



TOWN OF BRUNSWICK

PLANNING BOARD

BRUNSWICK STATION
16 STATION AVENUE, BRUNSWICK, ME 04011
ROOM 217

PLANNING BOARD AGENDA

**Tuesday, February 26, 2013
7:00 P.M.**

1. **Case Number: 12-031 - Brunswick Landing Subdivision:** After tabling deliberations at the February 12th meeting, the Planning Board will review and take action on a Final Subdivision Plan submitted by the Midcoast Regional Redevelopment Authority (Assessor's Map 40, Lot 2) in the BNAS Reuse District.
2. **Case Number: 13-002 - Zoning Amendment Request :** The Planning Board will hold a workshop to consider an application by the Midcoast Regional Redevelopment Authority to amend the language for the R-AR (Aviation Related) Zoning District in BNAS Reuse District to allow additional non-aviation-related professional office uses.
3. **Case Number: 13-005 - Zoning Amendment Request :** The Planning Board will hold a workshop to consider an application by Bowdoin College to amend the MU3 (Mixed Use / Upper Harpswell Road) Zoning District to include "Residence Hall" as a permitted use.
4. **Other Business**
5. **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.

February 14, 2013
W-P Project No. 12218C

Ms. Anna Breinich
Director of Planning and Development
Department of Planning and Development
28 Federal Street
Brunswick, ME 04011

Subject: Revised Final Plan
Phase 1 Subdivision - Brunswick Landing

Dear Ms. Breinich:

On behalf of the Midcoast Regional Redevelopment Authority (MRRA), we are pleased to submit the revised final plans for the Phase 1 Subdivision of Brunswick Landing. The project benefited from the discussion with the Planning Board at the February 5th workshop meeting. We anticipate that the resulting revisions to the subdivision plans will address the concerns that were expressed by the Planning Board.

The Phase I portion of the subdivision will include 225.10 acres of land within the cantonment area of the former Naval Air Station. There will be 44 lots and rights of ways established around the existing roadways, similar to previous submissions. The layout of the lots was informed by the existing development patterns on the sites as well as FOST parcel boundaries. The FOST parcels are indications of transfers or pending transfers of Navy land to MRRA. Several of the proposed parcels along Fitch Avenue, Pegasus Street and Allagash Drive were influenced by the FOST parcel boundaries.

We have excluded areas from the Phase 1 Subdivision that are currently undeveloped and which will need additional natural resource investigations prior to inclusion in the subdivision. These excluded areas are identified as "Remaining Land of MRRA" on the plans. These remaining lands are not part of the subdivision and cannot be developed without further investigation and approval, as indicated in Note 2.

We have modified several notes to address concerns raised by the Planning Board, including Note 6, which addresses the NRPZ line establishment by further delineation of natural resources at the site prior to development. Note 12 addresses that future development of the parcels is subject to permitting and the development of stormwater management plans. Note 13 clarifies that subdivision approval does not constitute approval of new development activities on the lots.

The subdivision does not propose actual infrastructure improvements. There is a right-of-way that has been reserved for future alignment of the main entrance with the Merry Meeting Plaza entrance on Bath Road, at such time as the improvement is warranted.

Ms. Anna Breinich
February 14, 2013
Page 2 of 2



We look forward to your review and to meeting with the Planning Board on February 26th, 2013 for consideration of Final Subdivision Approval. If you have any questions, please let me know.

Very truly yours,

WRIGHT-PIERCE

A handwritten signature in blue ink, appearing to read "Jan B. Wiegman", with a large, sweeping flourish extending to the right.

Jan B. Wiegman, P.E.
Project Manager

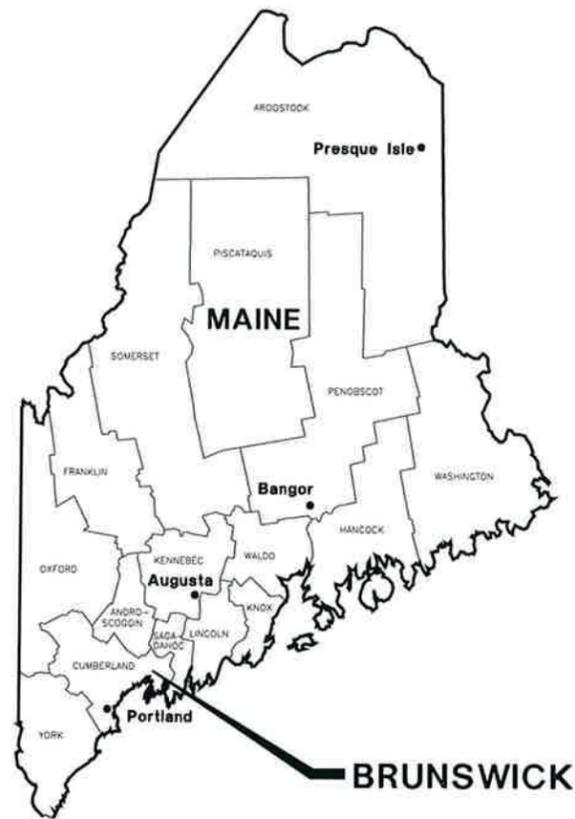
JBW/
Enclosure

cc: Steve Levesque - MRRA

MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY FINAL SUBDIVISION PLAN BRUNSWICK LANDING SUBDIVISION - PHASE I

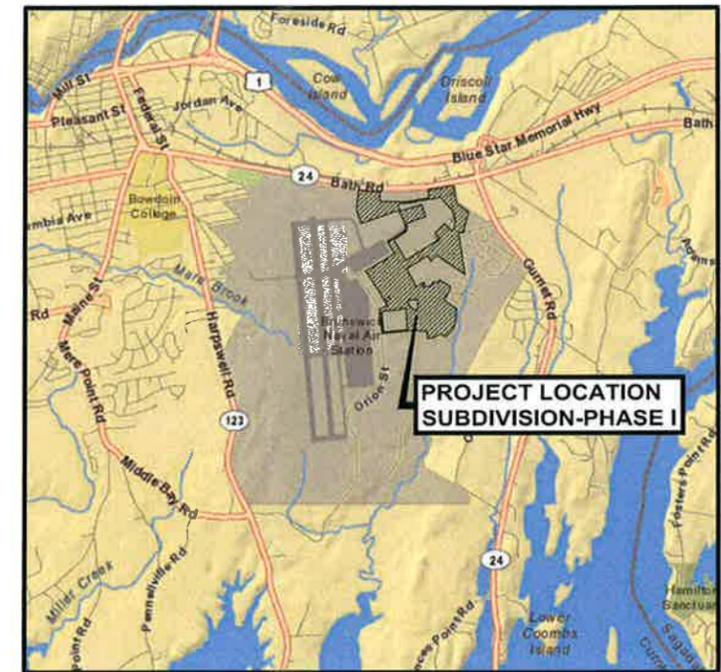
BRUNSWICK, MAINE

FEBRUARY 2013



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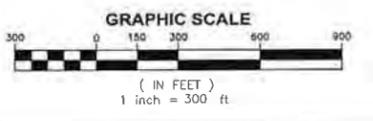
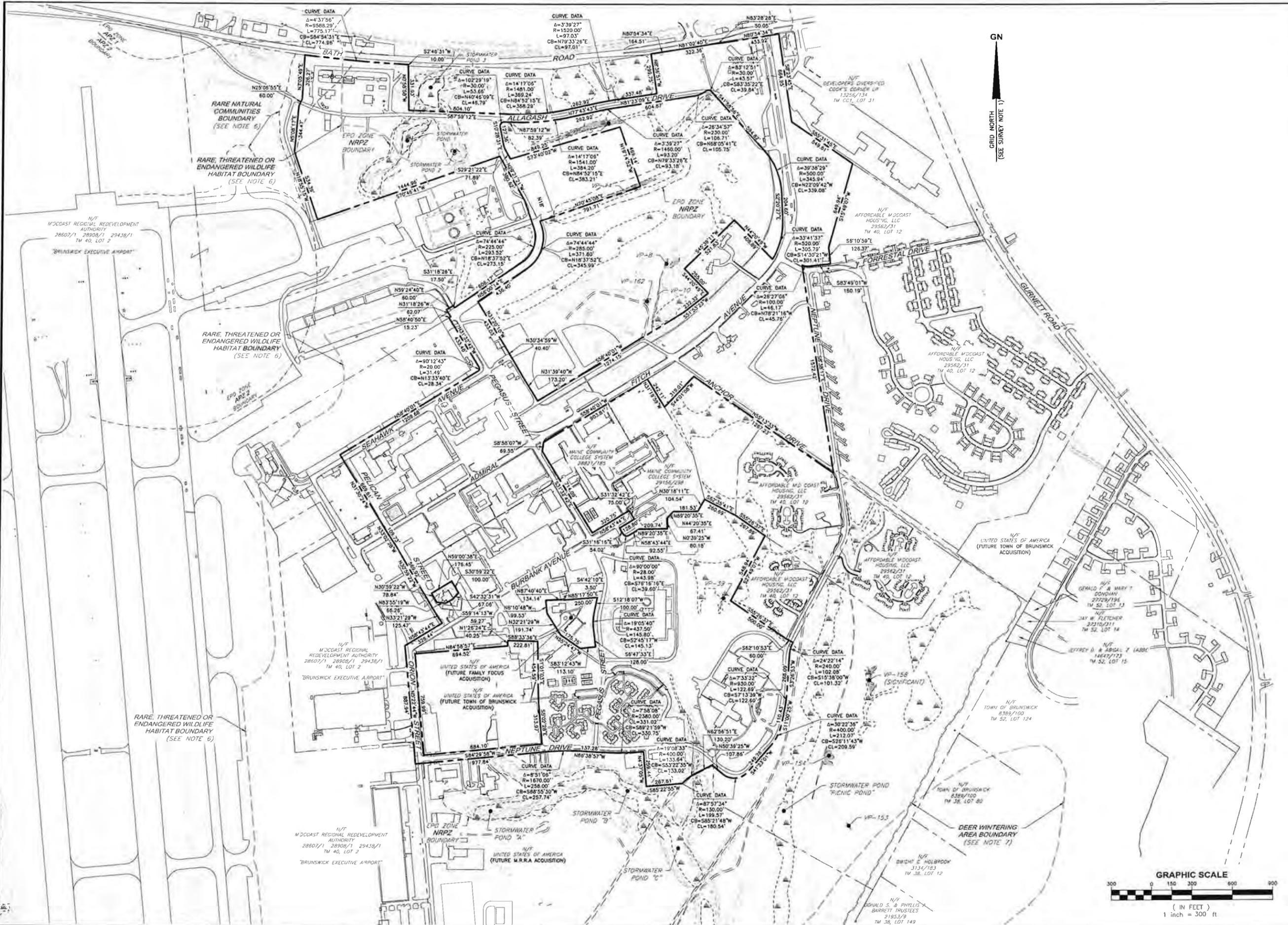


LOCATION PLAN
SCALE: 1"=3,000'

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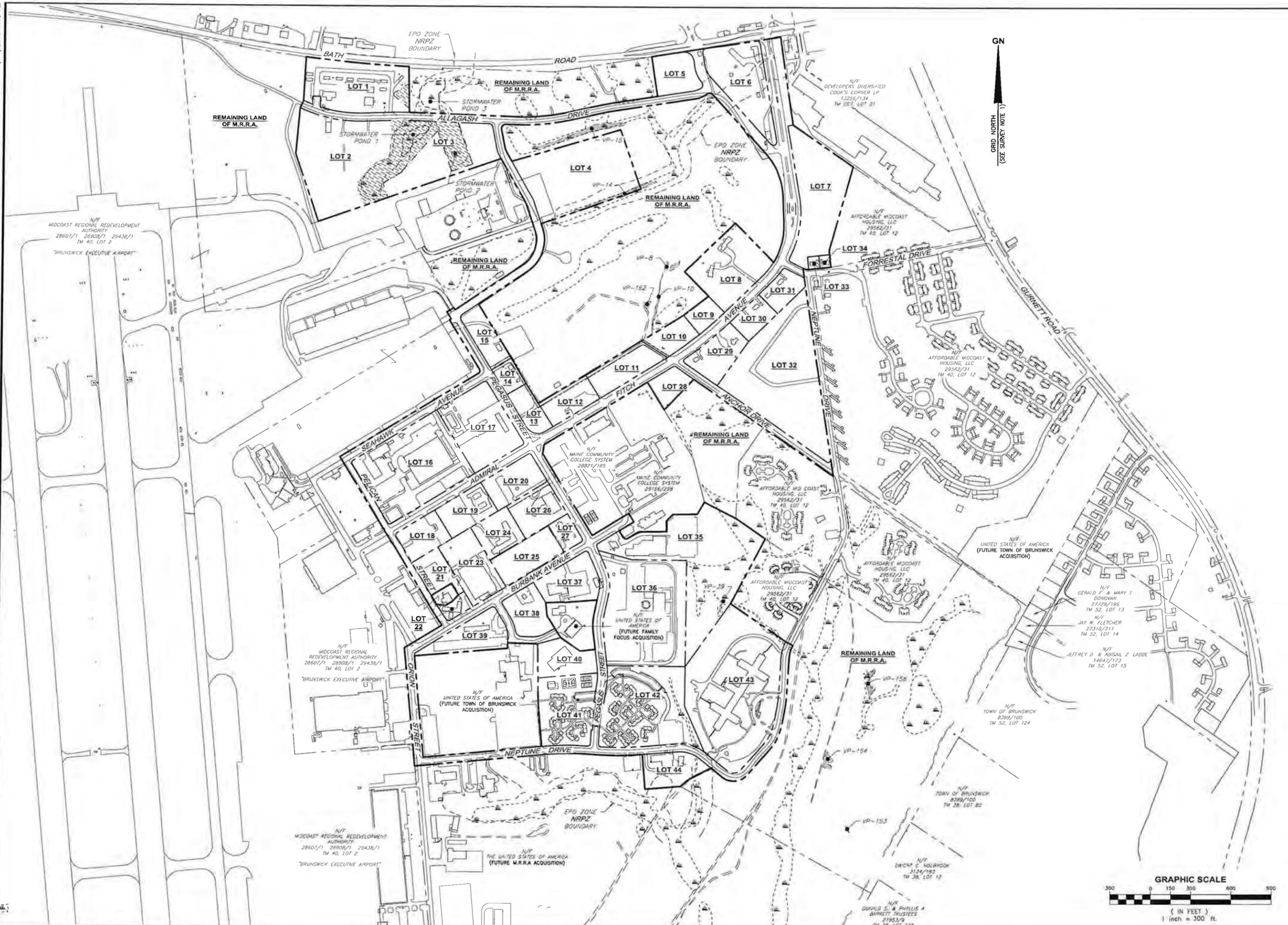
NO.	DATE	REVISIONS
1	1/17/13	RELEASED FOR FINAL SUBDIVISION SUBMISSION
2	1/22/13	REVISED PER PLANNING BOARD COMMENTS
3	2/14/13	REVISED PER PLANNING BOARD COMMENTS

DESIGNED BY: JWB/RCC
 CAD: RPB
 CHECKED BY: RCC
 DATE: 2/14/13
 APPROVED BY: JWB
 DATE: 2/14/13
 PROJECT NO: 12218C



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FINAL SUBDIVISION PLAN
 BRUNSWICK LANDING SUBDIVISION - PHASE I
 BRUNSWICK LANDING
 BRUNSWICK, CUMBERLAND COUNTY, MAINE
 EXISTING CONDITIONS SITE PLAN
 DRAWING
 1 OF 2



NO.	DESCRIPTION/REVISIONS	DATE
1	RELEASED FOR FINAL SUBMISSION	1/7/13
2	REVISED PER PLANNING BOARD COMMENTS	1/22/13
3	REVISED PER PLANNING BOARD COMMENTS	2/14/13

NO.	DESCRIPTION/REVISIONS	DATE
4	REVISION BY RBW/RCC	
5	REVISION BY RBW/RCC	
6	REVISION BY RBW/RCC	
7	REVISION BY RBW/RCC	
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FINAL SUBDIVISION PLAN
 BRUNSWICK LANDING SUBDIVISION - PHASE I
 BRUNSWICK LANDING
 BRUNSWICK, CUMBERLAND COUNTY, MAINE
 OVERALL SUBDIVISION LOT PLAN

LAST SAVED BY: RYAN BEISAW 2/13/2013 5:03 PM

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28607/1 28908/1 29483/1
TM 40, LOT 2
"BRUNSWICK EXECUTIVE AIRPORT"

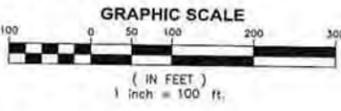
RARE, THREATENED OR
ENDANGERED WILDLIFE
HABITAT BOUNDARY
(SEE NOTE 6)

EPO ZONE
APZ 2
BOUNDARY

RARE, THREATENED OR
ENDANGERED WILDLIFE
HABITAT BOUNDARY
(SEE NOTE 6)

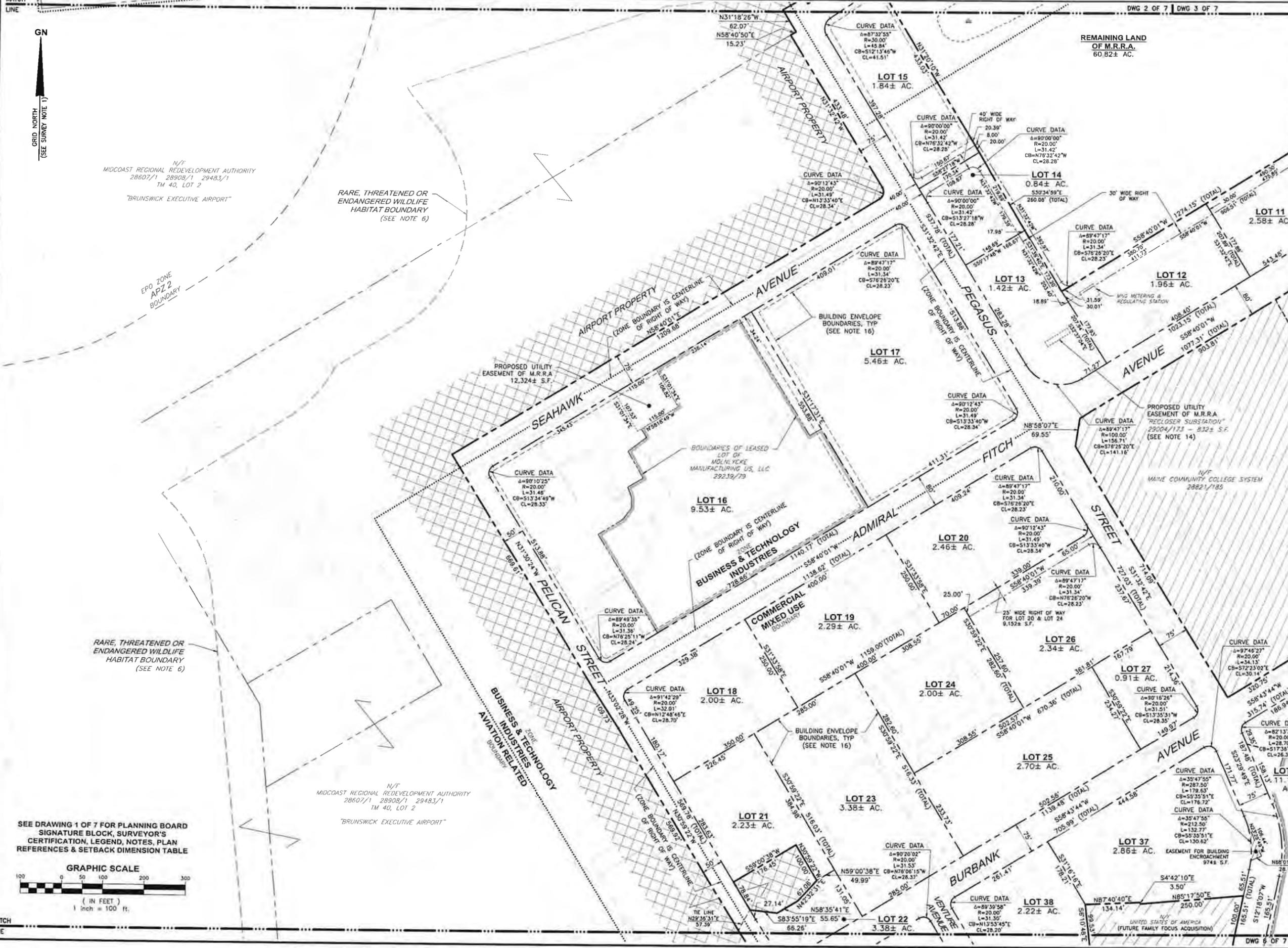
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MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY
28607/1 28908/1 29483/1
TM 40, LOT 2
"BRUNSWICK EXECUTIVE AIRPORT"

SEE DRAWING 1 OF 7 FOR PLANNING BOARD
SIGNATURE BLOCK, SURVEYOR'S
CERTIFICATION, LEGEND, NOTES, PLAN
REFERENCES & SETBACK DIMENSION TABLE



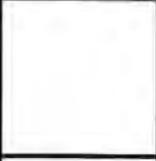
MATCH
LINE

DWG 2 OF 7 DWG 3 OF 7
DWG 5 OF 7
DWG 6 OF 7
DWG 7 OF 7



DATE	TIME	DESCRIPTION
1/17/13		RELEASED FOR FINAL SUBDIVISION SUBMISSION
1/22/13		REVISOR PER PLANNING BOARD COMMENTS
2/14/13		REVISOR PER PLANNING BOARD COMMENTS
2/14/13		REVISOR PER PLANNING BOARD COMMENTS

DESIGNED BY: JWB/RCC
CAD: CUDU/RPB
CHECKED BY: RCC
DATE: 2/14/13
APPROVED BY: JWB
DATE: 2/14/13
PROJECT NO: 12218C



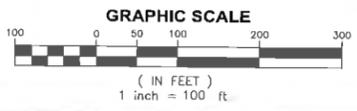
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FINAL SUBDIVISION PLAN
BRUNSWICK LANDING SUBDIVISION - PHASE 1
BRUNSWICK LANDING
BRUNSWICK, CUMBERLAND COUNTY, MAINE
MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY
2 PEGASUS STREET, SUITE 1, UNIT 200 - BRUNSWICK, MAINE 04011
SUBDIVISION PLAN - SHEET 3

DRAWING
4 OF 7



SEE DRAWING 1 OF 7 FOR PLANNING BOARD SIGNATURE BLOCK, SURVEYOR'S CERTIFICATION, LEGEND, NOTES, PLAN REFERENCES & SETBACK DIMENSION TABLE



N/F
 MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY
 28607/1 28908/1 29483/1
 TM 40, LOT 2
 "BRUNSWICK EXECUTIVE AIRPORT"

DESIGNED BY: JAW/RCC		DATE: 1/11/13
C.D. COORD: RPB		DATE: 1/11/13
CHECKED BY: RCC		DATE: 2/14/13
APPROVED BY: JAW		DATE: 2/14/13
PROJECT NO: 12218C		

NO.	REVISION/ISSUES	DATE
1	RELEASED FOR FINAL SUBMISSION	JAW 1/27/13
2	REVISED PER PLANNING BOARD COMMENTS	JAW 1/27/13
3	REVISED PER PLANNING BOARD COMMENTS	JAW 2/14/13
4	REVISED PER PLANNING BOARD COMMENTS	JAW 2/14/13

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FINAL SUBDIVISION PLAN
 BRUNSWICK LANDING SUBDIVISION - PHASE I
 BRUNSWICK LANDING
 BRUNSWICK, CUMBERLAND COUNTY, MAINE
 MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY
 2 PEGASUS STREET, SUITE 1, UNIT 200 - BRUNSWICK, MAINE 04011
 SUBDIVISION PLAN - SHEET 5

DRAWING
 6 OF 7

February 5, 2013

Mr. Charles Frizzle
Chair, Brunswick Planning Board
28 Federal Street
Brunswick, ME 04011

**Subject: Background Information related to proposed
Brunswick Landing Subdivision**

Dear Mr. Frizzle:

Given the various assertions and comments made at the last Planning Board meeting, I would like to offer the following background information regarding the redevelopment of the former Naval Air Station and the necessity of the proposed subdivision plan.

The process for planning and redevelopment of the former NAS Brunswick began over seven years ago. The predecessor of MARRA, the Brunswick Local Redevelopment Authority (BLRA), underwent a comprehensive 18 month process to develop the Reuse Master Plan for the base. This involved an extensive public participation process with over 20 public meetings, plus visioning sessions, planning exercises and tours. The BLRA engaged a team of nationally renowned planning and environmental consultants for the development of this Plan, which was adopted in December of 2007 and was overwhelming accepted by the mid coast community. The Brunswick Town Council accepted the Plan as a component of the Town Comprehensive Plan in early 2008 (see attached Reuse Master Plan Summary).

The Reuse Master Plan focuses on environmental sustainability and smart growth development for the former base properties. It includes a land use disposition program for the 3,300 acres involving:

- 1,000 acres for a public airport and surrounding natural resource protection;
- 1,100 acres for mixed-use, residential, education, commercial and industrial activities (MARRA has since conveyed 245 acres under the housing areas); and
- Over 1,200 acres set aside for conservation & recreation.

Following the acceptance of the Plan, MARRA staff worked with the Town staff to develop a Zoning Ordinance that reflected the adopted Reuse Master Plan. This document was adopted by the Brunswick Planning Board and Town Council in early 2009. MARRA also engaged the firm of WBRC Architects to develop design standards for the redevelopment effort, which was approved in 2010.



Brunswick Landing
MAINE'S CENTER FOR INNOVATION



Brunswick
EXECUTIVE AIRPORT

The Navy contracted with the firm of Ecology and Environment to prepare the Environmental Impact Report (EIS) on the Reuse Master Plan. This extensive analytical and public process took well over a year and found that the Plan, as implemented, would have no adverse impact on the environment. (It should be noted that with the EIS process, the former Navy base is one of the most comprehensively studied parcels of land in the State of Maine.)

There were several mitigation measures recommended in the EIS, one of which applies to the lot 9 area that was planned for office development, adjacent to the airport along Bath Road. This recommendation requires that we should consult with Maine IF&W and DEP as we consider specific development on this parcel. We have already complied with this recommendation in one instance regarding the location of the new wildlife fence for the airport. Planning Board member Steve Walker participated in that meeting as a representative of the Maine Department of Inland Fisheries & Wildlife.

With respect to lot 9, we concur that portions of this parcel do indeed contain sensitive bird habitat that should be avoided in any development activity. With that in mind, this parcel is being included in the wildlife studies associated with the Airport Wildlife Management Plan that is being developed by the USDA and Hoyle, Tanner Associates. Upon completion of this work that parcel may very well be transferred to the airport property to provide for a more uniform management of that resource. However, it should be noted that it still needs to be a lot in order to be conveyed to any other entity.

Since the Zoning Ordinance was approved, MRRA proposed, the Planning Board recommended, and the Town Council has approved several minor amendments to the Reuse Master Plan map and Zoning Ordinance. It should be noted that none of these amendments relaxed any development standards or expanded development envelopes to areas planned for conservation or those containing sensitive plant or animal species. These amendments included:

- Changing the Plan and zoning designation of the former trailer park area (27.5 acres) from Residential to Community Mixed Use;
- Changing the Plan and zoning designation of a 5 +/- acre parcel near the airport from Community Mixed Use to Business and Technology Industries; and
- Amending the Zoning Ordinance to allow non-aviation manufacturing in the Airport zone, create a light-manufacturing use in the Community Mixed Use zone and to allow temporary non-office uses in existing buildings in the Professional Office zone.

MRRA complies with all the appropriate State site law, and air and storm water permits that were transferred from the Navy by DEP to us. Also, we have received several new DEP site law amendments and Town of Brunswick permits for the Mölnlycke, T-hangar and wildlife fence projects. In addition to our existing storm water permit, we have complied with all new storm water regulations on development projects. In fact, the Mölnlycke project was approved as a less intensive development than what previously existed on that site.

It's important to understand that the redevelopment of the former base poses some very unique planning challenges, that don't exist elsewhere in the community. Of the property that has and will be transferred to MRRA, the vast majority is in an already built state and essentially acts as a functional subdivision; with 27 miles of established roadways, over 15 miles each of electric lines, water lines, sewer lines and storm drains, and over 240 major buildings comprising over 1.5 million square feet. However, in the eyes of the law, it is still only considered one lot. In order to be able to market, sell or otherwise convey these properties, we must establish workable lots and gain subdivision approval for the land outside of the airport property. It should be noted that no property within the airport can be sold; it can only be leased.

MRRA has engaged Wright-Pierce Engineers to prepare our Subdivision Plan and submitted it in good faith in consultation with the Town and DEP. This proposal represents approximately 50% of the economic conveyance property that will eventually come to MRRA. Following several meetings with the Town staff and the Staff Review Committee, and a Planning Board meeting to review the sketch plan, we were very surprised, when at the last Planning Board meeting one member announced that he had numerous issues with our submittal. Had we had prior notice of these concerns, we could have addressed them prior to that meeting and been more prepared. (These concerns have been answered in a supplemental letter from Wright-Pierce.)

MRRA fully understands that approval of the subdivision plan does not dismiss the review of specific development projects within the various lots by the Town and DEP, as they are proposed, nor does it release MRRA or any future property owner from compliance with all applicable federal, state or local land use regulations and/or restrictions. A number of parcels on the former base are encumbered with protective deed covenants, including, but not limited to, the prohibition on the use of groundwater without DEP concurrence. In addition, on some portions of the property (where historic industrial uses occurred), MRRA, in conjunction with DEP, has developed and implements a materials management plan to manage soil excavation processes.

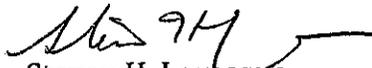
It's also important to note that all properties, when conveyed to MRRA from the Navy, are determined to be environmentally suitable for reuse through a document called a Finding of Suitability for Transfer (FOST). These FOSTs are prepared by the Navy and reviewed by the Maine DEP and the EPA, and document any and all known environmental issues associated with the subject property and clean-up activities (if any), and serve as the basis for any protective covenants or land use controls for specific parcels. These FOSTs are part of every deed that transfers property on the former base. This process protects the Navy and all subsequent property owners.

In summary, MRRA is implementing the Reuse Master Plan as envisioned, and we are being good stewards of the land and the environment. We are meeting all applicable federal, state and local land use and environmental laws and regulations. We have done everything asked of us in this process and have spent thousands of dollars to develop this

Plan. There are several significant real estate transactions and proposals that are anxiously awaiting final approval to be concluded.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steve H. Levesque", with a long horizontal flourish extending to the right.

Steven H. Levesque
Executive Director

Enc.

cc: MRRA Trustees
Anna Breinich, Director of Planning and Development
Jan Wiegman, Wright-Pierce

February 21. 2103

Town of Brunswick – Town Council and
Planning Board Department
28 Federal Street
Brunswick ME 04011

Re: MRRA Subdivision Proposal – Former Naval Air Station Brunswick, Maine

Dear Members and Staff:

I submit this letter to the Planning Board and to the Brunswick Town Council because the Town has appointed me to represent its citizen interest as the Town of Brunswick's appointed representative to the Restoration Advisory Board. This Federally mandated organization of citizens, representatives from the impacted Towns of Harpswell, Topsham and Brunswick, the Navy and its environmental contractors, the Maine Department of Environmental Protection and the federal Environmental Protection Agency collectively addresses the management of remediation of contamination and oil spill issues on the former NASB property. There are 9 active Superfund sites on the site in the process of continuing remediation. In addition, there are 22 Superfund and Non-Superfund sites under review for various reasons. In addition to these "land bounded" sites of concern there is systemic groundwater contamination which flows throughout the property.

Due to the unique contamination issues presented by this property and its transfer of ownership from continuing control and operation by the Navy, the Town of Brunswick adopted special language in its zoning ordinance seeking to capture the important continued oversight necessary for the property to protect residents from direct and indirect health risks presented by this contamination.

To that end the Town adopted:

411.24 Environmental Compliance in the BNAS Reuse and Conservation Districts

All land use controls in the BNAS Reuse District and BNAS Conservation Districts must be implemented and monitored in accordance with state and federal laws governing said Districts. All applications for development review must demonstrate that the proposal takes into account the actions necessary to comply with all state, federal and local institutional controls applicable to the property and that the uses are in conformity with any applicable environmental restrictions. (Amended 7/20/09R)

Recently I became aware that MRRA has offered a subdivision plan for summary approval by the Town. A cursory review of the subdivision proposal notes that it fails to mention, much less comply with the intents and purposes set forth by this zoning board amendment from 2009.

From an environmental perspective there are several contaminated sites that are located in the area identified in MRRA's subdivision proposal as "Phase 1".¹ These particular contaminated sites have their own unique sets of concerns and restrictions:

- * The Old Acid Caustic Pit - hazardous materials disposed in an unlined pit that contains both contaminated groundwater and soil. Work continues to this day to determine Land Use Controls for protection because the concentrations of hazardous substances prohibit unlimited and unrestricted use.
- * Old Navy Fuel Farm, currently the site of a Ball Field, contains unknown risks beneath the soil due to the level of contaminated groundwater and residual contaminated soil from substantial petroleum contamination.
- * An old skeet range also appears to be located in the MRRA Phase 1, which property is currently subject to review and treatment protocol due to soil contaminated with lead and other hazardous materials.
- * Site 17 – the former pesticide storage building for which remediation has not concluded. Work is ongoing to determine the level of DDT present in groundwater samples and the process to determine appropriate land use controls to mitigate human or ecological receptors from contact with this contamination has just begun.

The subdivision application fails to note any of these sites or MRRA's plan to manage potential risks. It is however more significant that this subdivision proposal ignores any reference to groundwater contamination which exists under the entire Phase 1 area of proposed development. Because contaminated groundwater is just 3-5 feet below the sandy soils in many areas of this property there is the risk of exposure to construction workers who may be impacted during any reconstruction efforts be they to buildings, roads or simple landscaping modifications.

¹ The Phase 1 parcel identified in MRRA's Subdivision proposal appears to include land which has been conveyed to MRRA but also property still in control of the Navy and still under active management by the Navy to delineate and define contamination containment and/or cleanup

MRRA fails to demonstrate any proposal for the management and oversight of these contamination issues which are now an integral part of the land to which MRRA has accepted ownership. Also notably absent in its submission is any reference, or location mapping of any of the numerous active groundwater monitoring wells located throughout the Phase 1 subdivision area proposed by MRRA. These wells are critically important to track the levels contamination impacting the entire former NASB property as well as to ensure the adequacy of the Navy's groundwater pump and treat system. Preservation of this series of wells, the contents of which are tested by the Navy, will now be the obligation of the current owner of the property.

Exposure to contaminated groundwater poses a direct threat to human health and to new owners of this property. For this reason, Deed Restrictions from the Navy restrict use of the groundwater. Groundwater can be impacted by construction as well as by stormwater management. Town zoning requirements state that MRRA must demonstrate how they will enforce compliance of this environmental restriction on the groundwater. Nowhere however are there references from MRRA concerning their plan of management for these concerns.

One example of concern for the Town should be the response that is taken once groundwater is accessed in construction on site. This is a serious oversight and should be of concern especially because neither MRRA's own infrastructure system, nor the Town of Brunswick's Sewer treatment system has the capacity to treat the contaminated groundwater from this property. Pumping of 1,4-dioxane contaminated groundwater from a contaminated area which is then pumped from the MRRA (or its subdivided owner's property) and discharged into town sewerage system, can lead to contamination of the Town's own system and possible discharge of untreated contaminants to the river.

The stakes are high because one "accidental" failure to comprehensively manage the contamination issues on this property could lead to a greater expansion of the current contamination, putting the Town of Brunswick in a direct path of funding clean up costs. What these potential costs to the Town may be, what the potential health risks to exposed individuals or to the contamination of fragile ecosystem receptors including shellfish are I cannot quantify. I can state however that for my last seven years of direct experience as the Town of Brunswick representative I, along with many highly qualified scientists, hydrogeologists and engineers have devoted hundreds of hours of review of treatment plans and methodologies for this property to ensure the safe containment and treatment of these contaminants. Now MRRA is putting forward a proposal that is absolutely silent on these issues and completely ignores its obligation to this zoning requirement it agreed to more than three years ago.

Should MRRA seek collaboration with the knowledgeable stakeholders an acceptable plan can be reached without great difficulty. A comprehensive plan to

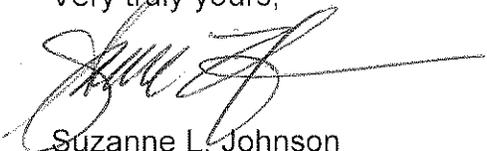
manage for the environmental risks was in place with Base Instructions while the Navy owned the property. MRRA is required to provide thoughtful management and disclosure of its own plan to the Town of Brunswick, not only to be in compliance with the zoning ordinance but also because it is good business practice to do so.

The subdivision plan proposed by MRRA is not in compliance with the Town's ordinance. The subdivision proposed seeks to omit and waive integral and necessary disclosures, not to mention MRRA's efforts to exempt itself from the Site Location law. MRRA as the developer of this property should meet the minimum disclosure requirements as does every other developer in this Town and provide public disclosure of all documents required in the subdivision process. Most importantly, MRRA should be respectful of the public trust that has been vested in them to be thoughtful and mindful of the inherent underlying risks that are presented in the redevelopment of a former military installation. Other communities have successfully redeveloped similar properties without resort to placing residents and workers at the risk of exposure to contamination.

There has been a lot of collaborative work on behalf of the regulators, the citizens and the Navy to get former Navy property transferred as quickly as possible to permit MRRA's early redevelopment efforts. MRRA has had time and continues to have time to work collaboratively in creating a management plan for the property in concert with all impacted parties to ensure future development which is both protective of the remedies in place and responsive to the existing contamination. A subdivision plan which further fractionalizes ownership interests without an overarching management plan is simply unacceptable.

This plan fails to comply with Town requirements and cannot be approved.

Very truly yours,



Suzanne L. Johnson
Brunswick resident representative
To the Restoration Advisory Board

**Stormwater Pollution Prevention Plan
for
MARRA PROPERTY
BRUNSWICK LANDING
BRUNSWICK, MAINE**

Prepared for:

**State of Maine Department of Environmental Protection
Maine Pollutant Discharge Elimination System
Multi-Sector General Permit
Facility Permit # MER05CO27**

Prepared by:

MARRA



**Midcoast Regional
Redevelopment Authority**



Brunswick Landing
MAINE'S CENTER FOR INNOVATION

REVISED 9/18/11

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1.0 EXECUTIVE SUMMARY

On January 12, 2011, the Maine Department of Environmental Protection (MEDEP) processed a Notice of Intent (NOI) for the Midcoast Regional Redevelopment Authority (MRRA) to comply with the *Maine Multisector General Permit for Stormwater Discharges Associated with Industrial Activity*, under the Maine Pollutant Discharge Elimination System (MPDES). MRRA filed under the category of "Air Transportation Facility" (Processing # MER05CO27). This permit was subsequently refiled under the April 26, 2011 permit.

As the former Naval Air Station Brunswick, this facility was previously assigned under the EPA Multi-Sector General Permit SIC #4512.

As part of the conditions of the initial permit, each activity is required to prepare a facility-specific Stormwater Pollution Prevention Plan ("SWP³"). The purpose of the SWP³ is to establish policy, responsibilities and procedures for the stormwater pollution program and to provide technical guidance on pollution prevention due to stormwater runoff from industrial areas.

The stormwater program is designed to reduce the discharge of pollutants into receiving waters of the United States. Elimination of non-stormwater discharges and source controls are the major elements of the stormwater program. The SWP³ consists of Best Management Practices (BMPs), structural controls, education, and inspection procedures to be followed at Brunswick Executive Airport at Brunswick Landing to minimize stormwater pollution.

1.1 PLAN LOCATION

The original signed copy of this document will be retained in MRRA Buildings 37 and Hangar 6.

1.2 PLAN IMPLEMENTATION

The effectiveness of this Plan is dependent upon the adoption of practical stormwater pollution prevention procedures and the willingness of personnel to comply with them. Site personnel must be familiar with all SWP³ protocol and procedures.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

January 12, 2011

MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY
5450 FITCH AVE
BRUNSWICK, ME 04011

RE: Multi-Sector General Permit (Stormwater Discharge Associated with Industrial Activity)

Dear Victoria Boundy:

The Maine Department of Environmental Protection ("DEP") is in receipt of your \$300.00 fee, and has processed your Notice of Intent ("NOI") application for MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY. You are authorized to discharge stormwater associated with Multi-Sector activity pursuant to the terms and conditions imposed by DEP's *Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity*. The facility permit number is **MER05C027** at 5450 FITCH AVE, BRUNSWICK, ME. Please refer to this permit number in all future correspondence regarding this general permit. The active date of permit coverage is January 11, 2011. The 2005 *Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity* is a five-year permit which has been administratively extended. The Department plans subsequent re-issuance of the 2011 five-year permit in the Spring of 2011.

DEP's Multi-Sector General Permit containing the terms and conditions which you are now held accountable is available at our website at mainedep.com (enter keyword MSGP).

If you have any questions concerning the Multi-Sector General Permit, please contact staff at one of our offices:

- Augusta, Main Office - (207) 287-7688
- Bangor, Eastern Maine Regional Office - (207) 941-4570
- Portland, Southern Maine Regional Office - (207) 822-6300
- Presque Isle, Northern Maine Regional Office - (207) 764-0477

Sincerely,

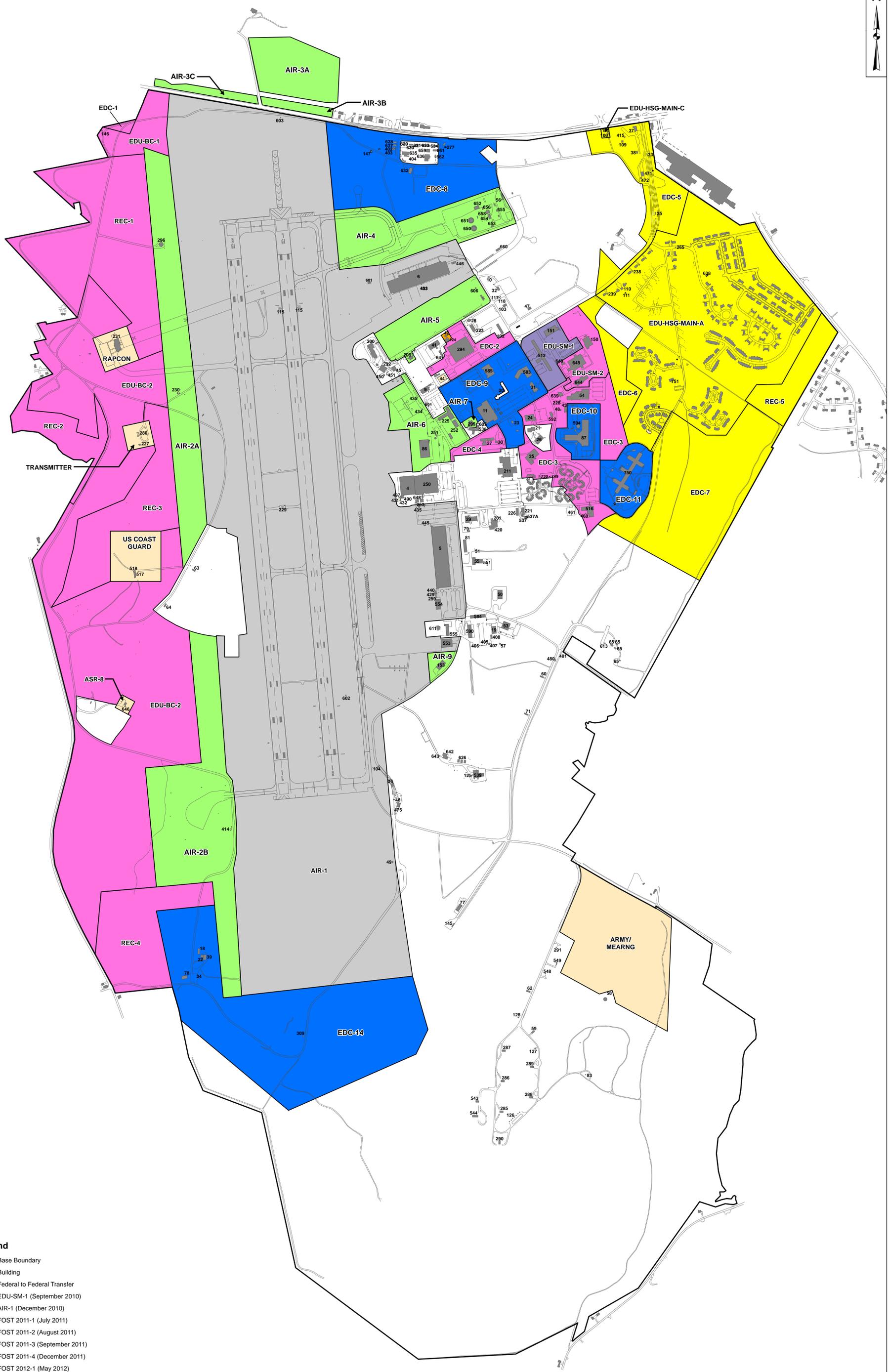
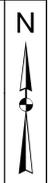
Andrew C. Fisk, Director
Bureau of Land & Water Quality

AUGUSTA
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AUGUSTA, MAINE 04333-0017
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RAY BLDG., HOSPITAL ST.

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106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
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PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



- Legend**
- Base Boundary
 - Building
 - Federal to Federal Transfer
 - EDU-SM-1 (September 2010)
 - AIR-1 (December 2010)
 - FOST 2011-1 (July 2011)
 - FOST 2011-2 (August 2011)
 - FOST 2011-3 (September 2011)
 - FOST 2011-4 (December 2011)
 - FOST 2012-1 (May 2012)



DRAWN BY N. COFRIN	DATE 06/15/12
CHECKED BY	DATE
REVISED BY	DATE
SCALE AS NOTED	

 FOST TRANSFER PARCELS NASB MAIN BASE FORMER NAVAL AIR STATION BRUNSWICK BRUNSWICK, MAINE	
---	--

CONTRACT NUMBER	
APPROVED BY	DATE
APPROVED BY	DATE
FIGURE NO.	REV
1	

Draft Findings of Fact
Brunswick Landing Subdivision – Phase 1 Revised Submission
Major Subdivision Plan Final Review
Original Review Date: January 14, 2013
Revised Submission Review Date: February 26, 2013

Project Name: Brunswick Landing Subdivision – Phase 1 *Revised Submission dated 2/14/2013*

Case Number: 12-031

Tax Map: Map 40, Lot 2

Applicant: Midcoast Regional Redevelopment Authority
2 Pegasus Street, Unit #1, Suite 200
Brunswick , Maine 04011

Authorized Representative: Wright-Pierce
99 Main Street
Topsham, ME 04086

PROJECT SUMMARY

The Midcoast Regional Redevelopment Authority (MRRA) has submitted revised final plans for the Phase I Subdivision of Brunswick Landing, dated February 14, 2013. The revised plans are in response to feedback given by the Planning Board at the January 14th and February 5th meetings, in addition to consultations with the Planning Department. For your reference a copy of the original draft findings and earlier plan, dated January 7, 2013 is also enclosed in your packet.

The original submission (1/7/2013) proposed subdividing 43 lots with a total land area of 399.4 acres, whereas the revised submission (2/14/2013) proposes subdividing 44 lots with a total land area of 225.1 acres, which is an overall land area reduction of 174.3 acres, or 43.6%. As with the previous submission, the rights-of-way and lots are established around the existing roadways. The revised subdivision plan has lots based on existing development patterns and FOST parcel boundaries. In addition, several lots have been excluded from the plan that are currently undeveloped and would benefit from additional natural resource investigations. Overall, original lots 2, 3, 5, 9, 12, 13, 23, and 43 were eliminated from the January 7, 2013 plan. Several lots, including 8, 14, 15, 16, 17, and 24, were reduced in size. The resulting February 14, 2013 plan shows several reconfigured lots that are generally smaller in size, contain existing development or have been previously disturbed, and appear to lack high value natural resources.

The applicant has indicated building envelopes for each lot, which apply zoning setback requirements for the R-CMU, R-PO, R-B&TI, and R-R&OS Districts. The applicant has also applied a 10 foot setback to wetlands, which appear on lots 3, 4, 6, 8, 10, 35, 42, 43, and 44. It is recommended that any future development of lots 1-7, 10-13, 35 and 44 be reviewed and approved by the Planning Board due to the need for further field verification of potential natural resources and rare natural communities/threatened or endangered wildlife habitat areas.

The following waivers have been requested by the applicant:

1. Section 412.2.B.3 – Lot Monumentation: boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments properly identified as existing or proposed.
2. Section 412.2.B.8. – Profiles and cross sections and curve radii of existing streets.
3. Section 412.2.B.14. – Profile and cross section of existing sewers.

Staff recommends approval of the requested waivers.

Review Standards from Section 411 of the Town of Brunswick Zoning Ordinance

411.1 Ordinance Provisions

The revised plans demonstrate adherence to all dimensional and lot configuration requirements within the BNAS Reuse Zoning District for subdistricts R-R/OS, R-R, CMU and R-PO. Lots 1 and 2 are within the rare, threatened and endangered wildlife habitat and rare natural communities boundaries, and staff recommends that the building envelopes be modified to avoid any disturbance of this critical area. *The Board finds that the provisions of Section 411.1 are satisfied with a condition that building envelopes for Lots 1 and 2 be modified to avoid any disturbance of the delineated rare, threatened and endangered wildlife habitat buffer area. .*

411.2 Preservation of Natural Features

Several lots have been excluded from the revised plan that are currently undeveloped and could benefit from additional natural resource investigations. Staff notes that no new development is proposed, and there will not be any new disturbances to existing natural features or resources, including rare, threatened and endangered wildlife habitat and rare natural communities. The proposed subdivision is not within a flood hazard area, there are no proposed disturbances to steep slopes, and all natural features have been noted for subdivision purposes. Further on-site investigation, including wetland delineation maps, will be required as part of the development review process when development is proposed. It is further recommended that a condition of approval be added that all future development on lots 1-7, 10-13, 35 and 44 be required to obtain development review approval by the Planning Board. *The Board finds that the provisions of Section 411.2 are satisfied with the condition that any development proposed for lots 1-7, 10-13, 35 and 44 shall be reviewed and approved at the Planning Board level.*

411.3 Surface Waters, Wetlands and Marine Resources

No disturbances to water bodies, streams, wetlands or vernal pools have been identified on the plan. Any future development activities will require an evaluation of impacts to surface waters, wetlands, and marine resources. It is further recommended that a condition of approval be added that all future development on lots 1-7, 10-13, 35 and 44 be required to obtain development review approval by the Planning Board. *The Board finds that the provisions of Section 411.3 are satisfied with the condition that any development proposed for lots 1-7, 10-13, 35 and 44 shall be reviewed and approved at the Planning Board level.*

411.4 Flood Hazard Areas

According to the Federal Emergency Management Agency, there are no floodplains on the Phase 1 subdivision property. *The Board finds that the provisions of Section 411.4 are satisfied.*

411.5 Stormwater Management

The existing stormwater management system on the site consists of a collection system and several stormwater attenuation ponds with discharges in several locations along the perimeter of the property. Stormwater from the site flows to several watersheds including two urban impaired stream watersheds,

Jordan Avenue Tributary (Androscoggin River) and Mere Brook (Harpwell Sound). In 2011, the MRRA prepared and submitted a Stormwater Pollution Prevention Plan (SWPPP) to Maine DEP and was granted a Multi-Sector General Permit for stormwater discharge overall. All new development is proposed to be managed on a site-by-site basis which is a preferred approach when utilizing low impact development techniques as is encouraged in the Brunswick Landing Design Guidelines and Reuse Plan.

Because no new construction is proposed with this phase of the subdivision, no changes to the stormwater system are required. It is recommended that a condition of approval be included requiring site-specific stormwater management plans in accordance with Section 504 of the Town's Zoning Ordinance for all new development at time of development review. It is further requested that the applicant consider utilizing the more detailed stormwater management ordinance provisions drafted by staff and reviewed by Planning Board. *The Board finds that the provisions of Section 411.5 are satisfied with the condition that site-specific stormwater management plans in accordance with Section 504 of the Town's Zoning Ordinance for all new development at time of development review.*

411.6 Groundwater

The Town has designated 2 Aquifer Protection Zones within the Brunswick Landing site, however no activities are proposed or anticipated that will extract groundwater for commercial or residential purposes. In addition, institutional land use controls imposed by deed by the U.S. Navy restricts any groundwater extraction, without Navy approval. Any future development must meet the APZ requirements. The Board finds that the proposed subdivision will not - alone or in conjunction with existing activities - adversely affect the quality or quantity of groundwater. *The Board finds that the provisions of Section 411.6 are satisfied.*

411.7 Erosion and Sedimentation Control

Because no development is being proposed, the subdivision will not result in soil erosion or a reduction in the land's capacity to hold water. All future development activities requiring development review approval by the Planning Board will be required to apply Best Management Practices as outlined in the Maine Erosion and Sediment Control BMPs, as published by the Maine DEP. *The Board finds that the provisions of Section 411.7 are satisfied.*

411.8 Sewage Disposal

The sewer collection system, including existing sewer lines, manholes, and pump stations, is operated by MRRA and the wastewater is discharged to the Brunswick Sewer District through a trunk line that leaves the site at the main entrance. Because no new development is proposed, there will be no impacts to existing capacity. A letter from the Brunswick Sewer District confirming capacity to serve this subdivision has been provided; the letter does note that future projects and development will require approval from the District. *The Board finds that the provisions of Section 411.8 are satisfied.*

411.9 Water Supply

The water system on the site, including fire hydrants, is operated by MRRA. Water is supplied to the system via two connections to the Brunswick Topsham Water District water distribution system. A letter from the Brunswick-Topsham Water District confirming capacity to serve this subdivision has been provided. *The Board finds that the provisions of Section 411.9 are satisfied.*

411.10 Aesthetic, Cultural and Natural Values

As no development is proposed at this time, the proposed subdivision will not have any undue adverse effect on the scenic or natural beauty of the area, historic sites, or significant wildlife habitat identified by the Maine Department of Environmental Protection, Inland Fisheries & Wildlife, Maine Historic Preservation Commission or by the Town of Brunswick, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. Future development of all lots must consider

and such features at time of proposal in accordance with ordinance standards and other materials included in the FEIS. *The Board finds that the provisions of Section 411.10 are satisfied.*

411.11 Community Impact

Because no new development is proposed, the subdivision will not adversely impact community services. No solid waste impact fee is required as waste is privately contracted by MRRA. Upon such time when new development occurs, the review and permitting process will identify impacts to emergency services and school enrollment. Overall, municipal resources are currently available to service the existing uses on the site. *The Board finds that the provisions of Section 411.11 are satisfied.*

411.12 Traffic

The existing streets are proposed to remain as a private road network that will be maintained by MRRA through a common area maintenance agreement with all Brunswick Landing landowners. The Board finds that the proposed subdivision will not adversely affect the traffic conditions on Bath Road or other public rights-of-way. Any future development requiring site plan approval will be required to evaluate traffic impacts. *The Board finds that the provisions of Section 411.12 are satisfied.*

411.13 Pedestrian and Bicycle Access and Safety

Bicycle riding is permitted on existing streets within Phase 1 of the Brunswick Landing site. A Recreation, Trails, Open Space Management Plan (now under development) for primarily those lands being conveyed to the Town of Brunswick, includes a concept for a perimeter trail to traverse Brunswick Landing. Upon adoption of the management plan by Town Council, any future development of lots created by this subdivision will incorporate the trail system as appropriate. The Board finds that the proposed subdivision will not impact existing accommodations for bicyclists and pedestrian access, safety and circulation within the site. *The Board finds that the provisions of Section 411.13 are satisfied.*

411.14 Development Patterns

No new development is proposed, and any future development will be required to evaluate impacts to development patterns as part of the development review process. *The Board finds that the provisions of Section 411.14 are satisfied.*

411.15 Architectural Compatibility

No new development is proposed, and any future development will be required to evaluate architectural compatibility, in accordance with Brunswick Landing Design Guidelines administered by MRRA. *The Board finds that the provisions of Section 411.15 are satisfied.*

411.16 Municipal Solid Waste Disposal

No solid waste impact fee is required as waste is privately contracted by MRRA. As no new development is proposed, there will be no need for additional solid waste disposal at this time. *The Board finds that the provisions of Section 411.16 are satisfied.*

411.17 Recreation Needs

No development is proposed at this time. Any future residential development will necessitate a determination for recreation impact fees by the Recreation Commission at the time of development review. Presently, the subdivision will not impact the Town's ability to provide recreational services. *The Board finds that the provisions of Section 411.17 are not applicable.*

411.18 Access for Persons with Disabilities

As no new development is proposed, additional access for persons with disabilities is not required at this time. Any future development proposal will require an evaluation of impacts to access for persons with disabilities. *The Board finds that the provisions of Section 411.18 are satisfied.*

411.19 Financial Capacity and Maintenance

As no new development is proposed, evidence of financial capacity is not required at this time with the exception of existing roadway maintenance. As mentioned previously, existing roads will be maintained by MRRA, financed through a common area maintenance agreement with all Brunswick Landing landowners. Any future development proposals requiring site plan approval will be required to include evidence of financial capacity. *The Board finds that the provisions of Section 411.19 are satisfied.*

411.20 Noise and Dust

The subdivision will not generate any additional noise and or fugitive dust. Any future development must meet ordinance standards. *The Board finds that the provisions of Section 411.20 are satisfied.*

411.21 Right, Title and Interest

MRRA owns the subject properties or has purchase and sales agreements from the U.S. Navy giving them sufficient right, title and interest to subdivide the land. *The Board finds that the provisions of Section 411.21 are satisfied.*

411.22 Payment of Application Fees

The applicant has paid all applicable development review application fees. *The Board finds that the provisions of Section 411.22 are satisfied.*

411.23 Additional Design Review Guidelines in the BNAS Reuse and Conservation Districts

Activities in the BNAS Reuse District are subject to separate design guidelines established and administered by MRRA. Conformance with the MRRA design guidelines is not subject to consideration as part of the development review process but all applications for development review must demonstrate that they have completed the MRRA design review process. *The Board finds that the design review process is not applicable at this time, but notes that the provisions of Section 411.23 will be completed on a site specific basis during the development review process.*

411.24 Environmental Compliance in the BNAS Reuse and Conservation Districts

The proposed subdivision complies with all state, federal and local institutional land use controls applicable to the property and that the subdivision is in conformity with all applicable environmental restrictions. *The Board finds that the provisions of Section 411.24 are satisfied conditioned upon evidence of compliance on a site-specific basis at time of future development.*

**DRAFT MOTIONS
BRUNSWICK LANDING SUBDIVISION – PHASE 1
MAJOR SUBDIVISION PLAN FINAL REVIEW
CASE#: 12-031**

Motion 1: That the major development review application is deemed complete.

Motion 2: That the Board waives the following requirements:

1. Section 412.2.B.3 – Lot Monumentation: boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments properly identified as existing or proposed.
2. Section 412.2.B.8. – Profiles and cross sections and curve radii of existing streets.
3. Section 412.2.B.14. – Profile and cross section of existing sewers.

Motion 3: That the Final Subdivision 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. Provision of a fully executed Common Area Maintenance Agreement, as described in Note # 8 of Drawing 1 of 7.
3. Building envelopes for Lots 1 and 2 be modified to avoid any disturbance of the delineated rare, threatened and endangered wildlife habitat buffer area.
4. Preservation of natural features: All future development on lots 1-7, 10-13, 35 and 44 are required to obtain development review approval by the Planning Board, and must demonstrate compliance with the provisions of Section 411.2 of the Town of Brunswick Zoning Ordinance.
5. Surface Waters, Wetlands and Marine Resources: All future development on lots 1-7, 10-13, 35 and 44 are required to obtain development review approval by the Planning Board, and must demonstrate compliance with the provisions of Section 411.3 of the Town of Brunswick Zoning Ordinance.
6. Stormwater Management: site-specific stormwater management plans, in accordance with Section 504 of the Town's Zoning Ordinance, are required for all new development at time of development review.
7. Environmental Compliance in the BNAS Reuse and Conservation Districts: In accordance with Section 411.24 the applicant must provide evidence of compliance on a site-specific basis at time of future development.

* Please note that site plan approvals by the Planning Board shall expire at the end of two years after the date of Final Plan approval unless all construction has been completed by that date (Section 407.4.B of the Brunswick Zoning Ordinance).



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

February 21, 2013

Memo to: Brunswick Planning Board
From: Jeremy Doxsee, AICP, Town Planner
Subject: MRRA Request for a Proposed Zoning Amendment for BNAS Reuse (BRU) Zoning District, Land Use District R-AR

Attached is a copy of a Zoning Amendment Request submitted by the Midcoast Regional Redevelopment Authority (MRRA) pertaining to the R-AR Land Use District, contained within the BNAS Reuse (BRU) Zoning District. The request contains the following supporting materials:

- 1) Cover Letter from MRRA Economic Development Manager David Markovchick, dated January 25, 2013.
- 2) Except of Minutes from the January 23, 2013 MRRA Board of Trustees meeting.
- 3) BNAS Reuse Zoning District/Land Use District map, showing proposed buildings that would benefit from the zoning amendment.
- 4) Aerial photograph.

The R-AR Land Use District currently permits Professional Office uses only in conjunction with "aviation-related activities or uses". This restriction was originally requested by MRRA during the initial drafting of the 2009 Zoning Ordinance amendment creating the BNAS Reuse District and associated Land Use Districts. The request was made as at that time it was MRRA's understanding that the FAA restricted any non-aviation use within their conveyance to the Authority. Since that time, the FAA has clarified that non-aviation uses may be permitted, with the stipulation that all revenue generated by such uses must be allocated to general operations of the Brunswick Executive Airport.

MRRA has indicated that it has an opportunity to lease these facilities for non-aviation business uses. Accordingly, MRRA is requesting that Professional Office be allowed in the R-AR District without being in conjunction with aviation-related activities. MRRA has identified two buildings (250 and 554) that could immediately benefit from the amendment, and has indicated that both facilities are ideally suited for non-aviation professional office uses.

In terms of ordinance structure, the amendment would change "Professional Office" in the use table from a "P³" (allowed only in conjunction with aviation-related activities or uses) to a "P" (Permitted Use).

EXISTING TABLE OF USES (condensed)

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Professional Office	P	P	P ₃	P	X	X
Key: P = permitted use, X= prohibited use						
Notes: 1 = Allowed only as part of a mixed-use building						
2 = Allowed only as an accessory use to another allowed use						
3 = Allowed only in conjunction with aviation related activities or uses						

PROPOSED TABLE OF USES (condensed)

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Professional Office	P	P	P	P	X	X
Key: P = permitted use, X= prohibited use						
Notes: 1 = Allowed only as part of a mixed-use building						
2 = Allowed only as an accessory use to another allowed use						
3 = Allowed only in conjunction with aviation related activities or uses						

In light of the clarification by the FAA that non-aviation uses may be permitted, staff recommends that the “aviation related activities” requirement for Professional Office be eliminated from the R-AR District.

The next step is for the Planning Board to hold a public hearing on this Zoning Amendment Request and thereafter forward its recommendation to the Town Council.



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

February 22, 2013

Memo to: Brunswick Planning Board
From: Anna Breinich, AICP
Subject: Workshop for Case #13-005: Request by Bowdoin College for a Zoning Amendment in MU3 District to Permit Residence Halls

At their February 4th meeting, the Brunswick Town Council received a request from Bowdoin College to consider a possible amendment to the Town's Zoning Ordinance, Mixed Use 3 (MU3) District, to include "Residence Hall" as a permitted use. This request is being made as the College has an interest in purchasing the former Steven's Home, a 16-bed residential care facility, 52 Harpswell Road with the intent to reuse the structure as a residence hall. Presently, "residence hall" is a prohibited use in the MU3 District. By an 8-1 vote, the Town Council moved to request the Planning Board review changes to the Zoning Ordinance regarding amending the MU3 column of "Table 206.1 Use Table" to change Residence Hall from a prohibited use (X) to a permitted use (P).

As delineated by the 2008 Comprehensive Plan Update, Future Land Use Map, the MU3 Zoning District is located within the Town Residential area, envisioned to be primarily a residential and educational area of the Town. Allowed uses generally reflect an established development pattern yet are varied within the area. Appropriate uses include a range of residential uses including small scale multi-family housing and accessory apartments, very limited, small scale commercial uses and home-based businesses compatible with neighborhoods, college related residential and nonresidential uses, and a wider range of nonresidential uses in the existing mixed use areas (MU3 and MU6).

Currently, permitted uses in the MU3 District include bed and breakfast, boarding house, congregate care/assisted living, community center, multifamily residential, and small scale commercial uses. Actual uses include a residence hall (Smith House established in 1972 by Bowdoin College), 2-single-family residences, 2 offices, a convenience store and a site approved for 4 condominium units. Based on the current mix of uses and those permitted within the MU3 District, a residence hall use is similar in nature. It should also be pointed out that a primary difference between a boarding house, MU3 permitted use, and residence hall, MU3 prohibited use, is ownership; the latter use defined as "A facility owned by a post-secondary school to house its students." In other words, a private owner could purchase, be permitted to reuse the Stevens home as a boarding home or condominiums and rent to college students, thereby having the same type of use/impact as a residence hall use, albeit under different ownership. As a matter of information, a Boarding House is defined by the Town's Zoning Ordinance as "a building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two persons per room (excepting minor children) which are offered for rent, with or without meals. Includes a college fraternity or sorority."

I look forward to your discussion during the workshop.

206 GROWTH DISTRICTS/MIXED USE

<u>District Name</u>	<u>Geographic Reference</u>
MU2	Intown Railroad Corridor
MU3	Upper Harpswell Road
MU4	Fox Run
MU6	Lower Harpswell Road

Note: MU Districts located in Rural Areas (MU1 & MU5) are found in Section 208

Table 206.1 USE TABLE

Use/District	MU2	MU3	MU4	MU6
Bank	P	-	-	-
Bed and Breakfast	P	P	P	P
Boarding House	P	P	P	P
Business Office	P	P	P	P
Car Wash	X	X	X	X
Congregate/Assisted Living	P	P	-	- (Amended 9/4/01 R)
Convenience Store	-	P	P	P (Amended 7/5/05 R)
Club or Lodge	P	-	-	-
College Dining Facility	X	X	X	X
Community Center	P	P	-	-
Contractor's Space	-	X	-	-
Drive-Through	P	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P
Gasoline Sales	-	X	X	X
Golf Course	X	X	X	X
Greenhouse or Florist	P	P	-	-
Educational Facility	P	X	-	-
Farm	X	X	P	X
Hotel	P	-	-	-
Industry Class I	P	X	-	-
Industry Class II	-	X	X	-
Kennel	-	X	X	X
Library or Museum	P	-	-	-
Media Studio	P	-	-	-
Motor Vehicle Sales	P	X	X	X
Motor Vehicle Repair/Service	P	X	X	X
Parking Facility	P	P	-	- (Amended 6/6/11 R)
Photographers/Artists Studio	P	P	-	-
Professional Office	P	P	P	P
Recreation Facility	P	-	P	P
Religious Institution	P	P	P	-
Residence Hall	X	X	X	X
Restaurant	P	P	-	-
Retail Class I	P	X	P	-
Retail Class II	P	X	-	-
Service Business Class I	P	-	-	-
Service Business Class II	P	-	-	-
Veterinary Office	P	-	-	-
Warehousing and Storage	P	X	-	-
Theater	P	-	-	-

Key: P="permitted use"; X="prohibited use"; "-"=Special Permit required, see Section 701.
See Section 306. Supplementary Use Regulations

**BRUNSWICK PLANNING BOARD
JANUARY 14, 2013**

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

STAFF PRESENT: Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Monday, January 14, 2013 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

Introduction of Town Planner Jeremy Doxsee, AICP

Jeremy Doxsee introduced himself and stated that he is happy to be a part of our community.

Case Number: 12-031 Brunswick Landing Subdivision: The Board will review and take action on a **Final Plan** application submitted by the Midcoast Regional Redevelopment Authority to create 44 lots at Brunswick Landing (**Assessor's Map 40, Lot 2**) in the **BNAS Reuse Zoning District**.

Jeremy Doxsee introduced the Brunswick Landing Subdivision and stated that this subdivision is to subdivide approximately 390 acres into 43 lots. The applicant is not proposing any new development at this time but would like to establish the subdivision so that they may effectively market the property. Development review would proceed at that time that development would occur. Steven Levesque, Executive Director of Maine Regional Redevelopment Authority (MRRA), began by stating that this plan memorializes what is already in existence and that this plan attempted to stay where existing road and infrastructure are on the property. Steven stated that they own most of the property and have a purchase and sale agreement for the rest; this is sort-of a Phase 1 approach. Steven noted that, in reviewing the lot lines, they have made consideration for vernal pools, wetlands, and the like. Jan Wiegman, of Wright Pierce, reiterated that the basis for the proposed plan was to create rite-of-way's around existing roadways, establishing lots around existing buildings and other lots that were reasonable. Jan reviewed the Brunswick Subdivision Plan Phase 1, revision date 1/7/2013. Referring to drawing two of seven, Section 9, Steve Walker asked if the proposed stormwater ponds were in existence; Jan replied that they are. Steve asked for MRRA to clarify this in the plans.

Chairman Charlie Frizzle opened the public hearing. No comments made, the public hearing was closed.

Steve Walker stated that he has many concerns with the proposed subdivision and reviewed his concerns provided below.

- Town has a requirement to show overlay designations. The applicant has attempted to depict the NRPZ by copying the approximate NRPZ boundaries from the town zoning map, but streams need to be field determined to accurately depict NRPZ limits.
- Stormwater management plan:

- Drawing 2 of 7 shows proposed stormwater ponds, but ponds currently exist. Drawings need to clarify existing versus proposed.
- Recommend changing how threatened and endangered wildlife is depicted. Currently plan (figure 3.12.2) depicts the internal IF&W review buffer, which includes a 250 foot buffer around habitat. The buffer should be eliminated. An endangered plant occurrence is mapped in the EIS, but not shown on Lot 9.
- Significant wildlife habitat – the applicant has shown limits of deer wintering habitat on lot 43, but has not included Significant Wildlife Habitat associated with vernal pools.
 - There is a process for formally designating Significant vernal pools that needs to be followed in order to accurately depict this Significant Wildlife Habitat type. The applicant has done a vernal pool assessment but it is based on aerial photos and limited verification. There has not been a comprehensive vernal pool survey or wetland delineation.
 - Once vernal pools field surveys are conducted, data needs to be submitted to DEP and MDIFW for review and acceptance. Once accepted by the DEP a formal designation of “significant” is given and a 250’ buffer around vernal pools becomes Significant Wildlife Habitat.
- The EIS vernal pool report is based on primarily on aerial photos, which can miss vernal pools. To say the survey is complete within these 399 acres is an overestimation.
- Wetlands:
 - The applicant has provided a highway methodology function value assessment. This is a much different animal than a field delineation, which our ordinance requires for all subdivisions.
 - The report that the applicant is using is based on reconnaissance level field visits following up on the 1998 aerial photo wetland interpretations.
 - The report says formal wetland delineations have not been completed. Accepting this as a complete depiction of wetlands is not consistent with our ordinance and the application should not be considered complete.
 - There is a technical methodology based on field assessments that the ACOE requires of all applicants. Our ordinance requires it, and Mary Beth Richardson’s letter states that cumulative wetland impacts will be assessed for this project, so the DEP will require a level of detail that hasn’t been provided.
 - I have been using 1998 aerial photo reconnaissance level wetland surveys for work on the Rec 7 Parcel, in some work I am doing for the Town. I’ve done field delineations and have found over 20 wetland crossings in the proposed trail network in the 100 acre site, only 2 or 3 of which were picked up by the 1998 aerial photos.
- Building Envelopes:
 - Envelopes show an acceptable location for principle and accessory structures. Applicants that submit natural resource surveys are required to show building

envelopes that show avoidance measures taken to protect significant resource areas. This wasn't done for this application. It is a serious omission that compromises the Board's ability to review Section 411.2 (project will maximize protection of nature features) and Section 411.10 (project will not have an undue adverse impact on significant wildlife habitats identified by the DEP or rare and irreplaceable natural areas).

- Lot 9, in particular, has rare habitat and the lot boundary has been configured so that any tenant proposing any type of future development would create some level of adverse impacts. Marketing and developing other lots that haven't been adequately delineated for natural resources would likely result in other adverse impacts that could be avoided if resource surveys are conducted up front and building envelopes drawn based on field survey findings.
- Showing building envelopes is a requirement that the PB has always maintained for other applicants. (summary provided by Jeremy Doxsee, Town Planner)

Charlie Frizzle asked if Steve Walker would be comfortable with conditioning the proposed subdivision addressing the comments mentioned, specifically those in the individual Lot reviews. Steve replied that he appreciates Seven Levesque removing Lots 9 and 43; this makes a much better project ecologically and allows for more time to figure out how to utilize those lots more usefully. Steve stated that in terms of the lot-by-lot approach, he feels that this would be new precedent. Jeff Peters replied by reiterating that MRRRA can't market the land until it is subdivided and to subdivide the land you need to have an idea of how it is going to be used. Jeff stated that it seems like they are being asked to divide the land up so that it makes sense now with the idea that once the land begins to sell, the Planning Board would address development on a case by case basis. Jeff feels that by taking this approach, they are setting themselves up for problems in the future. Dana Totman stated that he agrees that there needs to be some level of consistency but noted that DEP Site Laws include Navy Bases; they set the precedent that sometimes things are different. Dana stated that it seems that they are dealing with Town Attorney, Pat Scully's, letter on how to go about this and what the town has asked for. Dana stated that what is troubling is that applications have a process and go through Staff Review. In that process they have the ability to utilize outside resources to do much of this work and none of Steve Walker's comments were raised; seems like the Planning Board is doing staff type work that should have been caught somewhere along the way. Dana stated that he is disappointed in the package that they have received. Margaret Wilson, replied that she believed, in regards to the letter from Pat Scully, was that it pertained to GPS versus a boundary survey and does not believe that they were misleading in terms of wetlands or such. Charlie Frizzle replied that Pat Scully's letter mentions meets and bounds in the very last paragraph while the rest of the letter deals with what Dana has spoken about. Charlie stated that the letter sets the stage for where the Planning Board is today on whether to consider a bare bones site development and leave some of the details to the future development process. Steve replied that they may be called details but they are the understanding of the land being used; some of it may be details but some of it is fairly significant. Steve stated that there is an exemption in site law for what is the built environment in former military bases, not undeveloped land necessarily.

Steven Levesque suggested removing the lots which do not currently have buildings on them with the remaining lots to be included in Phase II. Lots 9, 2, 7, 3, 6, 5, 12, 24, 23 and lot 43 would be Phase I.

Chairman Charlie Frizzle opened the public comment period per request.

Jacqueline Sartoris, resident of 14 Bowdoin Street and former Brunswick Town Councilor, stated that she is troubled with some of the discussion with respects to the environmental standards and site law. Jacqueline stated that she has asked DEP to review the letter that they sent to MRRA on November 20, 2012 (refer to Section 3 of the Subdivision Plan). Jacqueline stated that the law is clear and states that when bases change hands that “the lots which are related to existing buildings and the rights-of-way of roads should not have to go through site review”, but would still maintain that all of the local standards should be met in order to declare the application complete. Jacqueline stated that it looks as though lots 2,3, 5, 7, 9, 10, 11, 12, 13, 16, 21, 22, 23 and 24 do not have existing buildings and would require discretion where the lines are being drawn. Jacqueline asked where the discretion comes from if it does not come from the exemption. Jacqueline, referring to the letter from Mary Beth Richardson, DEP, states that “establishing rights-of-ways along the existing roads and creating lots using the existing buildings as guidance.” Jacqueline states that Mary Beth’s understanding is clear and noted that there are a lot of Lots that don’t have buildings and are not clearly delineated by existing roads. Jacqueline has asked Mary Beth Richardson and asks that the Town consider making the same request as these lots do not meet the exemption standard and must be permitted through site law. Jacqueline asked that the Planning Board hold MRRA to the same standards that would apply to any applicant. Jacqueline stated that she understands the costs associated with wetland boundary delineation and that the groundwork for all the lots could take a lot of time. She also understands splitting off the lots to facilitate the transfer and money movement for base redevelopment. Jacqueline asked that the Planning Board table the application or ask the applicant to withdraw and come back with a completed application to avoid the wetland delineation issues.

Jacqueline provided the Board with copies of the letter she sent to Mary Beth Richardson and noted that Lot 9 is just one indication that the application does not meet the exemption. Jacqueline also provided comments from citizens referring to the habitat in Lot 9. (Please see the attached letter to Mary Beth Richardson from Jacqueline Sartoris, dated 1/14/13 and letter from Derek Lovitch dated 1/14/13.)

Chairman Charlie Frizzle closed the public comment period.

Charlie Frizzle reviewed the proposed changes in application:

- Modify the existing application to include only those lots with buildings on them or development
- Table the application

Dann Lewis suggested moving forward with the lots that already have development. Charlie Frizzle stated that the lot list will need to be reconciled as they have heard many variations. Jeff Peters stated that he recognizes the need to get a plan that works but that he is unsure and wonders if changing the plan to include specific lots will change the staff’s view. Richard Visser stated that there is a lot of uncertainty in his mind and would prefer to table. Charlie suggested that MRRA come back with possibly a re-phrasing to move forward.

Charlie Frizzle suggested to table and leave to MRRA to come back with a resubmittal.

MOTION BY RICHARD VISSER TO TABLE THE APPLICATION. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

Other

- Charlie Frizzle stated that there will be a meeting scheduled for 1/29/13 in reference to the Village Review Board demolition as requested by Town Council.

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF SEPTEMBER 25, 2012. SECONDED BY DANA TOTMAN, APPROVED UNANIMOUSLY.

MOTION BY DANA TOTMAN TO APPROVE THE MINUTES OF OCTOBER 2, 2012. SECONDED BY JEFF PETERS, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY STEVE WALKER TO APPROVE THE MINUTES OF OCTOBER 9, 2012. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

Adjourned

This meeting was adjourned at 8:05 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
JANUARY 29, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis (dismissed at 7:55), Dana Totman, Richard Visser and Steve Walker

MEMBERS PRESENT VILLAGE REVIEW BOARD: Chair Emily Swan Elisabeth Marr, and Brooks Stoddard

STAFF PRESENT: Anna Breinich, Jeremy Doxsee and Town Attorney Pat Scully

A meeting of the Brunswick Planning Board was held on Tuesday, January 29, 2013 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Vice Chair Margaret Wilson called the meeting to order at 7:00 P.M.

Workshop: The Planning Board and the Village Review Board will hold a workshop session to discuss amendments to the Town Zoning Ordinance, Chapter 2, Section 216, Village Review Overlay Zone. Topics will include current ordinance issues to give staff guidance for drafting amendments and time schedule.

Anna Breinich began by reviewing that this workshop is a time for both the Planning Board and the Village Review Board to discuss board composition, review criteria (demolition and non-demolition) and jurisdictional considerations and to give feedback to staff on the direction that they wish staff to continue drafting the ordinance. Anna stated that staff would also be providing examples of options being discussed to the Board members. Anna reviewed the Village Review decision tree. Pat Scully added that the way this is being presented allows both Boards the opportunity to approach the revision with a blank sheet; back to basics.

Village Review Composition

Margaret Wilson stated that Village Review Composition seems broad and open ended but asked if it needs to be more specific. Emily Swan replied that the ordinance used to be specific but it became difficult to find individuals to fill those slots. Emily stated that she does not see that the open-endedness has weakened the Board and pointed out that Elizabeth Marr does live in the Village Review District and Brooks Stoddard holds an Architectural Engineering degree. Discussion between members of the Boards on whether to be prescriptive as to the composition of the Village Review Board; if so, how many seats should be prescribed or should they leave the composition of the Village Review Board as is. Anna Breinich added that in researching other towns, more are using the professional qualification standards as a base to then say “in the absence of”. It was agreed at this time that someone who resides within the Village Review Overlay Zone should hold a seat on the Village Review Board and that the Town should be a more active in recruiting members for the Village Review Board. It was decided to play up the need for an architect, historian, construction/engineering individual as well as a resident but to remain open and not prescriptive.

Jurisdiction

Margaret Wilson asked what the Village Review Board should be looking at geographically; what are their categories. Anna Breinich reviewed the geographic overlay zone that the Village Review Board currently covers. Members discussed whether the Village Review Board should also cover those structures listed on Brunswick's Top 100 Historic Structures as well as those listed in the National Register District and Nationally Registered properties. Margaret Wilson stated that it is hard to talk about what the jurisdiction should be without know what the purpose is and stated that the current ordinance has a specific purpose in the Village Overlay Zone. Dana Totman pointed out that it wasn't the Council's charge to consider adopting a Village Review District but to review the Village Review Board ordinance. Charlie Frizzle suggested implementing a set of design guidelines for the Village, as it is established, and implementing them the way that the Planning Board implements the Cook's Corner Design Guidelines. Emily Swan replied that it is easier to apply design guidelines in an area that is changing all the time whereas the Village is buried and it would be difficult to contain all the options that would be available in one set of design guidelines. Anna Breinich clarified that Cook's Corner has Design Standards and the Village Review Zone has Design Guidelines which are not part of the Town Ordinance. Emily stated that given the time restraints and the charge by Town Council, she does not believe that this is the time to go beyond what the Comprehensive Plan has prescribed in terms of jurisdiction; in terms of standards there is a lot to discuss. Margaret asked what protection applies and who enforces the protection for the Nationally Registered Districts in Brunswick, Federal Street and Lincoln Street; Brooks Stoddard replied that it is mainly educational and the only protection is if a building is going to destroy or impact the street using federal funds, then the State Historic Preservation Office will step in. Margaret reiterated that it only applies if they are using federal funds for the project. Steve Walker reviewed pages 43 and 50 of the Comprehensive Plan in terms of expanding the Village Review jurisdiction and asked if members of the Village Review had any interest in doing what it prescribes. Emily replied that she didn't think there would be any objection but doesn't think that this should replace the Downtown Zone; Brooks agreed. Margaret asked if they should they cover all the buildings in the district to preserve the character or if are there some buildings that don't need to be looked at; Emily replied that this could result in gaps in the historic fabric. Discussion among members on contributing and non-contributing structures. Margaret asked if members wanted to refine the ways that they are looking at buildings in the existing or expanded Village Review Zone or do they want to attempt to be more expansive and protective of those other locations outside the Village Review Zone. Dana Totman asked if the Planning Board could assume the responsibility of doing the historical review and considerations for those outside the Village Review Overlay Zone and during the ordinance rewrite expand and enhance the discussion and review. Margaret added they could also increase the protection for those outside the zone during the rewrite. Discussion among members on Brunswick's Top 100 Historical Structures; are there more, possibly creation of a definition approach town wide or possibly a floating overlay or performance standard that would apply to a specific historic structure. Anna clarified that Brunswick's Top 100 Historic Structures survey is town wide and not just in the Village Review Zone. It was decided to hear more from staff about the different approaches and examples they have from other towns.

Non-Demolition Review Criteria

Margaret Wilson asked members of the Village Review Board for specifics in the standards for new construction, additions or alterations that were difficult to reconcile or too ambiguous. Emily Swan replied that if the standards are clear enough then they should work in all the areas but added that consistency with neighborhood character in scale and style, preservation of neighborhood character and streetscape which are listed in the purpose section should be standards. Emily added that if the standards are too vague they may not withstand scrutiny or not provide enough guidance to applicants. Pat Scully agreed that in working with some of the current standards it has been tough and stated that his concern is whether or not the current standards go far enough to make it clear what needs to be shown to justify a yes or no vote from the Village Review Board. Charlie Frizzle asked why there needs to be a separate board to review historic preservation when the Planning Board reviews many of the same questions in Sections 411.10, 411.14, 411.15; Emily replied that the Planning Board doesn't review changes that make the village what it is or don't fall within the Planning Board purview. Margaret Wilson asked if there are specific things that they feel change the character; what are the really protecting against or is it fine tuning the detail. Discussion among both Boards on how to more effectively apply the Design Guidelines. Pat Scully stated that he sees potential problems with the last two standards in Section 216.9.a.1.d and e. Emily replied that provision e was to fix provision d. Members felt that the last two provisions could be removed.

Demolition Criteria

Charlie Frizzle said that if you are dealing with historic preservation on a designated historic structure, demolition needs careful scrutiny but for non-contributing structures, even in the Village Review Zone, doesn't need much if any review. Margaret Wilson noted that there is nothing in the ordinance with respects to economics and viability and asked if standards should be added addressing these. Emily Swan reviewed the Narragansett demolition criteria and stated that she likes this example. Emily noted that there is lack of community thinking for demolition and that the zoning downtown constricts the options that landowners have.

Members reviewed the staff proposed timetable; Anna Breinich replied that the table is very aggressive and would like to see a complete first draft by the end of February.

Adjourned

This meeting was adjourned at 9:00 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary