck will access the site; Kurt replied that a large truck will need to back in. Richard Visser asked where the additional parking will be located. Curt replied that it is along the side and envisions that if needed the applicant can ask their employees to move their vehicles.

Chairman Charlie Frizzle opened the meeting to the public hearing.

Town Councilor, John Perrault, stated that he is excited that there is a business expanding in Brunswick and encouraged by this. Councilor Perrault asked about access if NEPRA was to come in and is there a possible driveway access this way. Margaret Wilson and Charlie Frizzle stated that they haven't been given any information in regards to NEPRA; Councilor Perrault stated that he understood and noted that he has been present at many of the NEPRA meetings and this is the direction that they are talking about to bring their road in. Charlie replied that this will have to be addressed when NEPRA submits their formal plans.

Chairman Charlie Frizzle closed the public hearing.

**MOTION BY STEVE WALKER TO DEEM THE SKETCH/FINAL PLAN COMPLETE.
SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.**

MOTION BY STEVE WALKER TO APPROVE THE FOLLOWING WAIVERS.

1. Section 412.2.B.8 – Name, location and width of paving for proposed roads
2. Section 412.2.B.14 – Location of proposed cross section of sanitary sewers
3. Section 412.2.B.16 – Class A Soil Survey
4. Parking Space Requirements

SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

**MOTION BY STEVE WALKER THAT THE SKETCH AND FINAL PLAN IS
APPROVED WITH THE FOLLOWING CONDITION.**

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and material submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing official, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Workshop: At the request of Town Council, the Board will discuss options to amend the zoning ordinance to allow other uses at 28 Federal Street (Town Hall and Recreation Facility), once the buildings are no longer a municipal facility and schedule a public hearing.

Anna Breinich stated that this was a workshop at the Town Council's request that the Board discuss options to amend the zoning ordinance to allow other uses at 28 Federal Street, once the buildings are no longer a municipal facility. Anna reviewed her letter to the Board dated July 27, 2012 and asked the Town Attorney, Pat Scully to discuss zoning by ownership. He replied that "if you are using land or a building for a municipal purpose then you are a municipal facility and if it is permitted as a municipal facility then fine", however, if you are grandfathered as a municipal facility then once that ownership ceases it is no longer a municipal facility. He stated that this building was created under a different ordinance when it was permitted but later in time it became no longer allowed to use as an office building. If an office building were to move into this building it would become non-conforming. Margaret Wilson asked what would be allowed and Anna replied that TR2, Town Residential 2, only allows two uses; single family and multi-

family duplex. She stated that there are a number of uses by special permit such as greenhouses, florists, religious institutions and such. Anna reviewed the history of Federal Street and non-conforming buildings that were established uses. She stated that all non-municipal uses that are in place are considered non-conforming; once the Town gives up ownership of the municipal building, it will be non-conforming only as a municipal facility not as the use of an office and recreational facility. Anna reviewed the potential options as reflected in her letter. Charlie Frizzle asked what the functional use was of the recreational building; Anna replied that it would remain the same as a gym, office and daycare. Charlie suggested taking a liberal approach to see what direction the Town wishes to go with respects to Public Hearing. Steve Walker agreed with Charlie and stated that it would be best to start with a broader approach. Richard Visser asked if these changes would inhibit the possibility of using the space as a parking lot. Anna replied that the only way a parking facility could be legally established under the current TR2 was if it was municipally owned and would have to follow the dimensional requirements. Charlie stated that going to TC1 would alleviate some of the requirements. Pat Scully stated that he disliked the second option of amending the existing municipal facilities standards; he stated that the first option leaves flexibility.

Chairman Charlie Frizzle opened the meeting to public comment; hearing none, the public comment period was closed.

It was decided that planning staff set public hearing to consider rezoning the west side of Federal Street from Mason to Center Street to TC1 Zone.

Other

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF JUNE 12, 2012. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 8:45 P.M.

Attest



Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
SEPTEMBER 11, 2012**

MEMBERS PRESENT: Chairman Charlie Frizzle, Dann Lewis, Dana Totman, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday September 11, 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.

Public Hearing: The Planning Board will hold a public hearing to consider the rezoning of the west side of Federal Street between Mason and Center Streets, from Town Residential 2 to Town Center 1.

Anna Breinich began by reviewing aerial photographs of Federal Street from 1959 when the municipal building was constructed. She stated that it was zoned similar to Town Center and was called C1, Commercial 1 Zoning District. The C1 District was similar to Town Center 1 (TC1) in uses, impervious surface and dimensional requirements. She stated that the area was zoned C1 from 1969-1986. In 1986 a Comprehensive Plan rezoning was put in place and it became Town Residential 2 (TR2) and took about 5-7 properties and made them non-conforming; they have remained this way. Anna stated that 28 & 30 Federal Street are permitted uses because they are municipal facilities, however the functional use of a recreational facility and office space are not permitted uses within Town Residential 2 Zoning District (TR2). Anna reviewed the Planning Board suggestions from the July 31, 2012 meeting and stated that one suggestion was to rezone the west half of Federal Street and revert it back to the TC1 area; then all the uses would be compatible. The second option was to amend the existing Municipal Facilities Section 306.17, in the Zoning Ordinance which would allow the continued functioning use of Municipal Facilities as a legally established non-conforming use; this was not an option favored by the Town Attorney or the Board.

Chairman Charlie Frizzle opened the public hearing.

Jane Millett, resident of 10 Franklin Street, stated that she has concerns with the lack of transparency and confusion with the new buildings' issues going on. She stated that she has copies of the appraisals and it seems as though the Town of Brunswick is making these changes so that it will have more value for this building. She stated that she does not know if they would be making these changes if it were a private citizen coming before them requesting these changes.

Chairman Charlie Frizzle closed the public hearing.

Charlie Frizzle, in response to Jane Millett's question, stated that the Town's plan to move the Municipal Office to the McLellan Building was a consideration and maximizing the building for Brunswick Development Corporation to take possession when they surrender the property for the

police station. Consideration for how much value to the Town was part of these discussions. Charlie stated that he is not sure that this request is something they would consider for a private citizen but is something they have been asked to do by the Town Council. Charlie stated that what was very important to the Board was that this change was clean and simple; approach one restores all the non-conforming properties on the north end of Federal Street to a conforming status including the Recreation and Town Hall buildings. Dana Totman stated that he does hear Jane's point, but he thinks if there was a critically located site in the town, private or publically owned, that the board had an opportunity to zone in a way that would be in the best interest to the town, then the Board most likely would consider zoning changes. Dana stated that in the interest of keeping in line with Smart Growth and assuring utilization of precious sites in the town appropriately and fully, then the Board should give consideration to rezoning this site. He stated that he paused when Jane pointed this out but realized that this is a site where the zoning change would be of value and interest to the town as a whole not just to facilitate a financial transaction.

Chairman Charlie Frizzle reopened the public hearing.

Marji Greenhut, 10 Noble Street, stated that when Town Hall and the Police Station are emptied, the space is prime, close to downtown and would be a wonderful for low income, affordable, senior housing downtown; this location would give senior citizens the opportunity to walk downtown and be a part of the community instead of shoved to the outskirts. She stated that it is important to incorporate senior citizens into the community and noted that their needs for cars would diminish. She stated that the rooms in Town Hall appear as though they could easily convert into apartments. She hopes that the Planner and all involved would consider the need for centrally located affordable, low income, senior housing where people can get to the wonderful parts of downtown.

Anna Breinich replied to Marji's suggestion by stating that within TC1 apartments are permitted as a dwelling unit with three or more units and would not preclude this type of use if there was someone who wanted to develop this as senior housing.

Jane Millett asked if Anna Breinich could explain what Retail 1 & 2 as well as Service 1 & 2 was; her interest is that she lives in the neighborhood and asks that they be mindful of what goes into this lot. Anna replied that this would still be within the Village Review Zone and would have to follow the VRB Design Standards. Anything that will be built there will need to be compatible as what is in place and if the building remains, the outward appearance can remain the same. Anna stated that Retail Class 1 and Retail Class 2 refers to size of the building; TC1 does allow 100% of the site to be developed, it is the most intensive district, but there are a number of buildings that are in character with the overall downtown area. Anything that happens would, in all likelihood, probably come back to the Planning Board.

Chairman Charlie Frizzle closed the public hearing.

Dana Totman noted that Convenience Store is a permitted use in the TC1 Zone as well as Retail Class 1 and Retail Class 2; Dana asked if someone were to demolish the building with intent to construct a convenience store, what would be the authority to turn such an application down.

Anna Breinich replied that if it meets the requirements of the ordinance then the board would need to approve it but when it comes to Design Standards, whatever is built there would have to be met. Charlie Frizzle noted that dwelling units would most likely come under the purview of the Village Review Board and traffic impact would fall under the Planning Board. Anna added that all of Federal Street is still under the National Register Designated Historic District, and that even though federal, state, or local government does not get involved, it is still a consideration that would be in play with VRB and could be taken to the Maine Historic Preservation Board. Dana asked what the thinking to include the Recreation Building lot was. Anna replied that the two would go at the same time and based on what was occurring at 28 and 30 Federal Street for almost 20-30 years. Charlie replied to leave out the recreation building would leave it within the TR2 Zoning District where it would be non-conforming and stated that it would be wiser to include it in the TC1 Zoning District to allow for a wider variety of possible uses. Dana replied that he understands altering the zone up to 28 Federal Street, but feels that that adding the Recreational Building opens up potential issues. Charlie replied that an applicant would still need to come to the Board for any other use besides recreational; Anna added that the recreation use is not permitted in TR2.

MOTION BY RICHARD VISSER THAT THE BOARD RECOMMEND TO TOWN COUNCIL CONSIDER THE REZONING OF THE WEST SIDE OF FEDERAL STREET BETWEEN MASON AND CENTER STREETS, FROM TOWN RESIDENTIAL 2 TO TOWN CENTER 1 THEREBY REFLECTING THE MAJORITY OF EXISTING NON-CONFORMING USE'S ESTABLISHED BY RIGHT BETWEEN 1969 AND 1986, PRIMARILY NON-RESIDENTIAL USE COMPATIBLE WITH RESIDENTIAL USES. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Other

- Moving Downtown forum has been moved to 9/20/12 at Brunswick Junior High School from 5:00-7:30
- 9/18/12 Recreation Trails Open Space Management Plan public forum for abutting owners and general public.

Minutes

No minutes were reviewed at this meeting.

Adjourned

This meeting was adjourned at 7:34 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
SEPTEMBER 25, 2012**

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

STAFF PRESENT: Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday September 25, 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: : 12-030 Brunswick Police Station: The Board will review and take action on a **Final Plan** application submitted by the Town of Brunswick to construct a police station at 1 & 3 Stanwood Street and 81 & 85 Pleasant St (**Assessor's Map U15, Lots 74,75,76,77**) in the **Town Residential 1 Zoning District.**

Anna Breinich stated that this is a Final Plan for a police station to be constructed at the corners of Stanwood and Pleasant Streets. She stated that the Board had a joint workshop with the Village Review Board and since that time, the Village Review Board has issued a Certificate of Appropriateness for the design.

Brett Donahm, of Donham and Sweeney Architects, stated that the plan is essentially the same since their last meeting. Brett presented views of what the police station is proposed to look like from Stanwood and Pleasant Street and reviewed the proposed site plan and cross section. Brett stated that the stimulus for the design was based on the other prominent buildings on Pleasant Street such as the Post Office and the Curtis Memorial Library. Brett stated that they are in full compliance with the zoning requirements and have submitted a stormwater management plan. Brett stated that they have porous paving and that the building does not have any gutters but noted that there is crushed stone going around the building to assist in drainage; there are catch basins and a hydro system for runoff before it enters the sewer system which has sufficient capacity to handle the building. Brett stated that they have submitted an erosion control plan with the application. Brett reviewed the site lighting and stated that it has been designed to not have any off-site casting and to shed all the light down. Brett pointed out that there was a condition that they provide an alternate photometric plan; the Town Engineer has since reviewed and given the approval of the alternate plan. The traffic study has determined that there is no adverse impact and that parking needs are spread out during the course of the day. The landscaping has conditions attached by the Town Arborist, Peter Baecher; the applicant is willing to work with Peter to address these conditions such as adding pruning of existing trees and protection of the trees before work is initiated on the site.

Charlie Frizzle asked if a decision had been made on whether or not the communications tower had to be part of the building or if it could stand alone as this was brought up in the Staff Review discussions. Brett Donham stated that it will be attached to the building as required by the zoning ordinance.

Richard Visser asked for clarification on the request made by the Town Engineer. Brett Donham explained that a photometric plan is how the foot candles fall on the site; the new submittal was approved.

Margaret Wilson asked if the traffic study was included in the packet. Charlie Frizzle replied that it was not but that he was comfortable since it is apparent that the Town Engineer has reviewed it and commented on it. Margaret asked if the traffic study was based on the new slip lane being added on Stanwood Street and Brett Donham replied that it was based on this change. Margaret asked if there was reference to the current letter grade on Stanwood Street and Pleasant Street and also if either letter grade will change once the building is completed. Anna Breinich replied that the level of service prior to the additional lane overall at this intersection is a Level F and remains at a Level F post development. Anna Breinich read a portion of the traffic study to the Board suggesting that traffic going into the police station enter and exits so that they are turning right.

Dana Totman asked if the Soil Survey was not applicable as noted on the application or is a waiver being requested. Anna Breinich replied that she believed it is a waiver being requested. Brett Donham replied that the reason they are asking for a waiver is because they will not have sewage disposal on site and will be using the Town's sewage system and because they have very good sand drainage. Brett replied that non applicability was an assumption on his part.

Jeff Peters asked if the police station was being designed for roughly double the size of the current police force. Brett replied that it was not; the projection was made for the potential needs over 25 years. He stated that a few of the offices have room for a second desk and there is room in the locker room for additional lockers. He stated that the design was based on his study and in working with the police department. Jeff asked if the traffic study took into consideration the projected impacts; Brett replied that the study was based on his projections with 15 to 20 officers. He stated that in the parking count which includes personal cars and cruisers was based on future expansions. Jeff clarified by stated that his concerns were not just parking but traffic going into and out of the department. Anna Breinich replied that the study was based on need to 2030.

Steve Walker asked if the issue with the abutter's driveway/right-of-way had been resolved. Brett Donham replied that it has been resolved by leaving the easement in place.

Chairman Charlie Frizzle opened the meeting to public comment. No public comments made; Chairman Charlie Frizzle closed the public comment.

Dana Totman agreed with Margaret Wilson's earlier concern that there was no traffic study included in the packet. Jeff Peters stated that given the volume of the packet and the importance of the site, he is disappointed that the traffic study was not included. Curt Neufeld replied that the application was submitted to Kris Hultgren who noted that the traffic study was missing; Curt added that copies of the traffic study were made but did not make it into the packet. Margaret stated that she does not want to hold this application up as this has been a long community process and the Town Engineer, John Foster, has reviewed the study. She stated that she is willing to move forward but reluctantly; Charlie Frizzle agreed. Town Manager, Gary Brown,

replied that he wants the Planning Board to be fully comfortable with their decision with no unanswered questions. Manager Brown asked staff if the only missing piece is the traffic study, when could this come back to the Board and would the architect need to be present? Manager Brown stated the Town Engineer could be present as well as Curt Neufeld to answer any questions. Anna Breinich stated that they could review the traffic study and come back on October 2, 2012 to make a motion on the Final Plan.

A decision was made amongst the Board to review the traffic study portion and table the motion for the Final Plan at their meeting of October 2, 2012.

**MOTION BY DANN LEWIS TO DEEM THE APPLICATION COMPLETE.
SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.**

MOTION BY RICHARD VISSER TO APPROVE THE FOLLOWING WAIVERS:

1. Section 412.2.B.8 – Name, location and width of paving for proposed roads
2. Section 412.2.B.14 – Location of proposed cross section of sanitary sewers
3. Section 412.2.B.16 – Class A Soil Survey

SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

Case Number 12-031 Brunswick Landing Subdivision: The Board will review and take action on a **Sketch Plan** application submitted by the Midcoast Regional Redevelopment Authority to create 43 lots at Brunswick Landing (**Assessor’s Map 40, Lot 2**) in the **BNAS Reuse Zoning District**.

Anna Breinich stated that this is a Sketch Plan for 43 lots. The proposed subdivision is coming about now for future redevelopment leasing or sales of any structures with land attached to it or vacant lots. Anna stated that there may be changes to the Final Plan after it is approved, but will be part of the site plan reviews and to keep in mind that this is only the Sketch Plan. Anna stated that at the Final Plan, Midcoast Regional Redevelopment Authority (MRRA) will be requesting a waiver to the Town’s ordinance standard for Meets and Bounds Survey for each individual lot. Anna has checked with the Town Attorney, Pat Scully, who has stated that this is not a state requirement; this can be done via GPS coordinates and at such time that it goes through the actual development this will be when each individual survey will be conducted. Charlie Frizzle clarified by saying that “for purpose of approving this Sketch Plan and the Final Subdivision Plan,” Mr. Scully has stated that the Board can rely on the GPS mapping coordinates. Charlie added that when individual lots within this subdivision come before the Board, or any other entity for review and approval, that will be when formal on the ground surveys will be conducted. Dana Totman, in reading Pat Scully’s letter to the Board, stated that he believes that the Board should make a motion to waive the normal meets and bounds to allow the GPS lot lines to be accepted; Anna Breinich and Charlie state that this does not need to be done for the Sketch Plan but can wait until the Final Plan. Margaret Wilson stated that Mr. Scully’s language is not that it would meet the requirements but that it could require it, it is not absolute. Anna replied that the Board could require it as a condition.

Steve Levesque, Executive Director of Midcoast Regional Redevelopment Authority, stated that in reference to the meets and bounds, it will be difficult to sell property without the meets and

bounds. He stated that they are fully prepared to meet the requirements. Steve stated that about five years ago they went through a robust planning process to develop the Master Reuse Plan for the base property. He stated that what they want to do is now implement that reuse plan and need to put lot lines around this property. Steve reviewed a map of the transfer property; one large parcel which is conveyed in pieces from the Navy. Steve handed out copies of the deed transfer for the Economic Development Conveyance (EDC) and stated that roughly 75% of the EDC piece has been conveyed. Steve stated that they have tried to memorialize what lots would have looked like had they been plotted using the existing buildings as guides.

Jan Wiegman, Engineer with Wright Pierce, stated the phase 1 subdivision consists of roughly 400 acres which have been broken down into zones for Professional Office, Community Mixed Use, Business Technologies and Industries and Recreation. Jan reviewed the proposed zoning map for the Master Reuse Plan and stated that they have made some adjustments to more closely reflect what the actual uses may be (please refer to Case Number 12-023). Jan stated that the proposed Phase 1 consisting of 43 lots utilizes roughly five miles of existing roadways, and have taken into consideration existing wetlands. Jan stated that they have included an Executive Summary, Traffic Study and noted that they are following Alternative 1. He stated that the summary lists improvement based on the anticipated traffic with this redevelopment plan with the first date being 2016. He stated that they recognize improvements that are needed such as a new roadway to line up opposite Merrymeeting Plaza on Bath road. He stated that the roadway does not follow the Master Reuse Plan exactly but it did follow existing roadways and tried to be practical in approach. He stated that another improvement in the future will need to be a connection to Route 1 which has not been accommodate yet, but will be as the lots develop. Jan stated that lots in Phase 1 will be sewerred and that roughly 17% of the land will be set aside for Open Space and recreation and will be developed as such. Jan stated that they have included a Vernal Pool Study and noted that there are no significant vernal pools located on the property. Jan stated that this plan does not propose any new streets but is using existing streets and are not creating new development but the potential for new development in the future. MRRRA has had discussions with the Sewer District and the Water District who have stated that they have existing capacity leftover from the base closing and until that capacity is used up they still have a fair amount; there is existing electricity, Natural Gas which can be utilized. Jan stated that the base has some detention basins for stormwater and that the direction that they are heading in is smaller watersheds for treatment and will be developed as the lots are developed.

Jeff Peters asked if all the land was turning into a subdivision or if it was only pieces; Steve Levesque replied there are additional properties that they do not have control over yet that will be added as an amendment to this subdivision. Anna Breinich referred Jeff to Section 6 in the application and the proposed subdivision map.

Steve Walker noted that the consultant for the Vernal Pool Study had pool 158 on Lot 43 as significant and asked that this be clarified for the Final Application. Steve asked if the Rare Community Overlay Zone was a new designation; Steve Levesque replied that it is not a formal zone it is self-implied at this time. Steve Walker asked that other resources be listed for the Final Application such as stream channels that may be NRPZ.

Chairman Charlie Frizzle opened to public comment; no comment made, the comment period was closed.

Margaret Wilson asked if there were areas of the plan that were troublesome or had conflicting considerations. Steve Levesque replied that they had the Reuse Plan and noted that for the most part, it was a built infrastructure. Steve stated that there is one area that is a large parking lot, Lot 32 that will most likely be shared by the surrounding lots for shared parking.

Charlie Frizzle asked, in reference to the Section titled Waivers Requested of the Applicant, that Survey was included; Anna Breinich stated that Survey shouldn't be included and not needed until the Final Plan. Charlie asked if the applicant is asking that the Sketch Plan Application Fee be waived; Anna replied that they are asking that this be waived and is include in their application cover letter. Steve Levesque replied that the fee for the Sketch and Final Plan are roughly \$10,000 and noted that they have already paid the fee. Jeff Peters asked what the criteria were for waiving a fee; Anna replied that there are no criteria and that she believes that the Board has never been requested to waive a fee. Anna noted that when a Town application is submitted for the Board to review, the Town pays all application fees. Dana Totman asked how much the application fee was for the proposed Police Station; Anna replied that she could get that information but noted that the fee for Stowe Elementary was roughly \$35,000. Charlie reiterated that the Town pays the fees required and that it is no more wealthy then MRRA. Anna replied that the fee for the Police Station Site Plan was \$2,120. Dana stated that he was trying to connect the fee to the level of work. Charlie replied that Stowe Elementary was one lot versus an entire subdivision. Dann Lewis replied that this plan is to lease or market the property which he believes is their primary source of income and sees this as a problem of cash flow and the fee can be obtained as they go forward and are able to lease and sell properties. Anna replied that she cannot recall that they have ever waived a survey request and noted that they are allowing this survey to be done at a later date; the survey will be costly and they do recognize this and want to move forward.

MOTION BY DANN LEWIS TO WAIVE THE SKETCH PLAN FEE FOR THE TIME. SECONDED BY DANA TOTMAN, APPROVED BY DANN LEWIS AND DANA TOTMAN, UNAPPROVED BY JEFF PETERS, RICHARD VISSER, MARGARET WILSON, CHARLIE FRIZZLE AND STEVE WALKER. MOTION FAILS 2-5

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

Jeff Peters asked if the Board needed to make a motion to approve surveying; Charlie Frizzle replied that they will make this motion at the Final Plan.

MOTION BY DANN LEWIS TO APPROVE THE SKETCH PLAN. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Case Number 12-023 Workshop - Midcoast Regional Redevelopment Authority Subdistrict Amendments: The Board will hold a workshop to review and comment on proposed subdistrict zoning amendments at Brunswick Landing (**Assessor's Map 40, Lot 2**) in the **BNAS Reuse Zoning District**.

Anna Breinich stated that the Midcoast Regional Redevelopment Authority would like to request several amendments to the Brunswick Naval Air Station (BNAS) as what it is known in Appendix 3 of the Brunswick Zoning Ordinance as the BRU District. She stated that MRRA has been working with staff in the development of the proposed amendments. Anna reviewed the zoning map amendments and proposed changes as outlined in her Memo to the Board dated September 24, 2012. Dave Markovich stated that there are five amendments being requested:

1. Rezone a portion of the R-R (Residential) subdistrict to R-CMU (Community Mixed Use) subdistrict (see attached map), approximately 27 acres.
2. Provide for interim uses in the R-PO (Professional-Office) subdistrict.
3. Allow for a new use in the R-CMU subdistrict, Light Industrial Business, and provide definition for said use.
4. Allow for a new use in all subdistricts excluding R-R, Special Event Use, and provide definition for said use.
5. Amend definitions of "Industry Classifications I and II" in a portion of the R-AR (Aviation-Related) subdistrict.

Dave reviewed the history and reasons why MRRA is requesting these zone changes and the addition of the definition for *Light Industrial Business and Special Event Facility*. Dave stated that they believe that these changes make good economic sense and will have minimal impact because of the way the property is currently zoned.

Jeff Peters asked why MRRA needs the Special Use definition added; Anna Breinich replied that part of the reason is because of the Zoning Ordinance and the capability of using a building for a continued Special Events Use longer than two weeks. She stated it is becoming a Use not just an event.

Anna Breinich noted a change in the definition of Special Event Use.

*"Special Event Use: A temporary outdoor or indoor activity that extends beyond the normal uses and standards allowed by the zoning ordinance, sponsored by a for-profit, non-profit or government entity, lasting 14 consecutive calendar days or less for each event held. Activities include, but are **not** limited to, auto, boat and air shows, trade shows, fairs, exhibitions, or other assembly-type event for 200 or more people.*

Other

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF JUNE 26, 2012. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF JULY 10, 2012. SECONDED BY RICHARD VISSER APPROVED UNANIMOUS AMONG THOSE PRESENT.

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF JULY 24, 2012. SECONDED BY MARGARET WILSON APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 8:39 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary