

**BRUNSWICK TOWN COUNCIL**  
**Agenda**  
**April 1, 2013**  
**6:30 P.M. – Executive Session**  
**7:00 P.M. – Regular Meeting**  
**Municipal Meeting Room**  
**Brunswick Station**  
**16 Station Avenue**

**Executive session – Economic Development to discuss the MRRA TIF per 1 M.R.S.A. §405(6)(C)**

Roll Call

Pledge of Allegiance

Public Comment:

Correspondence:

Adjustments to the Agenda:

**MANAGER’S REPORT:**

- (a) Council Committee Updates
- (b) Report from the Downtown and Outer Pleasant Street Master Plan Implementation Committee
- (c) Announcement for Route 24 Corridor Study public meeting
- (d) "Poem in Your Pocket" Proclamation (*Action Required*)
- (e) Schedule for budget

**PUBLIC HEARINGS**

- 33. The Town Council will hold a public hearing on the following special amusement license, and will take any appropriate action.

Byrnes Irish Pub LLC  
D/B/A: Byrnes Irish Pub LLC  
16 Station Ave

Joe Byrnes

**HEARING/ACTION**

34. The Town Council will hear public comments on amendments to Chapter 11 “Marine Activities, Structures, and Ways” to allow bushel licenses, and will take any appropriate action. (Chair Wilson)

**HEARING/ACTION**

35. The Town Council will hear public comments on amendments 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 special permit use (-), and will take any appropriate action. (Councilor Favreau)

**HEARING/ACTION**

36. The Town Council will hear public comments on amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices, and will take any appropriate action. (Manager)

**HEARING/ACTION**

### **NEW BUSINESS**

37. The Town Council will consider adopting the following resolutions: “Resolution Amending the 2012-13 Budget and Appropriating \$345,580 from the Unassigned Balance of the General Fund to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and to Fund the Acquisition of Another New Fire Department Rescue Vehicle” and “Resolution Amending the 2012-13 Budget and Authorizing the Design and Re-construction of College Street and Related Improvements, with Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under this Resolution,” and will take any appropriate actions. (Manager)

**ACTION**

38. The Town Council will consider a request from Five River Arts Alliance for music in front of Cool as A Moose when the ArtWalks occur, and will take any appropriate action. (Councilor Knight)

**ACTION**

39. The Town Council will consider a request from the Brunswick Downtown Association for use of the Lower Mall for the Taste of Brunswick Event, to be held on June 22, 2013, and will take any appropriate action. (Councilor Knight)

**ACTION**

40. The Town Council will consider appointments to the Town’s Boards and Committees, and will take any appropriate action. (Appointments Committee)

**ACTION**

### **CONSENT AGENDA**

- (a) Approval of the Minutes of March 18, 2013

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE  
COMMUNICATION SHOULD CONTACT  
THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)**

**Brunswick Town Council  
Agenda  
April 1, 2013  
Council Notes and Suggested Motions**

**Executive session – Economic Development to discuss the MRRRA TIF per 1 M.R.S.A. §405(6)(C)**

*Suggested Motion:*

Motion to go into executive session to discuss Economic Development regarding the MRRRA TIF per 1 M.R.S.A. §405(6)(C),

**MANAGER’S REPORT:**

- (a) Council Committee Updates: Councilors with information on the Committees they are involved with will share information with the Council and public.

*Suggested Motion:* No motion required.

- (b) Report from the Downtown and Outer Pleasant Street Master Plan Implementation Committee: Councilor Knight will provide this report to update the Council and public on this committee’s activities.

*Suggested Motion:* No motion required.

- (c) Announcement for Route 24 Corridor Study public meeting: This item is to inform citizens that there will be a public meeting on April 24th regarding this study.

*Suggested Motion:* No motion required.

- (d) “Poem in Your Pocket” Proclamation (Action required): Councilor Pols is sponsoring this at a citizen’s request who has been spearheading the second annual “Poem in Your Pocket” initiative. Copies of the proposed Proclamation and additional information on this project are included in your packet.

*Suggested Motion:*

Motion to adopt the “Poem in Your Pocket” Proclamation.

- (e) Schedule for budget: This item is to discuss the budget meeting schedule. A copy of a memo from Manager Brown is included in your packet.

*Suggested Motion:* No motion required.

## **PUBLIC HEARINGS**

33. This item is the required public hearing on a renewal application for a special amusement license for Byrnes Irish Pub, who is seeking permission to have small bands and DJ's. Copies of the public hearing notice and the application are included in your packet.

*Suggested motion:*

Motion to approve a special amusement license for Byrnes Irish Pub, located at 16 Station Avenue.

34. This item, sponsored by Chair Wilson, is the required public hearing for amendments to Chapter 11 "Marine Activities, Structures, and Ways" to allow bushel shellfish licenses. The Marine Resource Committee is making this recommendation to allow for bushel commercial licenses for those who qualify. Copies of a memo of explanation from Officer Devereaux and the proposed ordinance amendments are included in your packet.

*Suggested motion:*

Motion to adopt amendments to Chapter 11 "Marine Activities, Structures, and Ways" to allow bushel licenses.

35. This item, sponsored by Councilor Favreau, is the required public hearing for amendments 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). At the request of the Council, the Planning Board reviewed Bowdoin College's request to consider a possible Zoning amendment to include "residence hall" as a permitted use in the MU3 zone. The request was made as a result of the College's interest in purchasing the former Stevens Home to be used as a residence hall, which is not currently allowed. After the Planning Board held a workshop and public hearing, they voted 4-1 in favor of forwarding the zoning amendments as proposed to the Town Council for their consideration. At your last meeting, the Council voted to change the proposed "permitted use" to a "special permit" instead. After the public hearing, the Council can decide which direction the majority of the Council supports. A copy of an updated memo from Ms. Breinich is included in your packet.

*Suggested motion:*

Motion to adopt amendments 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 special permit use (-) OR permitted use (P).

36. This item is the required public hearing for amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning Amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices. The Planning Board reviewed this request from MRRA and recommended making changes to the zoning ordinance as outlined in Ms. Breinich's memo. A copy of her memo is included in your packet.

Suggested motion:

Motion to adopt amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices.

**NEW BUSINESS**

37. At this time, the Council is taking action on these amendments to the 2012-2013 Municipal budget to fund improvements to College Street and for the acquisition of ambulances. Copies of the draft resolutions, memos from the CIP Committee and Manager Brown, along with information on the College Street project, are included in your packet.

Suggested motions:

- 1) Motion to adopt “Resolution Amending the 2012-13 Budget and Appropriating \$345,580 from the Unassigned Balance of the General Fund to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and to Fund the Acquisition of Another New Fire Department Rescue Vehicle.”
  - 2) Motion to adopt “Resolution Amending the 2012-13 Budget and Authorizing the Design and Re-construction of College Street and Related Improvements, with Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under this Resolution.”
38. This item is to consider approval of the request from Five River Arts Alliance for music on the sidewalk in front of Cool as A Moose when the ArtWalks occur. This request is for approval to use the sidewalk near Cool As A Moose from 5 to 8 p.m. on the 2<sup>nd</sup> Friday of each month May through October. A copy of their letter is included in your packet.

Suggested Motion:

Motion to approve the request from the Five River Arts Alliance for music in front of Cool as A Moose when the ArtWalks occurs and to waive the \$500 fee.

39. This item is a request from the BDA regarding the use of the Lower Mall for the Taste of Brunswick event, in which local restaurants participate. There are two motions to consider; first, on the approval of the event as outlined in Chapter 10 Section 10-26(6)(b), and second, whether or not to allow sales of alcohol at this event. The final decision of alcohol sales lies with the State, but they will consider the vote of the Council in their decision. The Council has approved this request the last few years and there were no issues at the event. A copy of their letter is included in your packet.

Suggested Motions:

- 1) Motion to approve the BDA’s request for the Taste of Brunswick event to be held on June 22, 2013.

- 2) Motion to permit (or not permit) the sale of alcohol at the Taste of Brunswick Event on June 22, 2013.
40. At this time the Appointments Committee will make nominations to fill vacancies on Town Boards and Committees. Copies of the applications are included in your packet.

*Suggested Motion:*

Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

**CONSENT AGENDA**

- (a) Approval of the Minutes of March 18, 2013: A copy of the draft minutes is included in your packet.

*Suggested Motion:*

Motion to approve the Consent Agenda.

*Suggested Motion:*

Motion to adjourn the meeting.

# MANAGER'S REPORT - A NO BACK UP MATERIALS

**MANAGER'S REPORT - B  
NO BACK UP MATERIALS**

**MANAGER'S REPORT - C  
NO BACK UP MATERIALS**

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# MANAGER'S REPORT - D BACK UP MATERIALS



**Town of Brunswick  
Poem in Your Pocket Day Proclamation**

**Whereas,** the Town of Brunswick has been the historical home of literary figures such as Henry Wadsworth Longfellow, Nathaniel Hawthorne, Harriet Beecher Stowe and Robert P.T. Coffin,

**Whereas,** the Town of Brunswick regularly acknowledges our place literary history through the naming of its public schools, its support of “Longfellow Days,” and though placement of historical markers in downtown streets reciting the works of our literary forebears,

**Whereas,** the Town of Brunswick is currently home to a vibrant literary arts community,

**Whereas,** Academy of American Poets initiated the inception of National Poetry Month in 1996 and along the way has enlisted a variety of government agencies and officials, educational leaders, publishers, sponsors, poets, and arts organizations to help,

**Whereas,** in 2002, the City of New York created Poem in Your Pocket Day as part of the city's National Poetry Month celebration,

**Whereas,** in 2009, the Academy of American Poets took Poem In Your Pocket Day national,

**Whereas,** sharing poetry encourages community building,

**Therefore,** the Brunswick Town Council proclaims April as “Brunswick Poetry Month” and the last Friday in April “Poem in Your Pocket” day in Brunswick, Maine. On this day, the residents of Brunswick, Maine are encouraged to keep a poem in their pocket and to share it with others when invited to do so.

**Given under our hands this 1st day of April, 2013.**

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**Suzan Wilson  
Chair, Brunswick Town Council**

## The 2<sup>nd</sup> Annual **Keep A Poem In Your Pocket Day** in Brunswick, Maine

### *The Mission:*

In 1996, the Academy of American Poets designated April as National Poetry Month. Since then, many communities across the nation have added to the calendar a specific day in which people are encouraged to place a poem in their pocket to share with others throughout the day.

For Brunswick, Maine, April 26<sup>th</sup> is 'Keep A Poem In Your Pocket Day'. Like last year, poem lovers will wear a sticker with the event's logo to identify themselves as participants in the poem sharing process. Wearing the sticker will encourage people to ask each other to share their poems.

In order to make this event as successful as possible, beginning the last week of April, containers with short poems and stickers will be distributed throughout the downtown. On April 26<sup>th</sup>, people will don their badge of poetry honor and foster an appreciation of literacy through poetry.

### *The Culminating Event:*

At the end of 'Keep A Poem In Your Pocket Day', everyone is welcome to share their at an open-mic event that will also have local, selected poets read their works. This event will take place from 6:30-8:00 at Crocker Theater on School Street.

Poets that are already confirmed to read are Bowdoin students Marissa Alioto and Ricardo Zarate Jr. They are the two most recent recipients of Bowdoin's most prestigious poetry prize, the 'Academy of American Poets Prize at Bowdoin'. Other local poets are in the process of being contacted.

# Keep A Poem in Your Pocket

Beatrice Schenk De Regniers

Keep a poem in your pocket  
and a picture in your head  
and you'll never feel lonely  
at night when your in bed.



The little poem will sing to you  
the little picture bring to you  
a dozen dreams to dance to you  
at night when your in bed.

So\_

Keep a picture in your pocket  
and a poem in your head  
and you'll never feel lonely  
at night when you're in bed

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# MANAGER'S REPORT - E BACK UP MATERIALS

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: March 27, 2013

RE: Budget schedule

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The Council received a recommended budget schedule as part of the materials provided for the retreat in January. Now that we are getting close to the actual submission of the budget, I want to provide you with an updated schedule for your consideration.

The budget will be presented to the Council on April 22. The public hearing has been tentatively scheduled for May 6. The adoption of the budget is scheduled for May 23. These dates have been selected based on a combination of Charter requirements, notice requirements and the required budget validation vote on the school budget.

The following are possible dates for the Council to hold workshops on the budget:

Thursday, April 25, Thursday, May 2, Thursday, May 9, Monday May 13 and Thursday, May 16.

As these dates get closer, I will find out from Paul Perzanoski' which night might work best for the School Department to present their budget to the Council.

ITEM 33

BACK UP MATERIALS



Town Clerk's Office  
28 Federal Street  
Brunswick, ME 04011

## **PUBLIC HEARING**

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 4/1/2013 on the following Special Amusement license applications:

### **Special Amusement**

Byrnes Irish Pub LLC  
D/B/A: Byrnes Irish Pub LLC  
16 Station Ave.

Joe Byrnes

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION  
PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6653 (TDD 725-5521).

Fran Smith  
Town Clerk

**TOWN OF BRUNSWICK**

28 Federal Street Brunswick, Maine 04011 TEL: (207) 725-6658 FAX: (207) 725-6663

**APPLICATION FOR LICENSE OR PERMIT**

**Please complete:**

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: Byrnes Irish Pub LLC

Incorporation Date: \_\_\_\_\_ Incorporation State: MAINE

New License: Opening Date \_\_\_\_\_  Renewal License: Expiration Date: 3/16/13

Business Name: Byrnes Irish Pub E-Mail: PATRICK@byrnesirishpub.com

Business Address: \_\_\_\_\_ Business Phone Number: 729-9400

Name of Contact Person: PATRICK BYRNES Contact's Phone Number: 837-7411

Mailing Address for Correspondence: 38 Centre St Bath ME 04530

Signature of Applicant: [Signature] Date: 3/4/13

There will be a late fee for any expired licenses (\$25) w/ fees higher than (\$50) and (\$10) for licenses w/ fees (\$50) or less. The fine will double after the license has been expired for more than 30 days. New licenses are prorated by the half-year.

**Select Type of License you are applying for on back of this page**

**Corporations Please Complete:**

Address of Incorporation: 128 Sabino Rd West Bath ME Phone #: 837-3888

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Joseph P Byrnes Member 50

Pamela J Byrnes Member 50

**Town Clerk Use Only**

Approvals:  Finance  Codes  Health Officer  Council  Police

Codes Officer Signature \_\_\_\_\_

Health Officer Signature \_\_\_\_\_

Temp Food Service:  Maine Dept of Human Services Valid License  Maine Dept of Agriculture License

Seller of Prepared Food on Public Way:  Insurance Binder  Picture of Cart (also will need FSE License)

Waiting on: \_\_\_\_\_ Mailed or Issued Date: \_\_\_\_\_ PH Date: \_\_\_\_\_

Type of License: Spec Amusement Paid Fee: \$ 100.00 Cash / Check Date: 3-4-13

Advertising Fee: \$ \_\_\_\_\_  Paid

**Bazaar or Flea Market-Exp. June 30<sup>th</sup>**  
\_\_\_\_\_ 1-3 Days (\$50) Date and Location of Event: \_\_\_\_\_  
\_\_\_\_\_ Annually (\$225)

**Bowling Alleys, Pool Halls and Billiards-Exp. June 30<sup>th</sup>**  
\_\_\_\_\_ Number of Lanes (\$20 each) \_\_\_\_\_ Number of Tables (\$20 each)

**Carnival or Circus**  
\_\_\_\_\_ Number of Days (\$150/day) Date and Location of Event: \_\_\_\_\_

**Commercial Vehicle-Exp. December 31<sup>st</sup>** \_\_\_\_\_ Number of Vehicles (\$75/vehicle) (New licenses issued between 7/1 and 12/31 is \$38 per vehicle) (New Vehicles – one time \$25 inspection fee)

**Food Service Establishment (Victualer)-Exp. May 31<sup>st</sup>**

- FSE with Malt, Vinous & Spirituous Liquor (\$250)
- FSE with Malt and Vinous (\$200)
- FSE with Malt or Vinous (\$175)
- FSE with Sit Down, no Alcohol (\$100)
- FSE Mobile Carts, Take Out, Coffee, Popcorn, Catering, B&B's, Bakeries, or Prepared Seafood Vender, ETC (\$75)

FSE: *Description of Food to be sold:* \_\_\_\_\_

**Going Out of Business (\$50)**  
60 Day License (*Must also Complete an Application for Going out of Business Sale, and include a list of inventory*)

**Innkeeper-Exp. May 31<sup>st</sup>**     1-15 Rooms (\$100)     16+ Rooms (\$175)

**Junkyard**     **Automobile Graveyard** (\$50 each, both Exp. Oct. 1<sup>st</sup>)     **Auto Recycling** (\$250-5 Yrs)  
Plus \$25 application fee for each type \_\_\_\_\_

**Pawnbroker (\$75) Exp. June 30<sup>th</sup>**

**Peddler:**  
\_\_\_\_\_ #Weeks/\$25/week    \_\_\_\_\_ #Months (up to-3 mnths-\$50/ up to-6 mnths \$75)    \_\_\_\_\_ 1 Year (up to 12 mnths \$100)

**Pinball Mach. - Other Amuse Devices (\$35/each) Exp. June 30<sup>th</sup>** \_\_\_\_\_ Number of Machines/Devices

**Second Hand Dealer (\$75)-Exp. June 30<sup>th</sup>**

**Sellers of Prepared Food on Public Way (\$1500 Mall vendor/\$3,000 Farmers Market/\$25 other)**  
Location: \_\_\_\_\_ *Exp. 1<sup>st</sup> PH in March*  
As part of the application you must submit a letter of intent from insurance carrier, picture of food service device (not needed for renewals) and a victualer's license. I certify that, to the best of my knowledge, I have complied with all laws and ordinances of the State of Maine and the Town of Brunswick. \_\_\_\_\_  
\_\_\_\_\_  
(Signature of owner, officer, partner or agent)  
(New applicants must talk to Recreation Dept/There is no proration on new licenses)

**Special Amusement (\$100)-Exp. w/Alcohol License**  
Describe in detail kind and nature of entertainment- Small bands, DJ  
Describe in detail room or rooms to be used under this permit- MAIN DINING ROOM  
Signature of Owner, officer, partner or agent: [Signature]

**Tattooing Establishment (\$75)-Exp. June 30<sup>th</sup>**

**Theater (\$150 per screen)-Exp. June 30<sup>th</sup>** \_\_\_\_\_ Number of Screens

ITEM 34

BACK UP MATERIALS



## **TOWN OF BRUNSWICK PUBLIC HEARINGS**

**THE BRUNSWICK TOWN COUNCIL will hold public hearings** at their regular meeting on Monday, April 1, 2013, 7:00 p.m. in the Municipal Meeting Room (Room 217), Brunswick Station, 16 Station Avenue, to receive public comment on the following amendments:

- Item 1. The Town Council will hear public comments on amendments to the Chapter 11 “Marine Activities, Structures, and Ways” to allow bushel licenses, and will take any appropriate action.
- Item 2. The Town Council will hear public comments on amendments 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 special permit use (-), and will take any appropriate action.
- Item 3. The Town Council will hear public comments on amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices and will take any appropriate action.

For more information contact the Town Manager’s office at 725-6659.

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE  
COMMUNICATION PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT  
725-6659 (TDD 725-5521)**

Fran Smith, Town Clerk  
Brunswick, Maine

Times Record – March 21, 2013



# Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF:

## Marine Resources & Harbor Management

28 FEDERAL STREET BRUNSWICK, MAINE 04011-1581  
TELEPHONE (207) 725-6631 FAX (207) 725-6663  
Email- ddevereaux@brunswickpd.org



Daniel R. Devereaux  
Marine Resource Officer-  
Harbormaster

J. Paul Plummer  
Marine Resource Officer-  
Deputy Harbormaster

03-12-2013

To: Brunswick Town Council  
From: Daniel R. Devereaux, MRO/HM   
Cc: Gary Brown, Town Manager  
RE: **Chapter 11 Marine Activities Structures and Ways Ordinance Changes**

Honorable Members of the Brunswick Town Council;

The Brunswick Marine Resources Committee is seeking approval of the following additions and changes to the Town of Brunswick Code of Ordinance *Chapter 11 Marine Activities Structures and Ways Sections 11-71 (Definitions), 11-131 (Categories'), 11-133 (a), 11-133 (a) 8, 11-133 (b) Qualifications of Licenses, 11-136 (7) Fees, 11-140 (b) 1,2,3, & 4 Limitation on Licenses, 11-141 (c) Suspension, 11-142 Aiding and Abetting, 11-135 Expiration*. Please see the attached draft language. All requested additional language changes pertain to adding a bushel license category.

After nearly 8 months of discussion the Brunswick Marine Resources Committee (BMRC) approved the attached ordinance draft at their February 2013 meeting. The draft language presented to you has been reviewed by Town Clerk Fran Smith, Brunswick's Town Attorney Mr. Pat Scully, and the Maine Department of Marine Resources Municipal Shellfish Program Director Denis Marc Nault. It is also important to note that several other municipalities have instituted bushel license categories into their own ordinances for a variety of reasons. I will briefly explain the premise behind the BMRC idea of instituting this category into the Town of Brunswick's Marine Ordinance.

Over the course of the last decade the BMRC has noticed that many of the senior (60 years of age or older) harvesters do not typically land more than one bushel of clams per harvest. This is not from lack of resource but rather from aging fisherman, either not capable or not willing to harvest more than 1 bushel per day. Many of these senior fishermen have agreed that if there was a less expensive license that restricted them to 1 bushel per day, they would convert their commercial license to a bushel license voluntarily. With this said, the Town of Brunswick Ordinance is unique, because it categorizes licenses based on seniority A-K. BMRC members emphasized the following. 1) A converting harvester must be at least 60 years old and must be a Class A license holder before they are allowed to convert to a bushel license. 2) Bushel license holders should be guaranteed this license over all other licenses, meaning the bushel license will be the most senior license; they must also follow and meet the criteria outlined in the other sections of the ordinance. 3) Due to their age bushel license holders should be exempt from the conservation time requirement. 4) Once a conversion is conducted, it is final, and cannot be converted back to a commercial license, and all seniority in the commercial license process will be lost. A major concern is that Brunswick Shellfishery is a limited entry program. What has transpired over the last 20 years is that local annual harvests have been stable resulting in a stable issuance of commercial licenses. Local fishermen continue to age and continue to obtain the commercial license every year. This results in an aging fishing fleet, with little to no recruitment of younger fishermen into our important multi-million dollar local industry. With this said the BMRC feels it is important to provide job opportunities to the interested and younger generation of fishermen. Since we have already entered the 2013/14 license year, any changes will not take effect until 2014/15 license year.

I hope this brief explanation helps as you review the attached language. Please call me at any point if you need clarification or if you would like to meet to discuss these changes. My cell phone is 207-837-2371 or office phone 207-725-6631.

Respectfully Submitted,

## Chapter 11

### MARINE ACTIVITIES, STRUCTURES AND WAYS\*

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\* **Cross References:** Conservation commission, § 2-76 et seq.; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 7; housing, Ch. 8; solid waste, Ch. 13; streets, sidewalks and other public places, Ch. 14; discharge of sewerage into surface waters prohibited, § 16-26; zoning and subdivision of land, App. A; marine construction, App. A, § 407.

**State Law References:** Waters and navigation, 38 M.R.S.A. § 1 et seq.

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Art. I. Harbor, Coastal, Tidal and Navigable Fresh Waters, §§ 11-1--11-25

Art. II. Reserved, §§ 11-26--11-70

Art. III. Shellfishing, §§ 11-71--11-167

Div. 1. Generally, §§ 11-71--11-95

Div. 2. Marine Resource Committee, §§ 11-96--11-110

Div. 3. Shellfish Regional Advisory Commission, §§ 11-111--11-130

Div. 4. License, §§ 11-131--11-160

Div. 5. Regulations, §§ 11-161--11-167

#### ARTICLE I.

#### HARBOR, COASTAL, TIDAL AND NAVIGABLE FRESH WATERS

##### Sec. 11-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Channels:* Those paths designated by this chapter for navigation in or access to the harbor, coastal, tidal and navigable fresh waters of Brunswick.

*Commercial use:* A use with profit as a primary aim.

*Idle speed:* The minimum speed necessary to maintain steerage and control of a moving watercraft

*Mooring:* An underwater device either helix, granite block or mushroom, which tethers boats. A temporary mooring is one which is constructed to be hauled out of the water seasonally. A permanent mooring is one which is constructed to winter over in the water. A flats mooring is one which is located on the mud flats at low tide.

*Riparian owner:* An owner of land with a minimum of one hundred (100) feet of shorefront.

*Watercraft:* Any type of vessel, boat, barge, float, or craft used as a means of transportation on the water.

(Ord. of 4-4-05)

### **Sec. 11-2. Channels.**

(a) *Establishment of channels.* Two (2) channels are established, described as follows:

(1) Commencing at the Bath Road bridge (formerly Route #1) as it crosses the New Meadows River, thence following the high water mark of the New Meadows River southerly to the southerly tip of Howard Point, thence easterly to the town line between Brunswick and West Bath, thence following the town line northerly to the Bath Road bridge, thence westerly along the Bath Road bridge to the point of beginning.

(2) Commencing at the mean high water line on the Merepoint Boat Launch ramp surface and extending approximately three hundred fifty (350) feet to the southeast between buoys marking the fifty (50) foot wide approach lane to the ramp.

(b) *Passage of vessels.* A person shall not use any watercraft or any other device or structure within the described channels so as to interfere with or impede the passage of vessels in the channel in any manner.

(c) *Moorings.* A person shall not place, anchor, or moor any watercraft within the described channels without the permission of the harbormaster.

(Ord. of 4-4-05)

### **Sec. 11-3. Harbormaster.**

(a) *Appointment.* The town shall appoint a harbormaster by May 1 for a term of three (3) years.

(b) *Duties.* The harbor master shall have the following powers and duties:

(1) To the extent of jurisdiction, enforce any and all federal, state and local laws, ordinances, codes, rules or regulations relating to the management and control of Brunswick's harbor, coastal, tidal and navigable fresh waters, shores, coastline, boat launch facilities, and floats; and provide information or seek input as appropriate from any source, including the marine resources committee, marine wardens, town manager, town council, or town attorney.

(2) Approve and control the placement of moorings within the harbor, coastal, tidal and navigable fresh waters of Brunswick.

(Ord. of 4-4-05; Ord. of 4-7-08(1))

### **Sec. 11-4. Moorings.**

(a) *Registration.* All moorings located in the harbor, coastal, tidal and navigable fresh waters of

Brunswick shall be registered. Registration shall be on forms provided by the harbormaster that, at a minimum, require the following information:

- (1) Description and weight of the watercraft moored;
- (2) Type of mooring ball or buoy;
- (3) Type and weight of mooring;
- (4) Type and size of bottom and top chains.

*Existing moorings:* All existing moorings in the harbor, coastal, tidal and navigable fresh waters of Brunswick shall be registered within ninety (90) days of the effective date of this article. The harbormaster shall send via First Class U.S. Mail notification of the registration requirement and a copy of this article to all owners of existing moorings.

*New moorings:* After the effective date of this article, all moorings shall be registered prior to location of the mooring.

(b) *Placement standards.* The harbormaster shall approve the location of all moorings in the harbor, coastal, and tidal waters of Brunswick, except for existing commercial moorings in mooring fields already approved by the Army Corps of Engineers and the Maine Department of Environmental Protection. All moorings shall meet the following standards:

- (1) Moorings shall be reasonably adequate for the size, weight and windage of the watercraft.
- (2) Moorings shall be located in areas that do not interfere with navigation.
- (3) Moorings shall not encroach into the channels of Brunswick.
- (4) Moorings shall be located in areas that do not unreasonably affect natural resources.
- (5) Moorings shall not be located in areas that are inconsistent with the terms or conditions offered to, or required by, any federal, state or local agency as part of a regulatory permitting process.

All new moorings that meet the above standards but are not placed in the location approved by the harbormaster shall be moved by the owner at his or her own expense in accordance with the instructions of the harbormaster. Any existing moorings that do not meet the above standards shall be removed, repaired, replaced or relocated as applicable. In the event of the failure of the owner to comply with this subsection (b), the harbormaster shall move or remove the improperly located mooring and the cost shall be borne by the owner of the mooring.

(c) *Identifying numbers.* Identifying numbers shall be issued to mooring owners, and mooring balls and buoys must be clearly marked with the issued number. Numbers shall be a minimum of four (4) inches and visible at all times. Replacement mooring balls and buoys shall maintain the originally assigned number.

(Ord. of 4-4-05)

**Sec. 11-5. Operation of watercraft.**

Operation of watercraft at greater than idle speed within two hundred (200) feet of the shoreline or within the channels of Brunswick is prohibited.  
(Ord. of 4-4-05)

**Sec. 11-6. Town launch facilities.**

(a) Use of town launch facilities consistent with the provisions of this article shall be permitted. Commercial uses of town launch facilities require a special activity permit from the town clerk.

(b) The following activities are prohibited at town launch facilities:

- (1) Storage of bait, catch, or gear for unreasonable periods of time, as determined by the harbormaster.
- (2) Processing of seafood products; for the purposes of this section, "processing" does not include washing clams by repeated submersion of bushel bags in the water.
- (3) Anchoring or mooring.
- (4) Tying up to floats for more than thirty (30) minutes.
- (5) Swimming or fishing in designated areas.
- (6) Power loading or unloading, boat washing, boat painting, and bilge draining.

**Cross References:** Public Wharfs and Landings, ch. 14-139  
(Ord. of 4-4-05; Ord. of 4-7-08(1))

**Sec. 11-7. Disruptive conduct.**

No person shall disrupt the safe and lawful activities, or in any way threaten the public safety, in or around town launch facilities, floats, harbors, or tidal and coastal waters of the Town of Brunswick.  
(Ord. of 4-4-05)

**Sec. 11-8. Menaces to navigation.**

The harbormaster is authorized to take whatever action is necessary and appropriate to remove any menace to navigation within the harbor, coastal, tidal and navigable fresh waters of the Town of Brunswick. This shall include, but is not limited to, contracting for removal of the menace by the authorities of the State of Maine, Federal Government, or a private contractor at the expense of either the Town of Brunswick, some other governmental entity, or the private entity responsible for the creation of the menace.  
(Ord. of 4-4-05)

**Sec. 11-9. Dumping of sewage prohibited.**

No person may discharge, spill or permit to be discharged sewage, garbage, or other pollutants from any

boat into the harbor, coastal, tidal and navigable fresh waters within the boundaries of the Town of Brunswick or onto the ice or banks thereof in such a manner that the same may fall or be washed into such waters or in such a manner that the drainage may flow into such waters.

(Ord. of 4-4-05)

**Sec. 11-10. Failure to obey order of the harbormaster.**

As provided by 38 M.R.S.A., Section 13, a person is guilty of failure to obey an order of the harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of the harbormaster authorized pursuant to 38 M.R.S.A., Section 1, et seq. Failure to obey an order of the harbormaster is a Class E Crime.

(Ord. of 4-4-05)

**Sec. 11-11. Forfeiture.**

Any skiff left tied to a town float without proper identification, or left sunk, or awash, for a period exceeding forty-eight (48) hours shall be deemed abandoned for the purposes of this section. Moorings and skiffs abandoned by their owners shall be impounded by the harbormaster and disposed of according to the procedure outlined in 25 M.R.S.A., Section 401. The town shall not be liable for any damage sustained by an impounded skiff or mooring.

(Ord. of 4-4-05)

**Sec. 11-12. Enforcement.**

This chapter shall be enforced pursuant to the provisions of 30-A M.R.S.A. § 4452, as amended from time to time. Any person found in violation of this article shall, after notice and hearing, lose his or her mooring privileges and all rights to use the town launch facilities and floats. In addition, the town shall have available all other remedies provided by law.

(Ord. of 4-4-05)

**Sec. 11-13. Boat Storage.**

No boat, vessel, raft, barge shall be stored overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so. A person found in violation will be subjected to the cost of removing the vessel, boat, raft, and barge and be fined \$150.00.

**Sec 11-14 – 11-25 Reserved**

**ARTICLE II.**

**RESERVED\***

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\* **Editors Note:** An ordinance of April 4, 2005, repealed art. II, divs. 1 and 2, §§ 11-26, 11-51--11-53, in its entirety. Formerly, said article pertained to harbor, as enacted by an ordinance adopted April 1, 1974; as amended. The user is directed to art. I of this chapter for similar provisions enacted by the ordinance of April 4, 2005.

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Secs. 11-26--11-70. Reserved.

## ARTICLE III.

### SHELLFISHING\*

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\* **Cross References:** Conservation Commission, § 2-76 et seq.; parks and recreation areas, § 14-96 et seq.  
**State Law References:** Municipal Shellfish Conservation Programs, 12 M.R.S.A. § 6671 et seq.

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## DIVISION 1.

### GENERALLY

#### Sec. 11-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Bushel* means a measurement consisting of 4 peck or 32 quarts of shellfish.**

*Certified municipal shellfish conservation warden* shall mean the law enforcement officer appointed by the town council to enforce this chapter.

*Coastal waters* means all waters of the town within the rise and fall of the tide and within the marine limits of the jurisdiction of the town.

*Commercial shellfish harvester* means a person who harvests shellfish with profit as a primary aim.

*Immediate family* shall mean, spouse and children.

*Lot* shall mean the total number of softshell clams in bulk pile. Where softshell clams are in a box, barrel or other container, the contents of each box, barrel or other container constitutes a separate lot.

*Notification* shall mean, unless otherwise stated herein and for the purposes of hearing notices under this article, mailing by certified mail to the last known address.

*Possession* shall mean to have in one's custody or control, either personally or by another who is under one's control anywhere within the municipal boundaries.

*Resident* shall mean a person who has physically resided at a fixed, permanent, and principal home in the town for at least three (3) months next prior to the time his claim of residence is made.

*Shellfish* shall mean softshell clams (*Mya arenaria*), and quahogs (*Mercenaria mercenaria*).

*Take* means to remove or attempt to remove a shellfish from its natural habitat.  
(Ord. of 3-6-89, § 104; Ord. of 2-5-90, § 104; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99;

Ord. of 1-18-00(1); Ord. of 2-6-01(1) ; Ord. of 4-7-08(1); Ord. of 12-7-09)

**Cross References:** Definitions and rules of construction generally, § 1-2.

**Sec. 11-72. Authority.**

This article is enacted in accordance with 12 M.R.S.A. § 6671.

(Ord. of 3-6-89, § 101; Ord. of 2-5-90, § 101; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-73. Purpose.**

The purpose of this chapter is as follows:

(1) To regulate the harvesting of shellfish in the town.

(2) To provide management programs in the town for the sustainability of shellfish in a manner consistent with the production of a reasonable yield to sustain commercial shellfish harvesters.

(Ord. of 3-6-89, § 102; Ord. of 2-5-90, § 102; Ord. of 2-18-92; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 2-6-01(1); Ord. of 12-7-09)

**Sec. 11-74. Conservation, management of resources.**

It is hereby determined as follows:

(1) The coastal waters of the town are a very valuable shellfish resource which is important to the local economy.

(2) These marine resources are not an inexhaustible resource, and, therefore, they must be prudently managed in order to remain viable.

(3) As part of the management process it is deemed vitally necessary to restrict the taking of shellfish by limiting shellfish licenses; restrict the size and quantity of shellfish which may be harvested; and, take other measures as outlined in this chapter.

(Ord. of 3-6-89, § 103; Ord. of 2-5-90, § 103; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-75. Enforcement.**

The chapter shall be enforced by the certified municipal shellfish conservation warden, or by any municipal shellfish conservation warden appointed by the town, who within one year of appointment must be certified by the commissioner of marine resources.

(Ord. of 3-6-89, § 501; Ord. of 2-5-90, § 501; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-76. Penalty.**

A person who violates this chapter shall be punished as provided in 12 M.R.S.A. § 6671.

A person who takes or possesses shellfish in violation of a municipal ordinance commits a violation with

significant fines and license suspensions.

(Ord. of 3-6-89, § 502; Ord. of 2-5-90, § 502; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 12-7-09)

**Sec. 11-77. Amendment.**

A certified copy of an amendment to this article shall be filed with the commissioner of marine resources within twenty (20) days of its adoption to preserve its validity.

(Ord. of 3-6-89, § 504; Ord. of 2-5-90, § 504; Ord. of 2-18-92, Ord. of 4-5-93; Emergency Ord. of 8-5-96; Ord. of 8-19-96; Ord. of 3-16-99; Ord. of 11-3-03; Ord. of 12-7-09)

**Secs. 11-78--11-95. Reserved.**

**DIVISION 2.**

**MARINE RESOURCE COMMITTEE\***

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\* **Cross References:** Boards, committees, commissions, § 2-51 et seq.

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**Sec. 11-96. Established, members, etc.**

There is hereby established a marine resource committee consisting of seven (7) members and two (2) alternates to be appointed by the town council. The members must include three (3) town licensed resident commercial shellfish harvesters, three (3) residents of the community who do not possess a town or state shellfish license and one (1) town licensed resident recreational shellfish harvester. One (1) alternate must be a town licensed resident commercial shellfish harvester and one (1) alternate must be a member of the community who does not possess a town or state shellfish license. In the absence of a member either alternate may fill the vacancy to constitute a quorum, however that alternate may only vote in the category in which he/she has been appointed. Members and alternates shall be appointed for three (3) year terms. The town council shall appoint a person to fill a vacancy for the unexpired term. The committee shall choose a chairman, vice-chairman and secretary. The chairman shall preside at all meetings of the committee. The vice-chairman shall preside in the chairman's absence. Minutes of each meeting shall be filed with the town clerk. Any committee member who has three (3) or more unexcused absences from committee meetings in a year may be removed and replaced with a new member by the town council.

(Ord. of 3-6-89, § 201; Ord. of 2-5-90, § 201; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 9-5-95; Ord. of 1-16-96; Emergency Ord. of 8-5-96; Ord. of 8-19-96, Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

**Sec. 11-97. Powers and duties.**

The marine resource committee shall have the following powers and duties:

- (1) To administer and coordinate the shellfish sustainability program.
- (2) To recommend to the town council how the money appropriated for shellfish sustainability

programs should be spent.

- (3) To survey the coastal waters to obtain and maintain current information on shellfish resources, including:
  - a. The determination of size frequency.
  - b. The determination of growth rate.
  - c. The estimation of the available standing crop.
  - d. The estimation of potential yield.
  - e. The identification of sources of harmful pollution.
  - f. The identification of other resource problems, such as green crab predation and mussel competition.
- (4) To determine the current level of use of the shellfish resources.
- (5) To cooperate with the Department of Marine Resources and others in carrying on experimental programs.
- (6) To prepare and promulgate a shellfish sustainability plan in cooperation with the Department of Marine Resources based on the results of the shellfish survey, recommending area rotation, seeding, transplanting, predator control, and the opening and closing of the coastal waters.
- (7) To collect harvest data documenting local values of shellfish resources.
- (8) To make an annual written report to the town and the Department of Marine Resources detailing funds available, expenditures made, shellfish population data, results of all conservation and experimental programs, enforcement activities, and sources of pollution, predation, competition and other resource problems.
- (9) To establish annually in conjunction with the Department of Marine Resources the number of commercial shellfish harvesting licenses to be issued.

(Ord. of 3-6-89, § 202; Ord. of 2-5-90, § 202; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 12-7-09)

**Secs. 11-98--11-110. Reserved.**

### **DIVISION 3.**

#### **SHELLFISH REGIONAL ADVISORY COMMISSION\***

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\* **Editors Note:** Former Div. 3, §§ 11-111--11-114, relative to the shellfish advisory commission, was deleted by an ordinance adopted Aug. 15, 1994, due to no remaining reciprocal agreements. The provisions of former Div. 3, derived from §§ 401--404 of an

ordinance of March 6, 1989; §§ 401--404 of an ordinance of Feb. 5, 1990; an ordinance of Feb. 18, 1992; an ordinance of April 5, 1993; and an ordinance of Feb. 22, 1994.

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**Secs. 11-111--11-130. Reserved.**

**DIVISION 4.**

**LICENSE\***

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\* **Cross References:** Licenses and business regulations, ch. 10.

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**Sec. 11-131. License required.**

A person shall not take or possess shellfish from coastal waters of the town without first obtaining a license from the town clerk or the town clerk's designee.  
(Ord. of 3-6-89, § 301; Ord. of 2-5-90, § 301; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-132. Categories.**

- (a) There are six ~~(6)~~ (7) types of licenses as follows:
- (1) *Resident commercial shellfish license.* This license entitles the licensee to harvest any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.
  - (2) *Nonresident commercial shellfish license.* This license entitles the licensee to take or possess any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.
  - (3) *Resident recreational shellfish license.* This license is available to residents and nonresident owners of real estate within the town as well as immediate family members of nonresident real estate owners within the town and entitles the licensee to take or possess no more than one (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
  - (4) *Nonresident recreational shellfish license.* This license entitles the licensee to take or possess no more than (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
  - (5) *Resident student shellfish license.* This license allows the licensee to harvest one (1) bushel of shellfish per tide from June 15th (inclusive) to September 1st (inclusive) from the coastal waters of the town to where and when it is otherwise lawful to do so.
  - (6) *Nonresident student shellfish license.* This license allows the licensee to harvest one (1) bushel of

shellfish per tide from June 15th (inclusive) to September 1st (inclusive) from the costal waters of the town where and when it is otherwise lawful to do so.

(7) ***Bushel license.* This license allows the licensee to harvest one (1) bushel of soft shell clams and one (1) bushel of quahogs in any one 24 hour period that begins at midnight throughout the year.**

(b) The town shall provide ten (10) percent of the resident commercial, recreational and student licenses to nonresidents.

(c) Any license issued under this division is subject to the partial or total closing of coastal waters under section 11-161 of this chapter.

(Ord. of 3-6-89, § 304; Ord. of 2-5-90, § 304; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

### **Sec. 11-133. Qualification of licensee.**

(a) *Residency and other qualifications.*

(1) An applicant for a resident commercial shellfish license shall be a resident of the town whose Brunswick shellfish license is not currently under suspension for a second closed area conviction pursuant to this chapter and whose state shellfish license is not currently under suspension

(2) An applicant for a non-resident commercial shellfish license is any person who is not a resident of the town whose Brunswick shellfish license is not currently under suspension for a closed area conviction pursuant to this chapter, and whose state shellfish license is not currently under suspension.

(3) An applicant for a resident recreational shellfish license must be either a resident of the town or nonresident owner of real estate within the town or immediate family member of nonresident owner of real estate within the town and whose municipal and state shellfish license is not currently under suspension.

(4) An applicant for a nonresident recreation shellfish license is any person who is not a resident of the town and whose municipal and state shellfish license is not currently under suspension,

(5) The place of residence of an applicant as stated on any other license is not determinative of the applicant's true place of residence. Where necessary the town clerk shall require the applicant to produce evidence of his residence before issuing the license.

(6) An applicant for a resident student shellfish license shall be a resident of the town who has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application and whose shellfish is not under suspension pursuant to this chapter. The applicant shall be enrolled full-time in a primary or secondary school or educational program.

(7) An applicant for a nonresident student shellfish license shall be a nonresident of the town who has

attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application and whose shellfish license is not under suspension pursuant to this chapter. The applicant shall be enrolled full-time in a primary or secondary school or educational program.

(8) A qualified applicant for a bushel license shall be an individual who has reached the age of sixty (60) and has previously held a commercial license for the last ten consecutive years, or held a bushel license in the prior year. An applicant who applies for and receives a bushel license will lose all credit for having held a commercial license in prior years for purposes of any future application for a commercial license. A recipient of a bushel license will be guaranteed a bushel license in future years if all other requirements of this chapter are met.

(b) *Conservation time.* A licensed commercial shellfish harvester must obtain a total of ten (10) conservation credit points between May 1 and February 15 in order to remain eligible to obtain a license for the next licensing year Bushel license holders are EXEMPT from any conservation time requirements.

(1) *Conservation credit activities.* Participation in any of the following activities results in the granting of conservation credit as specified:

Participation in any one (1) of the following activities shall deem a harvester eligible to receive two (2) conservation credit points per event attended:

- a. Documented attendance at a Brunswick Marine Resource Committee meeting or Brunswick Marine Resource Committee public hearing.
- b. Documented attendance at a regional or state shellfish committee meeting.
- c. Documented attendance at a shellfish conference (i.e. Fisherman's Forum).

Participation in any one (1) of the following activities shall deem a harvester eligible to receive five (5) conservation credit points per event attended:

- a. Participation in a Brunswick Marine Resource Committee sponsored shellfish reseeded project.
- b. Participation in a Brunswick Marine Resource Committee sponsored experimental shellfish enhancement project.
- c. Participation in Town of Brunswick annual shellfish surveys.
- d. Participation in Town of Brunswick water quality monitoring event.
- e. Participation in an organized coastal or environmental clean up along within the Town of Brunswick.

- f. Participation in non-point pollution identification or remediation project within the Town of Brunswick.

A minimum of two (2) conservation projects shall be scheduled prior to the May meeting of the Brunswick Marine Resources Committee.

Dates of the two (2) conservation projects scheduled by the Marine Resources Committee will be posted in Town Hall.

A currently licensed harvester who does not complete the required conservation time credit will not receive a license for the next license year.

The accumulation of conservation credit must be completed by February 15 of the current license year.

- (2) *Documentation of conservation credit.* Participation in any of the conservation credit activities specified in this section must be documented. Documentation shall be in the form of a signature on an event sign in sheet, name appearing as an attendee in official meeting minutes, receipt of conference registration, or records maintained by the Brunswick Marine Warden, in order for conservation credit points to be awarded.

All records and conservation credit logs will be maintained by the shellfish warden and will be held in the shellfish warden's office.

- (3) *Determination of conservation credit completion.* By the second Monday in March the shellfish warden shall compile documented conservation time of each individual harvester and forward a list of those harvesters determined to have satisfied the conservation credit requirement to the town clerk.

Harvesters included on the list submitted by the shellfish warden shall be eligible for a commercial license for the upcoming license year if a notice of intent has been filed by the deadline.

A compilation of harvester conservation credits earned up to December 31 will be posted on the marine resources board in the Brunswick Town Hall by first Monday in January of each year.

- (4) *Approved absence from conservation credit requirement.* Harvesters who have not completed a full ten (10) points of conservation credit in a given license year are only eligible for a license if their absence from participation in conservation credit activities are approved by the marine resource committee.

Approved absences may include an extended and documented illness, or an extended illness of an immediate family member that is under the immediate care of the harvester.

Requests for a determination of approved absence must be made in writing to the shellfish warden and must be submitted to the Marine Resource Committee no later than February 10th. The request

shall include evidence to support an approval of absence determination. The Marine Resource Committee will rule on the absence at its March meeting.

If the absence is approved, the harvester will be required to make up the remaining conservation credit points during the next license year.

If the absence is not approved, the harvester will not be eligible to obtain a license.

(Ord. of 3-6-89, § 307; Ord. of 2-5-90, § 307; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 11-2-05(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

### **Sec. 11-134. Application.**

(a) The application for a license required under this chapter shall be in the form of an affidavit. It shall contain the applicant's name, physical location of residence, mailing address, period of residence, date and place of birth, height, weight, eye and hair color, and such other necessary information as the town clerk may require. The resident address shall be the physical location of the residence. The mailing address shall be such that the applicant utilizes to receive mail from the U.S. Postal Service. It must be signed by the applicant and acknowledged by the town clerk. The town clerk shall note on the application the date the license was issued. The town clerk shall file the application with the records.

(b) An application for a student shellfish license shall also be in the form of an affidavit, which shall include:

- (1) Proof that the applicant has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the license year.
- (2) Proof of residency.
- (3) Proof of enrollment in a school or state approved educational program.
- (4) A letter of recommendation from the superintendent or equivalent official in the school or educational program.

An application for a student shellfish license shall include a statement in bold print: **THE RECEIPT OF A STUDENT SHELLFISH LICENSE OR LICENSES PROVIDES NO CREDIT IN THE COMMERCIAL LICENSE SELECTION PROCESS.**

(Ord. of 3-6-89, § 308; Ord. of 2-5-90, § 308; Ord. of 2-18-92; Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 2-6-01(1); Ord. of 11-3-03; Ord. of 12-7-09)

### **Sec. 11-135. Misrepresentation; change of residence.**

(a) It shall be a violation of this article for any person to falsify or give false information in connection with a shellfish license application. In addition to any criminal penalties which may result from a violation of this chapter, the shellfish license granted to any person who gives false information on a shellfish license application shall be void after notice and hearing.

(b) A person holding a resident commercial shellfish license or a resident student shellfish license shall physically reside at a fixed, permanent, and principal home in the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.

(c) A person holding a resident recreational shellfish license shall physically reside at a fixed, permanent, and principal home in the town or be a nonresident owner of real estate within the town or immediate family member of nonresident real estate owner within the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.

(d) A person applying for, or holding a shellfish license under this chapter, shall notify the town clerk within ten (10) business days of an address change, regardless of whether the address change is also a change of residency.

(Ord. of 3-6-89, § 310; Ord. of 2-5-90, § 310; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

### **Sec. 11-136. Fees.**

The applicant for a license under this chapter shall pay a fee as follows:

- (1) Resident commercial shellfish license, three hundred dollars (\$300.00).
- (2) Nonresident commercial shellfish license, four hundred fifty dollars (\$450.00).
- (3) Resident recreational shellfish license, twenty-five dollars (\$25.00) over age sixty-two (62), free.
- (4) Nonresident recreational shellfish license, fifty dollars (\$50.00) over age sixty-two (62), free.
- (5) Resident student shellfish license, seventy-five dollars (\$75.00).
- (6) Nonresident student shellfish license, one hundred twenty-five dollars (\$125.00).

(7) Bushel license, one hundred seventy five dollars (\$175.00)

(Ord. of 3-6-89, § 305; Ord. of 2-5-90, § 305; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

### **Sec. 11-137. Exhibition of license.**

When any person is engaged in any activity which is licensed under this chapter, that person shall, on request of a certified municipal shellfish conservation warden, exhibit his license.

(Ord. of 3-6-89, § 301 (1), (2); Ord. of 2-5-90, § 301(1), (2); Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99;

Ord. of 12-7-09)

**Sec. 11-138. Consent to inspection for shellfish.**

A certified municipal shellfish conservation warden, within the warden's jurisdiction, has all the search powers of a marine patrol officer under Title 12, Section 6025(4). Those powers currently include the power to search without a warrant, upon probable cause, any watercraft or container containing marine organisms possessed or taken in violation of law.

(Ord. of 3-6-89, § 301 (3); Ord. of 2-5-90, § 301 (3); Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 12-7-09)

**Sec. 11-139. Stopping for inspection.**

It shall be unlawful for the operator of a motor vehicle, boat, vessel, or conveyance of any kind, or any person:

- (1) *Stopping.* To fail or refuse to stop immediately upon request or signal of any certified municipal shellfish conservation warden in uniform.
- (2) *Remaining stopped.* After he has so stopped, to fail to remain stopped until the certified municipal shellfish conservation warden in uniform reaches his immediate vicinity and makes known to that operator the reason for the request or signal.
- (3) *Standing by.* To fail or refuse to stand by immediately for inspection on request of any certified municipal shellfish conservation warden in uniform.
- (4) *Throwing or dumping items.* Who has been requested or signaled to stop by a certified municipal shellfish conservation warden in uniform to throw or dump into any coastal waters any shellfish, or any pail, bag, barrel or other container of any type or the contents thereof before the certified municipal shellfish conservation warden in uniform has inspected the same.

(Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 12-7-09)

**Editors Note:** Former § 11-139, relative to a prohibition on night shellfish harvesting, was amended in its entirety by an ordinance adopted Feb. 18, 1992. The provisions of former § 11-139 derived from § 301(4) of an ordinance adopted March 6, 1989 and § 301(4) of an ordinance adopted Feb. 5, 1990.

**Sec. 11-140. Limitation on number of licenses.**

(a) *The shellfish resources are limited.* A commercial, recreational, bushel or student shellfish harvester can be expected to harvest a certain volume of shellfish per year; therefore, the number of shellfish harvesters must be controlled to preserve the shellfish resource. The number of available shellfish licenses of each type will vary from year to year according to the findings and estimates of the marine resource committee and the state marine resource regional biologist based on data concerning resource capabilities and management requirements consistent with proper resource utilization as determined by shellfish population surveys conducted pursuant to section 11-97. Prior to the first Friday in March, the Marine Resource Committee will set the number of recreational licenses. Commencing with the first Monday of April, the town clerk shall issue resident recreational licenses until the allotted numbers have been issued. Commencing with the first Monday in April, the town clerk shall maintain a chronological list of nonresidents seeking recreational shellfish licenses. When the

number of resident recreational shellfish licenses reaches a number where a nonresident recreational shellfish license may be issued, the town clerk shall by telephone and U.S. mail attempt notification of the applicant with the highest priority on the list. That person shall purchase the license within seven (7) business days from the date notification is attempted. If the purchase is not made in that time period, that person loses their priority and the town clerk shall attempt notification of the next person on the list using the same process.

(b) The following procedure will be followed to control commercial ~~and bushel shellfish~~ license availability:

- (1) Prior to January 15 of each year, the town clerk will make available a notice of intent. The notice shall also be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation which the municipal officers consider effective in reaching persons affected no later than by January 15 and shall be posted in the municipal offices no later than January 15 until the end of business on the second Friday of March.

Any person who does not complete and return to the town clerk by 4:30 p.m. on the second Friday of March a fully completed notice of intent on the form prepared by the town clerk along with two (2) proofs of residency, shall not be eligible to be an applicant for a resident or non-resident commercial license in the next coming license period, and if the person does not file a notice of intent for two (2) successive license periods, shall not be considered as previously having held a Brunswick resident or nonresident commercial shellfish license.

Any person who does not complete and return to the town clerk by 4:30 p.m. on the second Friday of March a fully completed notice of intent on the form prepared by the town clerk along with two (2) proofs of residency, shall not be eligible to be an applicant for a bushel license in the next coming license period and shall not be considered as previously having held a bushel license.

The notice of intent must be delivered in person, and must be received by the town clerk by the above deadline. In the event the Brunswick Municipal Offices are closed during any portion of the normal office hours on the second Friday of March the deadline for submitting a notice of intent shall be extended to the close of business on the next normal business day the municipal offices are open.

An applicant on active military duty, whether because of enlistment or activation by a proper authority, may preserve, but not advance, that applicant's status in the commercial license selection process by returning a notice of intent to the town clerk by the second Friday of March. The active duty applicant need not deliver the notice of intent in person. The active duty applicant must include proof from a military authority that the applicant is on active duty and that the applicant is a resident of Brunswick, Maine, as defined in this chapter. The applicant is not required to participate further in the commercial license selection process, and the applicant shall not be reduced in the commercial license classes in any year the applicant complies with this paragraph.

- (2) Prior to the first Friday in March, the marine resource committee will establish the number of commercial shellfish licenses and bushel licenses to be made available.

The Brunswick Marine Resource Committee shall use the following protocols in order to determine the number of resident commercial shellfish licenses **and bushel licenses**:

- a. Shellfish population surveys; conducted in accordance with the Maine Department of Marine Resources Municipal Shellfish Management Program. A complete shellfish inventory including all growing areas within the Town of Brunswick jurisdiction shall be completed every two years, or upon the recommendation of the marine resources officer or the marine resources committee.
  - b. Standing crop analysis; as determined by the shellfish population surveys.
  - c. License availability; based on the standing crop analysis.
  - d. Historical harvest data: As determined by the Maine Department of Marine Resources Municipal Shellfish Management Program.
  - e. Harvester and public input.
  - f. The committee must take into account all of the above factors in determining the number of resident commercial shellfish licenses to be made available. However, the final number of licenses made available shall not vary more than fifteen (15) percent from the number determined solely by the standing crop analysis under criterion (c) above.
- (3) The marine resources committee will notify the town clerk in writing prior to the second Friday of March of the number of shellfish licenses, by type and class, to be made available for issue.

If the town is notified by the Maine Department of Marine Resources of an impending closure or opening of harvestable acreage after the second Friday in March, the committee shall recalculate the number of commercial shellfish licenses made available, and notify the town clerk in writing prior to the first Monday in April.

The town clerk will prepare a list of the persons eligible for licenses in Classes A through K in subsection (4) **and those persons eligible for any bushel licenses**. The public notification of license availability shall include a statement that the list is posted at the town office. No shellfish licenses may be reserved and licenses cannot be transferred or resold by applicants. Applicants for a shellfish license who meet the requirements of this article must obtain the shellfish license in person if the applicant has filed with the town clerk a notarized statement designating a certain other person to obtain the license on the applicant's behalf or unless medically unable to do so. A person medically unable to obtain the shellfish license may send another person who shall present to the town clerk written authorization and a written statement from a physician regarding the applicant's condition.

- (4) The town clerk shall issue resident commercial and non-resident commercial licenses according to the selection process described below. Resident applications and non-resident applications shall be segregated in each class. The classes shall be followed in descending order. A number equivalent to ten (10) percent of the total number of resident commercial licenses, regardless of class, shall be

issued to non-resident commercial applicants. ~~Reciprocal licenses from previous years do not qualify as resident commercial licenses or non-resident commercial licenses.~~ The classes are:

#### RESIDENT

- a. Applicants who have held resident commercial licenses for ten (10) of the last ten (10) years.
- b. Applicants who have held resident commercial licenses for nine (9) of the last ten (10) years.
- c. Applicants who have held resident commercial licenses for eight (8) of the last ten (10) years.
- d. Applicants who have held resident commercial licenses for seven (7) of the last ten (10) years.
- e. Applicants who have held resident commercial licenses for six (6) of the last ten (10) years.
- f. Applicants who have held resident commercial licenses for five (5) of the last ten (10) years.
- g. Applicants who have held resident commercial licenses for four (4) of the last ten (10) years.
- h. Applicants who have held resident commercial licenses for three (3) of the last ten (10) years.
- i. Applicants who have held resident commercial licenses for two (2) of the last ten (10) years.
- j. Applicants who have held resident commercial licenses for one (1) of the last ten (10) years.
- k. Applicants who have held resident commercial licenses for zero (0) of the last ten (10) years.

#### NONRESIDENT

- a. Applicants who have held nonresident commercial licenses for ten (10) of the last ten (10) years.
- b. Applicants who have held nonresident commercial licenses for nine (9) of the last ten (10) years.
- c. Applicants who have held nonresident commercial licenses for eight (8) of the last ten (10) years.

years.

- d. Applicants who have held nonresident commercial licenses for seven (7) of the last ten (10) years.
- e. Applicants who have held nonresident commercial licenses for six (6) of the last ten (10) years.
- f. Applicants who have held nonresident commercial licenses for five (5) of the last ten (10) years.
- g. Applicants who have held nonresident commercial licenses for four (4) of the last ten (10) years.
- h. Applicants who have held nonresident commercial licenses for three (3) of the last ten (10) years.
- i. Applicants who have held nonresident commercial licenses for two (2) of the last ten (10) years.
- j. Applicants who have held nonresident commercial licenses for one (1) of the last ten (10) years.
- k. Applicants who have held nonresident commercial licenses for zero (0) of the last ten (10) years.

On the first Wednesday of April, the town clerk shall issue licenses to the classes in which licenses are available for each applicant. The licenses shall be purchased by the end of business on the tenth (10th) business day after issuance.

After the issuance of licenses to the classes in this subsection (4) in which licenses are available for each applicant, the remaining classes shall be issued licenses by lottery. The lottery shall apply to the classes alphabetically. If there is at least one (1) applicant in excess of the number of available licenses in a class, the town clerk shall also hold a lottery for the next class. The lottery shall be held on the fourth Tuesday of April. As applicant names are drawn by lottery, a list will be compiled showing order of eligibility. Licenses will be available for purchase after the lottery during regular town office business hours until the end of the first business day following the lottery. If, at the end of the first business day following the lottery, one (1) or more licenses remain in a class, the next eligible applicant(s) in that class will have two (2) days to purchase the license(s).

If licenses remain after the issuance of licenses to each applicant in the classes in this subsection (4) during the first ninety (90) days of the issuance process, the town clerk shall issue licenses to residents or nonresidents according to the following process:

The town clerk shall prepare public notification of license availability which shall be published in a newspaper of general circulation in the area by the second Friday of May and posted at the town office.

The notification shall inform prospective applicants to file a lottery participation notice to seek a resident or nonresident commercial shellfish license. The lottery participation notice shall be on the form prepared by the town clerk, and available at the town clerk's office.

Any person who does not complete and return the lottery participation notice to the town clerk by 4:30 p.m. on the Friday following publication shall not be eligible to be an applicant.

The town clerk shall prepare a list of the persons eligible to compete for a license in this category. The list shall be posted at the town office. Resident applications and nonresident applications shall be segregated.

On the Monday immediately following the return deadline, the town clerk shall hold a lottery to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on Tuesday, the next day. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have two business days after notification to purchase the license.

If licenses remain after the first ninety (90) days of the issuance process, they shall be equally available to residents and nonresidents.

If a license becomes available because it is suspended to or past the end of the license year, void or surrendered during the license year, it shall be offered to the next succeeding person, if any, identified in the initial lottery process according to the category of the license suspended, void or surrendered, resident or nonresident. That person shall have seven (7) business days after attempted telephone and U.S. mail notification to purchase the license. If no person remains from the initial lottery process, or if there was no initial lottery process, the license shall not be reissued.

Nothing in this subsection shall be interpreted to restore or expand any other rights or waive any qualification provisions under this article. For the following license year, a person who held licenses in some or all of the proceeding ten (10) years and who qualified for a license during the period of issuance but did not receive a license, shall be in the class determined by this lottery license and previous licenses. A person who receives a license in this lottery and who has held no licenses for the proceeding ten (10) years shall be in a Class J for the following license year.

If the Brunswick municipal offices are closed during any portion of the normal office hours on the first day set above for issuing licenses to a class, any remaining licenses for that class must be issued and purchased prior to closing of the municipal offices on the next normal business day the municipal offices are open. If the Brunswick municipal offices are closed during any portion of the normal office hours on the second day set above for issuing licenses to a class, any remaining licenses for that class must be issued and purchased prior to noon on the next normal business day the municipal offices are open.

For the purposes of the above selection process, a license does not remain for a class in the descending order if a person in the class above is issued a license but does not purchase the license within the required time, and others in the class above did not obtain a license because the number of persons in the class above exceed the number of available licenses. Rather, the license shall be issued to the persons in the class above who did not obtain a license, by lottery if necessary.

For the purpose of the above selection process, a person who was a Brunswick resident and subsequently established residency in another place outside the Town of Brunswick and obtained a resident commercial shellfish license in that place, shall not be considered as previously having a Brunswick resident commercial shellfish license.

For the purposes of the above selection process, a person who is issued a license but does not purchase the license within the required time for two (2) successive license years shall not be considered as previously having a Brunswick commercial shellfish license.

- (5) The town clerk or the town clerk's designee shall begin to issue resident and nonresident recreational shellfish licenses on the first Monday in April.
- (c) Reserved.
- (d) The following procedure will be followed to control student shellfish license availability:
  - (1) Prior to the first Friday in March, the marine resource committee will establish the number of student shellfish licenses to be made available. Not less than ten (10) percent of the student shellfish licenses shall be made available to nonresidents, except that if the number established is five (5) or fewer, none is required to be made available to nonresidents, and if the number is more than five (5) but fewer than ten (10), at least one (1) is required.

The marine resources committee will notify the town clerk in writing prior to the second Friday of March of the number of student licenses to be made available for issue.

- (2) Notice of intent application for student licenses will be available on the first Friday in April at the Town Clerk's Office, 28 Federal Street, Brunswick. The town clerk shall publish a notice of availability of student notice of intent applications for shellfish harvesting in a newspaper of general circulation no later than the first Friday of April. Student harvesters must deliver a completed notice of intent to the town clerk's department, in person, no later than 4:30 p.m. on the first Friday of May. If there are more applicants than there are licenses available, the selection process shall be by lottery. On the second Friday in May, the town clerk shall hold a lottery if needed to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on the third Friday of May. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have seven (7) business days after the town clerk by telephone and U.S. mail notifies the person or persons to purchase the license.

If student shellfish licenses remain after the first ninety (90) days of the issuance process, they shall be equally available to residents and nonresidents.

- (3) Student shellfish license holders will need to appear in person at the time they purchase their licenses to have their pictures taken for their licenses. The town clerk's office will mail out licenses to student license holders by June 10th.
- (4) Before taking shellfish on June 15th, the student shellfish licensees shall provide the certified

municipal shellfish conservation warden, or his or her designee, proof that the information in the application remains correct.

(e) Notice of the dates, places, times and the procedures for the recreational license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than ten (10) days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the commissioner of marine resources.

(Ord. of 3-6-89, § 309; Ord. of 2-5-90, § 309; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Emergency Ord. of 3-16-98; Ord. of 3-16-98, Ord. of 3-16-99; Emergency/Regular Ord. of 7-6-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 12-2-02; Ord. of 11-3-03; Ord. of 2-22-05; Ord. of 10-24-05; Ord. of 11-2-05(2); Ord. of 11-15-06(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

### **Sec. 11-141. Suspension.**

(a) *Violation of article.* The town marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article if a person is convicted in court of violating any section of this article.

(b) Suspension based on conviction in a town closed conservation area. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when the license holder has been convicted in court of harvesting shellfish from a town closed conservation area. The suspension shall be one hundred eighty (180) days for a first conviction; and the remainder of the shellfish year for a second conviction. In addition, a person with a second conviction shall not qualify as an applicant for five (5) years from the date of the second conviction.

(c) Suspension based upon violation of recreational license or bushel license requirement. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when they find the harvester has violated the requirements of this article for recreational, ~~or~~ student or bushel licenses. The suspension shall be twelve (12) months for the first finding. The suspension shall be for the balance of the license year for the second finding and, in addition, a harvester with a second finding shall not qualify as an applicant for a recreational, ~~or~~ student or bushel license for five (5) years from the date of the second finding.

(d) The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article, if the license holder refuses to allow inspection or seizure under section 11-138. This suspension may not exceed two (2) years.

(e) *Length of suspension where otherwise not specified.* The suspension of a license may not exceed the following:

- (1) Ninety (90) days for the first conviction.
- (2) The remainder of the license year for the second conviction.

In addition, a harvester with a second conviction in a twelve (12) month period arising out of separate events shall not qualify as an applicant for a license for one (1) year.

(f) *Applicable standards.* Any conviction for violations occurring more than five (5) years before the most recent date of violation resulting in a conviction shall not be counted in determining lengths of suspension. (Ord. of 3-6-89, § 311; Ord. of 2-5-90, § 311; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

**Sec. 11-142. Aiding and abetting.**

A harvester holding a commercial license or bushel license who aids or abets the harvest of shellfish in violation of this article shall be subject to the same penalties as the person he has assisted. (Ord. of 3-6-89, § 312; Ord. of 2-5-90, § 312; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 12-7-09)

**Sec. 11-143. Suspension based on state shellfish license being suspended.**

The marine resource committee shall, after notice and hearing, suspend any and all licenses issued by this article when the license holder's State of Maine Department of Marine Resources Shellfish License is suspended. The suspension shall remain in effect until the license holder's State of Maine Department of Marine Resources Shellfish License is reinstated. (Ord. of 3-6-89, § 313; Ord. of 2-5-90, § 313; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-144. Hearing.**

If the certified municipal shellfish conservation warden presents to the marine resource committee evidence that any licensee has been convicted of violating this article or the licensee's State of Maine Department of Marine Resources Shellfish License has been suspended, the marine resource committee shall give the licensee seven (7) days notice of the suspension of the license, stating the reason for the suspension. The licensee has the right to meet with the marine resource committee during that seven-day period to review the evidence of convictions or suspension in the marine resource committee's possession and to present any evidence showing the licensee does not have the convictions or the suspension. (Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-145. Expiration.**

Resident commercial shellfish and nonresident commercial licenses and bushel licenses issued under authority of this article shall expire on the fourth Friday of April in the following calendar year. Resident student shellfish and nonresident student shellfish licenses issued under the authority of this article shall expire September 1. Resident recreational and nonresident recreational licenses issued under authority of this article shall expire on the day before the first Monday of April. (Ord. of 3-6-89, § 306; Ord. of 2-5-90, § 306; Ord. of 2-18-92; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-2-02; Ord. of 11-3-03; Ord. of 12-7-09)

**Secs. 11-146--11-160. Reserved.**

**DIVISION 5.**  
**REGULATIONS**

**Sec. 11-161. Opening and closing of coastal waters.**

(a) The marine resource committee, with the approval of the commissioner of marine resources, and the direct consent of the town council, and this consent to be given by the town council on an annual basis at their first regular meeting after the organization meeting, may open and close coastal waters. Except for emergency closures, or openings, the marine resource committee shall call a public hearing and shall send a copy of the notice to the Department of Marine Resources. At the hearing, the staff shall present evidence obtained from its survey and other sources, and members of the public may present evidence in support or refutation of the evidence presented by the staff. In the event of an emergency closure, or openings, the marine resource committee shall hold a public hearing as soon as practical, considering the need for adequate public notice and participation.

The chair may determine that an opening or closing shall be placed on the agenda and shall direct staff to give notice of the hearing. Notice shall be posted at the town office, and published in a newspaper of general circulation no less than seven (7) days before the date of the hearing.

(b) After the hearing is closed, the marine resource committee shall make findings of fact on the relevant evidence presented. They shall then make a conclusion based on those findings of fact as to whether opening of coastal waters as requested is warranted by the recovery of the resource; or the freedom from predation, competition or other resource problem. If so, the marine resource committee with the concurrence of the department of marine resources shall order the coastal waters opening and shall set such time limitations and other harvesting conditions as are consistent with good conservation practices. If the request is to close the coastal waters, the marine resource committee shall make a conclusion based on their findings of fact as to whether closing the coastal waters is warranted by depletion of the shellfish, destruction of existing seed; or predation, competition or other resource problem. If so, the marine resource committee shall order the coastal waters closed until further request for opening by the staff. Any proposal for opening or closing of coastal waters shall be approved by the commissioner of marine resources prior to enactment.

(c) When the marine resource committee opens or closes the coastal waters, the committee's action may be reviewed at a regularly or specially scheduled town council meeting. The town council may uphold, reverse or amend the opening or closing decision of the marine resource committee.  
(Ord. of 3-6-89, § 203; Ord. of 2-5-90, § 203; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

**Sec. 11-162. Shellfish size and tolerance of harvest.**

A person shall not harvest or possess softshell clams which are less than two (2) inches in the longest diameter to the amount of more than ten (10) percent of any lot; quahogs which are less than one (1) inch in width; or oysters which are less than three (3) inches in length.  
(Ord. of 3-6-89, § 302; Ord. of 2-5-90, § 302; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

**Sec. 11-163. Method of determining tolerance.**

The tolerance of ten (10) percent must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the lot. If the entire lot contains less than one (1) peck, the tolerance must be determined by numerical count of the entire lot.  
(Ord. of 3-6-89, § 303; Ord. of 2-5-90, § 303; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-164. Night shellfish harvesting prohibited.**

It is unlawful to harvest, take or possess shellfish from one (1) hour after sunset until one (1) hour before sunrise. The time table prepared by the Nautical Almanac Office of the U.S. Navy for Augusta, Maine will be the official time.

(Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-165. Sunday shellfish harvesting prohibited.**

It is unlawful for any commercial harvester to harvest or take shellfish from the coastal waters of the town on Sundays between May 1<sup>st</sup> and October 15<sup>th</sup>.

(Ord. of 4-7-08(1); Ord. of 12-7-09) ; (02/2012)

**Sec. 11-166. Automatic closures and openings.**

Upon notification by the Maine Department of Marine Resources that a shellfish growing area within the town's jurisdiction is placed in a prohibited or restricted status, an automatic conservation closure shall go into effect immediately and shall stay in effect until two weeks after legal notification by the Maine Department of Marine Resources that the shellfish growing area has returned to approved standards and is open for public harvest or until the Brunswick Marine Resources Committee holds a public hearing to open the area, whichever is sooner. The exception to this rule is that the Brunswick Marine Resources Committee can designate an area that is in a restricted status for depuration harvest only. This section does not apply to seasonal openings and closings.  
(Ord. of 12-7-09)

**Sec. 11-167. Leaving unguarded ice holes.**

(a) Any person who removes ice or causes its removal from any stream, pond, lake, or coastal waters, within the jurisdictional boundaries of the Town of Brunswick, thereby leaving an opening that exceeds one and one-half (1 1/2) feet in width or exceeds four and one-half (4 1/2) feet in length, shall place a fence around the entire perimeter of the opening made by such removal as described below:

- (1) Wooden stakes or poles, no more than one and one-half (1 1/2) inches in width and at least three and one-half (3 1/2) feet in height above the surface of the ice shall be properly spaced around the perimeter of the opening.
- (2) Safety tape, no less than two (2) inches in width, shall be displayed in such a manner that it will enclose the entire perimeter of the opening in the ice. Safety tape shall have the name of the person responsible for creating the ice hole, along with that person's phone number and address, clearly printed in one-inch block letters.

- (3) The safety tape shall be suspended not less than three and one-half (3 1/2) feet above the surface of the ice.
- (4) It shall be the responsibility of the person who removes the ice and erects the fence to retrieve the fence and tape when the opening has safely frozen over or before the melting of the ice at the end of the winter season.

(b) Any person who removes ice or causes its removal from any stream, pond, lake, or coastal waters within the jurisdictional boundaries of the Town of Brunswick, thereby leaving an opening that is less than one and one-half (1 1/2) feet in width and less than four and one-half (4 1/2) feet in length, shall place a visual warning device of pine or evergreen boughs or any natural biodegradable debris such as tree limbs or brush around the entire perimeter of the opening made by such removal; provided, however, that an opening that is less than twelve (12) inches in diameter is exempt from the requirements of this section.  
(Ord. of 3-1-10(1))

ITEM 35

BACK UP MATERIALS



# 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

March 27, 2013

**To:** Brunswick Town Council  
Gary Brown, Town Manager  
**From:** Anna Breinich, AICP  
**Subject:** Zoning Ordinance amendment to include "Residence Hall" as a use by special permit in the MU3 District.

At your February 4<sup>th</sup> meeting, the 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 was 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), copy attached.

The Brunswick Planning Board held a workshop session on February 26<sup>th</sup> to review the proposal and took action to hold a public hearing. The public hearing was held March 12<sup>th</sup> at which time the Planning Board heard public comment regarding the proposed amendment. After their deliberation, Planning Board voted 4-1 in favor of forwarding the zoning amendment as proposed to Town Council for consideration.

At the March 18th meeting, Town Council considered the amendment for public hearing as recommended by Planning Board and staff, to allow Residence Halls in the MU3 Zoning District as a permitted use. By a 7-2 vote, Town Council decided to consider "Residence Hall" as a use by special permit in the MU3 District so as to allow for Planning Board review prior to establishing a "Residence Hall." Staff continues to recommend that "Residence Hall" be included as a permitted use in the MU3 District for the following reasons:

- The 2008 Comprehensive Plan Update envisions the area as primarily a residential and educational part of Town with allowed uses generally reflecting an established development pattern yet varied within the area. Appropriate uses include a range in 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 non-residential uses as well as a wider range of non-residential uses in the existing mixed use areas (MU3 and MU6). Allowing "Residence Hall" as a use in the MU3 District is consistent with the Comprehensive Plan.
- All residential uses in the MU3 District are permitted by right, including uses with similar neighborhood impacts, boarding homes and multifamily residential. The adjacent residential district, R7, also permits boarding homes and multifamily dwellings by right.
- This is a Mixed Use District with actual uses now including a residence hall (Smith House established in 1972 by Bowdoin College), 2-single-family residences, 2 offices, a convenience

store and a site previously approved for 4 condominium units. Based on the current mix of uses and those permitted within the MU3 District, residence hall use is similar in nature.

- Restrictions placed on “Residence Halls” in the CU4 and CU5 Districts limit such uses to former fraternity and sorority houses. In accordance with the Zoning Ordinance definition both fraternities and sororities are specifically included as “Boarding House” further indicating their similarity in use.

In staff’s opinion, based on neighborhood impact and similarity in use, there are no significant differences between the current permitted use, “Boarding Home,” and “Residence Hall” to warrant a special permit. Both could easily have similar occupancy characteristics and should be regulated based on the actual use, not ownership.

I will be in attendance at your meeting to answer any questions.

Attachment

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	<del>XP</del>	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

ITEM 36

BACK UP MATERIALS



# 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

March 13, 2013

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

At the February 26, 2013 Planning Board meeting, the following Midcoast Regional Redevelopment Authority zoning amendment request was reviewed in a workshop session. Upon review and discussion, the Planning Board authorized a public hearing to consider and make recommendation to Town Council on the following zoning ordinance text change, also including a staff recommendation that the same restriction regarding Business Office be removed as well:

## A-III.6 Use Table for the Land Use Districts as adopted (condensed)

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Professional Office	P	P	P <sub>3</sub>	P	X	X
Business Office Use	P	P	P <sub>3</sub>	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 Text Amendment to A-III.6 Use Table for the Land Use Districts (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
Business Office Use	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						

The Planning Board held a public hearing on March 12<sup>th</sup> to hear public comment and, after deliberation, voted unanimously to forward the zoning amendment, as presented, to Town Council for their consideration. Staff respectfully requests Town Council to set a public hearing for consideration of the referenced zoning amendment.

Briefly, the amendment requested pertains to the R-AR Land Use District, contained within the BNAS Reuse (BRU) Zoning District. 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 located within the R-AR Land use District with all revenue generated by such uses restricted 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 requested amendment would change “Professional Office” in the use table from a “P<sup>3</sup>” (allowed only in conjunction with aviation-related activities or uses) to a “P” (Permitted Use). As was stated in the Planning Board workshop, staff further recommended that the same restriction on “Business Office” be removed at this time. Planning Board considered and included the staff’s recommendation in the advertised amendment proposal.

Staff will be in attendance at your meeting for questions or clarification.

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BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE**

**Resolution Amending the 2012-13 Budget and  
Appropriating \$345,580 from the Unassigned Balance of the General Fund  
to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and  
to Fund the Acquisition of Another New Fire Department Rescue Vehicle**

**WHEREAS**, the Town of Brunswick (the “Town”) on July 11, 2011, adopted a Bond Ordinance entitled “An Ordinance Authorizing the Funding and Acquisition of a New Fire Rescue Vehicle” (the “Bond Ordinance”); and

**WHEREAS**, pursuant to the Bond Ordinance, the Town purchased a Fire Rescue Vehicle in 2011; (the “2011 Ambulance”); and

**WHEREAS**, pursuant to a resolution adopted June 18, 2012 and entitled, “A Resolution Authorizing the Expenditure of up to \$16,175 from Unexpended Funds to Fund a Portion of a Fire Rescue Vehicle authorized by Bond Ordinance” the Town applied \$16,174.80 of 2011 Bond Project Funds towards the purchase of the 2011 Ambulance leaving a balance to be funded of \$158,580.20; and

**WHEREAS**, the Town no longer wishes to issue debt to fund the purchase of the 2011 Ambulance; and

**WHEREAS**, through its capital improvement planning process, the Town has identified the need to purchase another Fire Department rescue vehicle (a.k.a. ambulance); and

**WHEREAS**, the Town Manager has recommended that acquisition of a new ambulance be authorized as soon as possible; and

**WHEREAS**, the Town of Brunswick (the “Town”) adopted a budget for the 2012-13 fiscal year (the “Budget”); and

**WHEREAS**, section 504 of the Charter of the Town of Brunswick provides a method for amending the Budget; and

**WHEREAS**, the Town Council has held a public hearing on the proposed amendments to the Budget at least ten days prior to the adoption of this resolution;

**NOW THEREFORE THE FOLLOWING RESOLUTION IS ADOPTED:**

**Section 1 Funding Source and Appropriation.** The sum of \$345,580 is appropriated from the Town’s unassigned General Fund Balance to fund the balance of the cost of the 2011 Ambulance, \$158,580, and the cost of acquiring and equipping another Fire Department Rescue Vehicle, at an estimated cost of \$187,000 (the “Acquisition”).

**Section 2. Authorization to Acquire Capital Asset.** The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, as the Town Manager determines to be necessary or appropriate in connection with the Acquisition.

The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be conclusively evidenced by the Town Manager's execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

**Section 3. Acquisition Costs Defined.** The term "cost" or "costs" as used herein and applied to the Acquisition, or any portion thereof, includes:

- a. the purchase price or acquisition cost of all or any portion of the Acquisition, including all costs of equipping and outfitting the Acquisition, and all costs relating to preparing Acquisition to be ready for its intended use and placed in service;
- b. the cost of any other item or service deemed to be a cost under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

**Section 4. Unexpended Funds.** Upon a determination by the Finance Director that the Acquisition is complete or abandoned, any remaining balance shall lapse to the Town's General Fund.

Proposed to Town Council: March 4, 2013  
Public Hearing: March 18, 2013  
Adopted by Town Council:

**TOWN OF BRUNSWICK, MAINE**

**Resolution Amending the 2012-13 Budget and  
Authorizing the Design and Re-construction of College Street and Related Improvements, with  
Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the  
Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under  
this Resolution**

**WHEREAS**, the Town of Brunswick (the “Town”) adopted a budget for the 2012-13 fiscal year (the “Budget”); and

**WHEREAS**, pursuant to an agreement between the Town and Bowdoin College (the “College”) the Town agreed to make certain improvements to College Street: and

**WHEREAS**, the Brunswick Sewer District (“BSD”) and the Brunswick-Topsham Water District (“BTWD”) wish to make improvements to their College Street facilities and have agreed to participate in the College Street improvements; and

**WHEREAS**, the Town has hired Milone and MacBroom Engineers to develop plans and specifications for the reconstruction of College Street, to include the improvements desired by the College, BSD and BTWD (the “Project”); and

**WHEREAS**, Milone and MacBroom Engineers has estimated \$1,233,000 as the total Project cost;

**WHEREAS**, the Town, the College, BSD and BTWD have tentatively agreed on a cost sharing plan for the Projects; and

**WHEREAS**, the cost sharing plan requires the Town to fund up to \$500,000 of the total Project cost

**WHEREAS**, the Town and Bowdoin College wish to begin construction of the Project in the spring of 2013; and

**WHEREAS**, section 504 of the Charter of the Town of Brunswick provides a method for amending the Budget; and

**WHEREAS**, the Town Council has held a public hearing on the proposed amendments to the Budget at least ten days prior to the adoption of this resolution;

**NOW THEREFORE THE FOLLOWING RESOLUTION IS ADOPTED:**

**Section 1. Funding Sources and Appropriations.**

- a. A total of one million two hundred and thirty-three thousand dollars (\$1,233,000), plus any additional amounts authorized under this resolution, are appropriated to finance the cost of designing and reconstructing College Street (the “Project”).
- b. A sum not to exceed \$500,000 from the Town’s Unassigned Fund Balance is appropriated as the Town’s share of the total Project cost.

- c. A sum equal to the balance of the Project costs, as determined in a cost sharing agreement to be developed between the Town, the College, BSD and BTW, and approved by the Town Manager, (the “Cost Sharing Agreement”) is accepted by the Town and appropriated towards the total Project cost.

**Section 2. Authorization to Develop and Construct.** The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents and certificates as the Town Manager may determine to be necessary or appropriate in connection with the Project. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be conclusively evidenced by the Town Manager’s execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

**Section 3. Project Costs Defined.** The term “cost” or “costs” as used herein and applied to the Project, or any portion thereof, includes:

- a. the cost of planning, surveys, engineering, environmental assessments, inspections and other professional services;
- b. the costs related to applying for and obtaining all permits;
- c. the cost of any land, rights, and easements;
- d. the cost of constructing the Project, and all costs determined by the Town Manager to be necessary to place the Project in service and ready for its intended use, including but not limited to the cost of all labor and materials, landscaping, off-site improvements, and the cost of all utility construction or relocation;
- e. the cost of insuring the Project while under construction and for a reasonable period upon substantial completion;
- f. any other costs identified in the Project budget, and the cost of any other items or services deemed to be cost under generally accepted accounting principles (“GAAP”) as determined by the Town’s Finance Director.

**Section 4. Unexpended Project Funds.** Upon a determination by the Finance Director that the project is complete or abandoned, and the fulfillment of all the obligations under the Cost Sharing Agreement, any remaining balance in the project account shall lapse to the Town’s General Fund.

Proposed to Town Council:      March 4, 2013  
Public Hearing:                      March 18, 2013  
Adopted by Town Council:

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: February 26, 2013

RE: Budget Amendment; College Street improvements/ambulance purchases

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The traffic improvements to College Street have been designed and the schedule for this project is to have the construction begin as soon as the school year is over at Bowdoin College. In addition to the work on College Street, staff is also recommending to amend the budget for the purchase of two ambulances. Specific details are provided below.

Over the course of the past several months, we have completed the following projects:

1. **The demolition of the Times Record Building.** This project was completed at a cost of just under \$150,000. The source of the funding for this was the special revenue fund for the Times Record building. That account now has a balance of \$351,190.51
2. **Replacement of the pedestrian bridge at Cooks Corner.** This project was finished in late November at a cost of \$373,000. This leaves a balance in this account of \$107,443.15
3. **Longfellow School.** Our obligations for the former Longfellow School have been met. There is a balance in this account of \$32,292.25
4. **Cook's Corner paving project:** This project was completed last year and has a balance of \$21,583.64
5. **Other Road Construction.** There is also a balance of \$228,117.02 in the other road construction capital account.

The funds remaining from these completed projects totals \$740,626.57.

The cost estimate for College Street improvements includes participation by Bowdoin College, the Water District and the Sewer District. The total project cost is estimated at

\$1,233,000. The present estimate for Brunswick is \$421,000, plus a 10% contingency for a total of \$463,100. We will recommend a budget of \$500,000 for this in the event that the costs are greater than the estimate. A separate detailed memo regarding College Street is included with this memo.

In 2011 the Council authorized debt to purchase an ambulance. That ambulance has been purchased but we have not issued the debt. As we have already funded a portion of that ambulance, the balance to be funded is \$158,580. The replacement of the third ambulance was recommended by the Fire Department last year, but was not included in the CIP that was presented to the Council for the current year. The recommendation from staff is to use existing funds to pay for the ambulance that was purchased in 2011 and for the proposed ambulance this year. The estimated total of the two ambulances is \$345,580.

The total required to fund the College Street project and the two ambulances is \$845,580. The above-mentioned remaining balances will lapse to the General Fund and then the total needed will be appropriated. The net impact on the General Fund will be \$104,953.

The recommendation to use the balance of funds and the \$104,953 from fund balance results in satisfying our commitment to the College Street project, pays for two ambulances and avoids adding to our debt service.



# Town of Brunswick, Maine

INCORPORATED 1739

## TOWN COUNCIL

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6659

FAX 207-725-6663

### MEMORANDUM

TO: Town Council

FROM: Sarah Brayman, John Perreault, Jerry Favreau  
CIP Committee

DATE: March 12, 2013

RE: Proposed Budget Amendments  
Ambulances and College Street

As requested, the CIP Committee has discussed the two proposed budget amendments that will be the subject of a public hearing to be held by the Town Council at its March 18<sup>th</sup> meeting. We have chosen to comment on the two amendments separately.

#### *Fire Rescue Vehicles (Ambulances)*

This amendment proposes to fund an ambulance already acquired pursuant to a bond ordinance and an additional ambulance with funds from the Town's unassigned general fund balance. The Town Council recently adopted a CIP Policy that anticipates that most vehicle purchases will be funded through reserves, built with annual budget appropriations. However, as the CIP Committee has made clear, there needs to be a transition to this new method of vehicle financing, as there are not currently sufficient reserves to finance all new vehicle purchases. In discussing this transition, the Committee concluded that it would be appropriate to use savings from other projects to fund new vehicles as the reserve funds are built. Further, the Committee and the Council expressed a desire to minimize the use of debt for individual purchases under \$325,000. Accordingly, we support the recommendation to fund the ambulance already acquired and a new ambulance from the Town's unassigned general fund balance.

#### *College Street Improvements*

The amendment proposes to fund improvements to College Street. On October 4, 2011, the Town and Bowdoin College executed an agreement to exchange the former Longfellow School for the College's McLellan building. In that agreement the Town also agreed to make improvements to College Street. "Such improvements are generally described as follows: (i) reconstruction of the intersections of College Street at Maine Street and Harpswell Road (the intersections will be designed and constructed to achieve a traditional "T" intersection); and (ii) construction or rehabilitation of sidewalks and curbing on both sides of College Street; and (iii) placement of a traffic-calming (speed table) device on College Street." The agreement specifies the timing of the project, "...likely starting no sooner than July 1, 2012 and no later than July 1, 2014..."

The Town and the College have worked to develop plans and specifications for the reconstruction of the street and related improvements. The Brunswick Sewer District (BSD) and the Brunswick- Topsham Water District (BTWD) have participated in the project's development. The Town, the College, BSD and BTWD have tentatively agreed on a cost sharing formula for the project that calls for the Town to fund up to \$500,000 of the anticipated \$1,233,000 project costs.

The Town Manager has recommended that the Town's share of the project funding come from unassigned general fund balance. The Committee considered that the Town Manager was making this recommendation based, in part, on balances left in other projects that would ultimately lapse to the general fund. Previous CIP's contemplated that the Town's portion of this project would be funded with debt. At \$500,000, the project is of sufficient size that debt financing is justified. However, given the availability of funds remaining in other projects, the Committee concludes that using fund balance for this project is appropriate.

In reviewing the project, it was clear that the most significant changes to College Street entail changes to the intersection of College and Maine, the intersection of College and Harpswell Road, and the installation of four speed-table crosswalks on College Street. The Committee recommends that the project design be subjected to review and approval by the Town Council prior to authorizing the project to proceed.

cc: Town Manager

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: February 26, 2013

RE: College Street project

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In 2011 the Town Council authorized the transfer of the former Longfellow School to Bowdoin College in exchange for the McLellan building. The terms of the exchange included the reconstruction of the intersections of College Street at Maine Street and Harpswell Road, installation of speed tables, and the placement of new sidewalks and repairs to the existing sidewalk.

We have been working with Bowdoin, the Water District and the Sewer District to get this project designed and ready for construction this year. The scope of the project grew, particularly with the involvement of the two Districts. The two Districts are cost sharing in the project, as is Bowdoin.

The present estimate totals \$1,233,000. The Town's share of this amount is just under 40% of this amount. The estimate is \$421,000, plus a contingency of 10%, for a total of \$463,100. We are recommending that we budget \$500,000 for this project, in the event that the estimates prove to be low.

As the Council is also aware, Bowdoin has requested that we change the direction of traffic on Upper Park row so that traffic will move south to north from College Street to Maine Street, near the Chamberlain statute. Any costs associated with this change will be absorbed entirely by Bowdoin. They have also requested some changes in the length of parking for some of the spaces on Park Row. The desired outcome is to have these spaces turned over more frequently than presently occurs.

There is a traffic analysis that is being completed to review the impacts of the changes to the intersections as well as changing the direction on upper Park Row. That report is scheduled to be finished next week and will be made available to the Council when it is received.

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**TOWN OF BRUNSWICK**  
TOWN MANAGERS OFFICE  
MEMORANDUM

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TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: March 12, 2013

RE: College Street/Park Row

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The Council will be holding a Public Hearing to amend the current year budget at the March 18 Council meeting. One of the items to be considered is the improvements to College street. These improvements are based on one of the conditions of the exchange of the former Longfellow School for the McLellan Building.

The Town has been working collaboratively with the College and the Water and Sewer Districts to design this project. Copies of the most recent design in are included in your packet. We are expecting some fine tuning to this design based on our most recent meeting which occurred Friday, March 7.

Also included in your packet is the traffic analysis of the project and the reversing of traffic on Park Row from College street to Maine Street. Although this is not specifically part of the project, it would be efficient to undertake this as part of the project if the Town is agreeable to the proposal.

We have scheduled a meeting of residents that may be impacted by this project. The meeting will be held on March 28 in the Council Chambers. At that time we expect to have the final plans available for public presentation and comment.

Also included in the packet is a cost sharing matrix that identifies the split of the costs between the Town, Bowdoin and the two Districts. This is a preliminary matrix that will have some adjustments to it as some of the sidewalk work reflected in this document is the Town's responsibility and not the College.

**TOWN OF BRUNSWICK**  
**Reconstruction of College Street - 30% Plans for Review**  
**BRUNSWICK, MAINE**  
**Opinion of Probable Construction Construction Cost Including 10% Contingency**  
**FEBRUARY 7, 2013**

Print Date: February 13, 2013

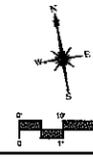
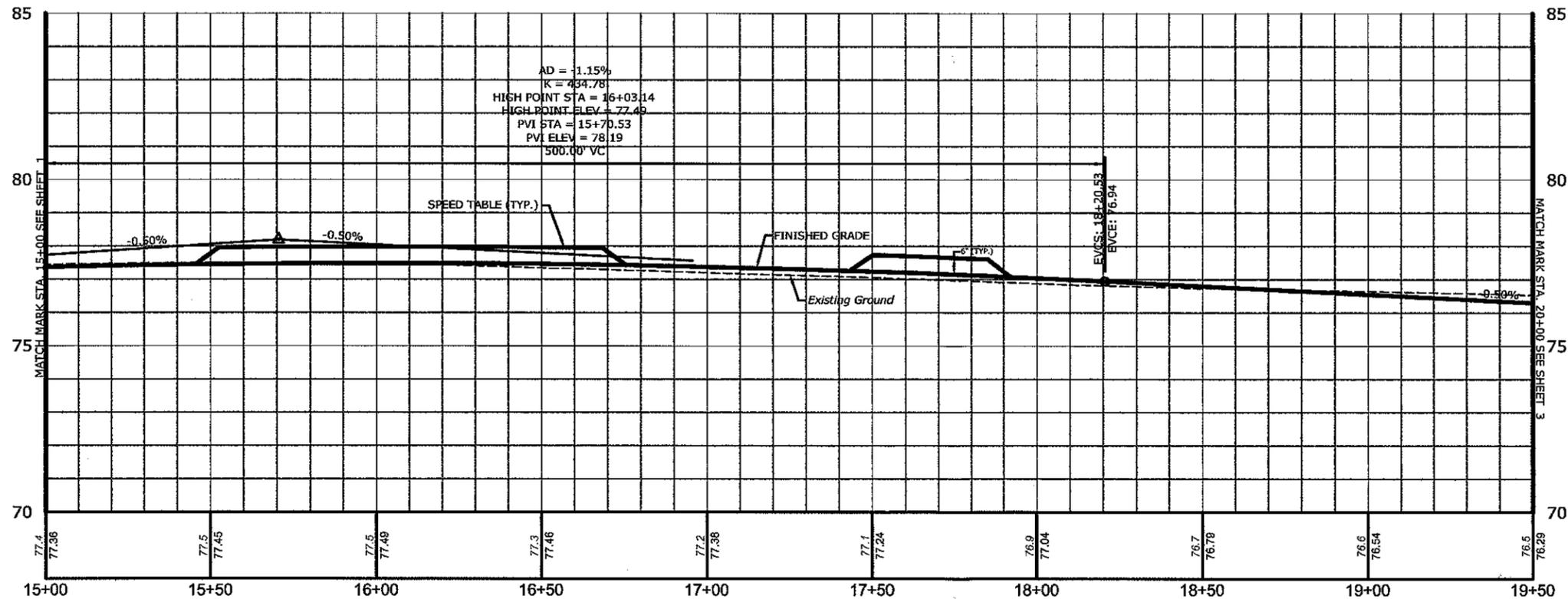
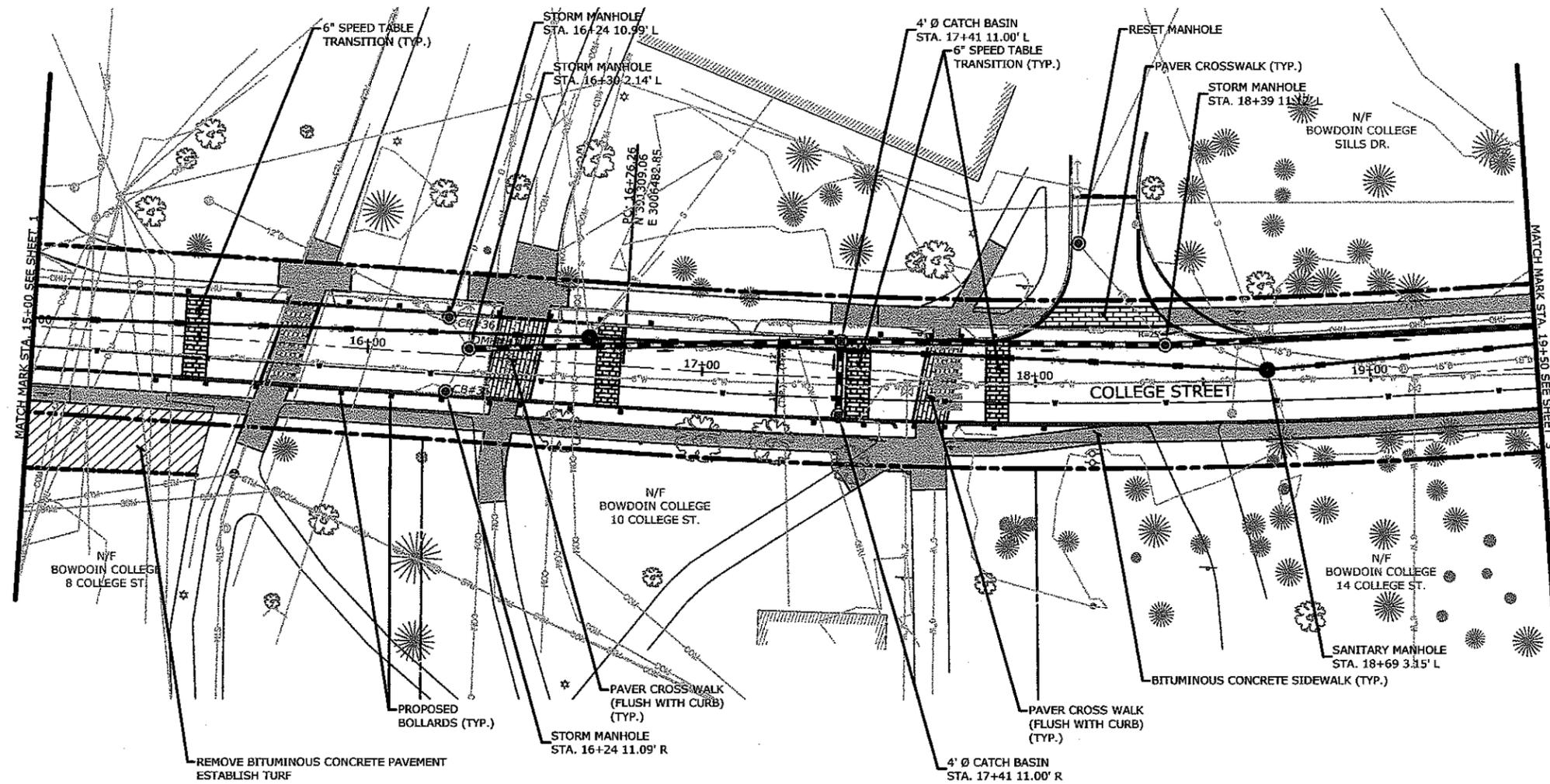
ITEM NO.	ITEM/DESCRIPTION	Town Share	Bowdoin College Share	BTWD Share	BSD Share	Total for Item
201.23	Removing Single Tree Top Only	\$ 3,000				\$ 3,000
201.24	Removing Stump	\$ 1,800				\$ 1,800
202.15	Removing Manhole or Catch Basin	\$ 12,000				\$ 12,000
202.202	Removing Pavement Surface	\$ 21,692		\$ 11,832	\$ 5,916	\$ 39,440
203.20	Common Excavation	\$ 32,588		\$ 17,775	\$ 8,888	\$ 59,250
203.21	Rock Excavation	\$ 500				\$ 500
304.09	Aggregate Base Course-Crushed (Type A)	\$ 6,897		\$ 3,762	\$ 1,881	\$ 12,540
304.10	Aggregate Subbase Course-Gravel (Type B)	\$ 24,552		\$ 13,392	\$ 6,696	\$ 44,640
403.207	Hot Mix Asphalt 19.0mm HMA	\$ 35,420		\$ 19,320	\$ 9,660	\$ 64,400
403.208	Hot Mix Asphalt 12.5mm HMA	\$ 10,350	\$ 3,050			\$ 13,400
403.209	Hot Mix Asphalt 9.5mm HMA	\$ 58,750	\$ 3,050			\$ 61,800
603.05	6 inch Culvert Pipe Option 3 (PVC)	\$ 350				\$ 350
603.15	12 inch Culvert Pipe Option 1 (HDPE)	\$ 4,500	\$ 4,500			\$ 9,000
603.17	18 inch Culvert Pipe Option 1 (HDPE)	\$ 23,800	\$ 23,800			\$ 47,600
604.072	Catch Basin with Frame and Grate	\$ 34,500	\$ 34,500			\$ 69,000
604.15	Drainage Manhole and cover	\$ 8,400	\$ 8,400			\$ 16,800
604.16	Altering Catch Basin to Manhole	\$ 2,400				\$ 2,400
604.18	Adjusting Manhole or Catch Basin to Grade	\$ 4,800				\$ 4,800
608.13	Cobblestone Edging		\$ 16,000			\$ 16,000
608.26	Curb Ramp Detectable Warning Field	\$ 12,250	\$ 12,250			\$ 24,500
608.28	Granite Pavers with Bituminous Base		\$ 33,600			\$ 33,600
608.281	Unit Pavers with Bituminous Base		\$ 67,000			\$ 67,000
608.45	Construct Sidewalk	\$ 33,000	\$ 24,000			\$ 57,000
609.11	Vert Curb Type 1	\$ 100,450				\$ 100,450
609.38	Reset Curb - Type 1	\$ 5,000				\$ 5,000
615.07	Loam	\$ 13,200				\$ 13,200
618.14	Seeding	\$ 3,480				\$ 3,480
619.12	Mulch	\$ 3,480				\$ 3,480
621.01	Street Trees	\$ -				\$ -
626.21	Metallic Conduit	\$ -				\$ -
626.22	Non-metallic Conduit (PVC)	\$ -				\$ -
626.30	Light Pole Base	\$ -				\$ -

**TOWN OF BRUNSWICK**  
**Reconstruction of College Street - 30% Plans for Review**  
**BRUNSWICK, MAINE**  
**Opinion of Probable Construction Construction Cost Including 10% Contingency**  
**FEBRUARY 7, 2013**

Print Date: February 13, 2013

ITEM NO.	ITEM/DESCRIPTION	Town Share	Bowdoin College Share	BTWD Share	BSD Share	Total for Item
626.35	Controller Cabinet Foundation	\$ -				\$ -
627.711	White or Yellow Pavement Markings	\$ 1,800				\$ 1,800
627.77	Remove Pavement Markings	\$ 300				\$ 300
631.12	All-Purpose Excavator (including operator)	\$ -				\$ -
631.13	Bulldozer (including operator)	\$ -				\$ -
631.14	Grader (including operator)	\$ -				\$ -
631.15	Roller (including operator)	\$ -				\$ -
631.17	Truck (including operator)	\$ -				\$ -
631.22	Loader (including operator)	\$ -				\$ -
634.21	Light Pole and Fixture	\$ -				\$ -
637.07	Dust Control	\$ 1,100	\$ 200	\$ 500	\$ 200	\$ 2,000
643.71	Traffic Signal Modification	\$ -	\$ -	\$ -	\$ -	\$ -
645.3031	Signage Poles and Signs	\$ 825	\$ 150	\$ 375	\$ 150	\$ 1,500
652.39	Work Zone Traffic Control	\$ 5,500	\$ 1,000	\$ 2,500	\$ 1,000	\$ 10,000
656.75	Temporary Soil Erosion and Water Pollution Control	\$ 2,750	\$ 500	\$ 1,250	\$ 500	\$ 5,000
659.10	Mobilization	\$ 8,250	\$ 1,500	\$ 3,750	\$ 1,500	\$ 15,000
801.17	8" PVC Sanitary Sewer (SDR-35)				\$ 76,000	\$ 76,000
803.134	Sanitary Sewer Service Leads				\$ 9,200	\$ 9,200
803.16	4' Dia Precast Sewer Manhole				\$ 18,000	\$ 18,000
822.33	6" Class 52 Ductile Iron Pipe			\$ 8,700		\$ 8,700
822.34	8" Class 52 Ductile Iron Pipe			\$ 6,000		\$ 6,000
822.36	12" Class 52 Ductile Iron Pipe			\$ 171,950		\$ 171,950
823.31	12" Gate Valve			\$ 13,600		\$ 13,600
823.32	8" Gate Valve			\$ -		\$ -
823.34	Blow Off Valve Assembly			\$ 2,000		\$ 2,000
824.34	Reconnect Existing Fire Hydrant			\$ 1,500		\$ 1,500
825.31	Curb Stop and Water Service			\$ 15,000		\$ 15,000
826.1	Temporary Water Service			\$ -		\$ -
841.48	Bollards		\$ 27,200			\$ 27,200
<b>PROJECT SUBTOTAL =</b>		\$ 477,684	\$ 260,700	\$ 293,206	\$ 139,591	\$ 1,171,180
<b>CONTINGENCY ±10% =</b>		\$ 47,768	\$ 26,070	\$ 29,321	\$ 13,959	\$ 117,118
<b>PROJECT TOTAL =</b>		\$ 525,452	\$ 286,770	\$ 322,527	\$ 153,550	\$ 1,288,298
<b>TOTAL (ROUNDED) =</b>		\$ 525,000	\$ 287,000	\$ 323,000	\$ 154,000	\$ 1,288,000



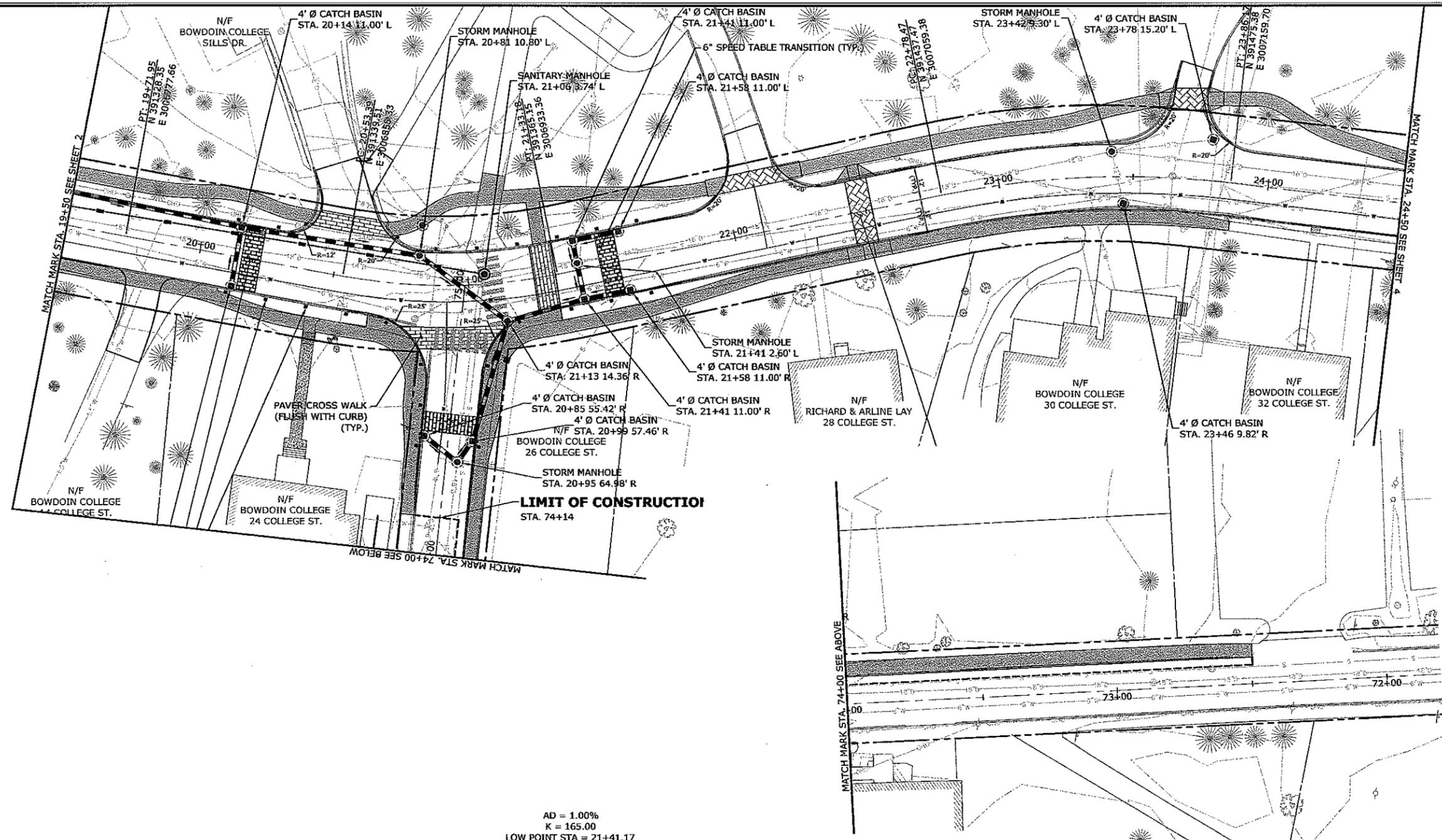


**MILONE & MACBROOM**  
 100 Commercial Street  
 Suite 417  
 Portland, Maine 04101

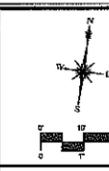
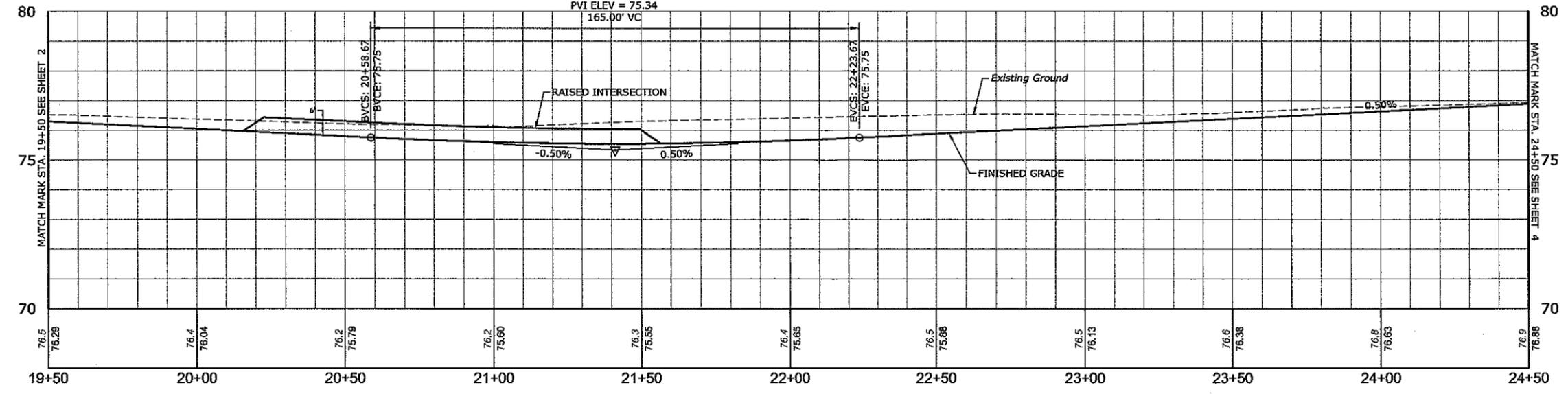
DESCRIPTION	DATE	BY

VFG - COLLEGE STREET BL - (1)  
 PROJECT NAME 1  
 PROJECT NAME 2  
 ADDRESS: STREET NAME

DP	SMB
DESIGNED	DRAWN
1"=20' H	
1"=2' V	
SCALE	
MONTH DD, YY	
DATE	
PROJECT NO.	
DWG. NO. PLN-02	
2	



AD = 1.00%  
 K = 165.00  
 LOW POINT STA = 21+41.17  
 LOW POINT ELEV = 75.54  
 PVI STA = 21+41.17  
 PVI ELEV = 75.34  
 165.00' VC

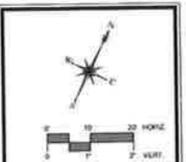
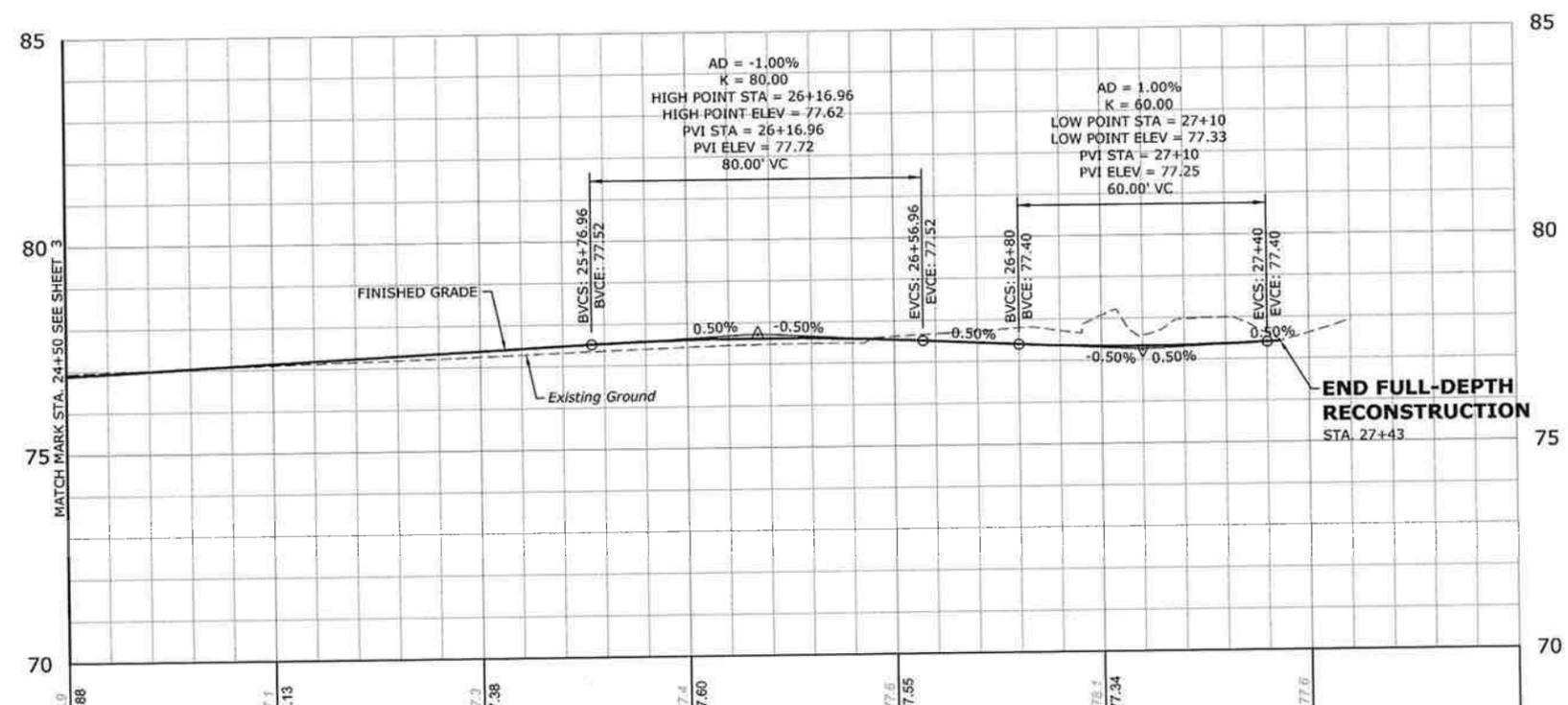
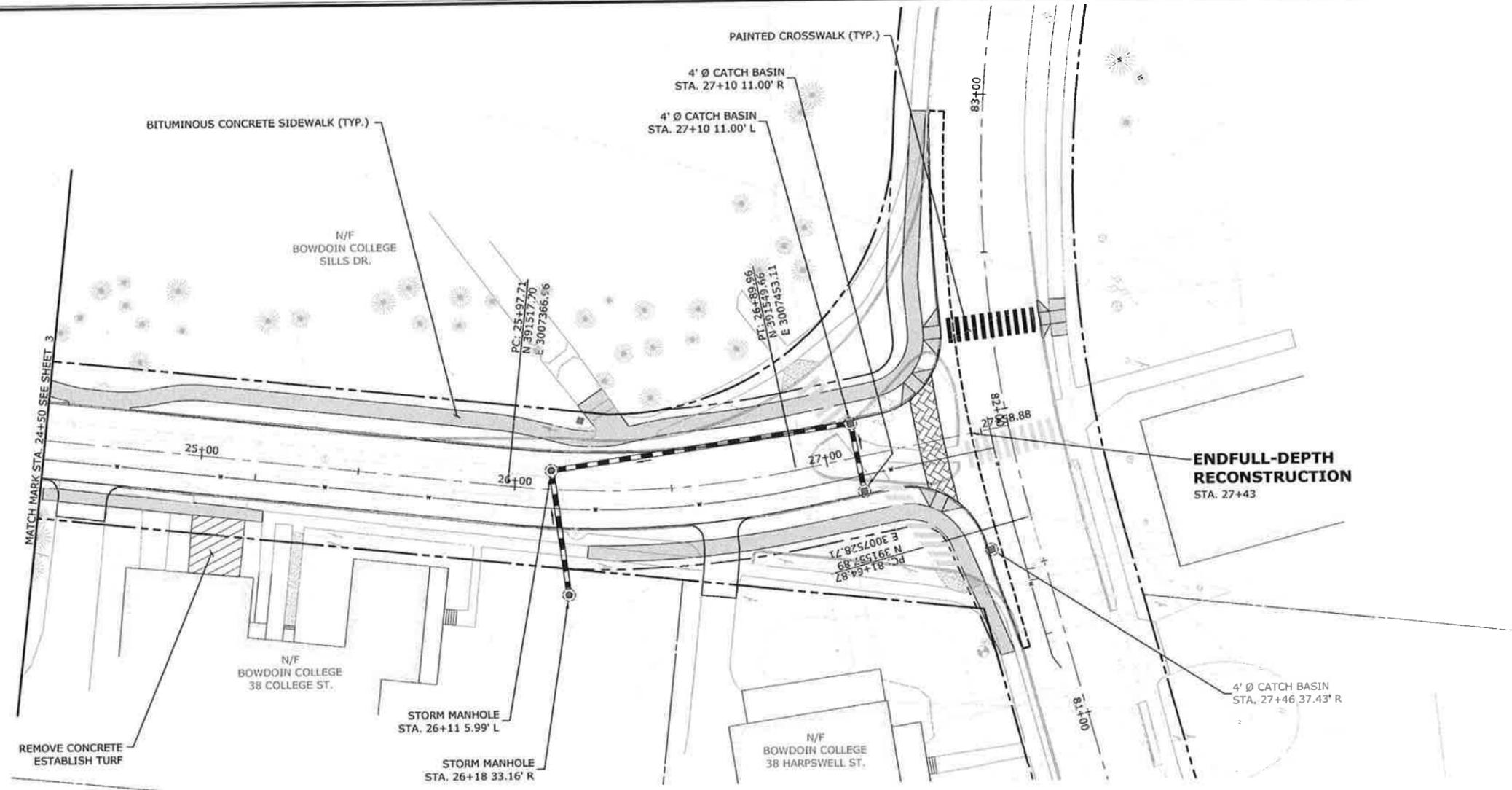


MILONE & MACBROOM  
 100 Commercial Street  
 Suite 417  
 Portland, ME 04103

DESCRIPTION	DATE	BY

VFG - COLLEGE STREET\_BL - (1)  
 PROJECT NAME 1  
 PROJECT NAME 2

DP	SMB
DESIGNED	DRAWN
SCALE	1"=20' H 1"=2' V
DATE	MONTH DD, Y
PROJECT NO.	PLN-03
SHEET NO.	3



**MILONE & MACBROOM®**  
 100 Commercial Street  
 Suite 417  
 Portland, Maine 04101  
 (207) 541-9344 Fax (207) 541-9548  
 www.miloneandmacbroom.com

DESCRIPTION	DATE	BY

**VFG - COLLEGE STREET - BL - (1)**  
 PROJECT NAME 1  
 PROJECT NAME 2  
 ADDRESS, STREET NAME  
 TOWN, STATE

DESIGNED	SMB	DR
DRAWN		CHECKED
SCALE 1"=20' H 1"=2' V		
DATE MONTH DD, YYYY		
PROJECT NO.		
DWG NO. PLN-04		

ITEM 38

BACK UP MATERIALS



Connie Lundquist  
Brunswick Artwalk Coordinator  
[artwalkbrunswick@5raa.org](mailto:artwalkbrunswick@5raa.org)  
207-607-2569

March 19, 2013

Suzan Wilson, Chair  
Brunswick Town Council  
28 Federal St.  
Brunswick, ME 04011

Reference: 2013 Brunswick ArtWalk  
Request for Permit

Dear Susan:

Five Rivers Arts Alliance is actively planning its 2013 Brunswick ArtWalk, to take place from 5pm – 8pm on the 2<sup>nd</sup> Friday of each month May through October. This year, Five Rivers hopes to have more activity 'on the street,' including two bands, one playing in the alcove in front of the Bank of America Building and the other playing on the sidewalk in front of Cool as A Moose. We have talked with Cool As A Moose, and they have no objection.

Fran Smith advises that while we do not need the Town's permission for the BOA location, we do need the Council's permission to have the band set up in front of Cool As a Moose. I write to request such permission. The band would actually play only from 5:30 pm to 7:30 pm, although set up time and break down time will no doubt fill in the remaining half hour on each end. The band would no doubt have a guitar case or other receptacle accepting tips from passersby.

We request permission for each of the six ArtWalk evenings. Five Rivers is aware that the Band must not impede pedestrian traffic in any way, and will comply with any other conditions the Town finds necessary to impose.

Fran suggested that I also advise you that Five Rivers' efforts to continue building a festive atmosphere for the ArtWalks may include having other musicians on the street walking up and down and performing here and there, troubadours if you will. For instance, we are talking with the various acapella groups at Bowdoin and with a barbershop quartet. Fran advises that as long as these musicians do not 'set up,' we need no permit for the troubadours.

Thank you for your consideration of this request.

Please feel free to call or email me with questions.

Yours very truly

Connie Lundquist  
Brunswick ArtWalk Coordinator

cc: Members, Brunswick Town Council  
Karl Salla, Chair, Five Rivers Arts Alliance

The mission of Five Rivers Arts Alliance is to connect regional arts, culture and heritage  
through advocacy, education, promotion and celebration.  
Five Rivers Arts Alliance is a tax-exempt nonprofit organization.

ITEM 39

BACK UP MATERIALS



March 19, 2013

Ms. Fran Smith, Town Clerk  
Town of Brunswick  
28 Federal Street  
Brunswick, ME 04011

Re: 2013 Taste of Brunswick

Dear Fran,

On behalf of the Brunswick Downtown Association ("BDA") and the Taste of Brunswick Committee, I would like to make our formal application to the Brunswick Town Council for our fifth annual Taste of Brunswick event.

The BDA, working primarily with Downtown restaurants and the Mid Coast Prevention Program, is planning to host the 2013 Taste of Brunswick on the Mall on Saturday, June 22 from 11 am to 3 pm. The Taste of Brunswick again will be offering tastings from over 15 restaurants and food providers, music, and a beer tent. The BDA will work in cooperation with the Brunswick Police, Fire, Public Works, and Parks and Recreation Departments to ensure that this community event continues to be a safe and entertaining family-oriented destination.

In the past, the Town Council has agreed to waive the \$500 event fee for similar BDA events in Downtown. If possible, we ask the Town Council to waive this event fee. There is minimal income raised, and a portion of that income is contributed to the Mid Coast Hunger Prevention Program. Much of the remaining income is re-invested in marketing Brunswick and the event.

Thank you for your consideration in this matter. Please contact me if you need any additional information regarding this application for the Taste of Brunswick event.

Sincerely,



Dee Perry  
Executive Director

Brunswick Downtown Association  
85 Maine Street PO Box 15 Brunswick, Maine 04011  
207-729-4439  
[director@brunswickdowntown.org](mailto:director@brunswickdowntown.org)  
[www.brunswickdowntown.org](http://www.brunswickdowntown.org)

ITEM 40

BACK UP MATERIALS

## BRUNSWICK BOARDS AND COMMITTEE OPENINGS

The Brunswick Town Council will be holding interviews on Wednesday, March 20, 2013, to the following Boards and/or Committees vacancies listed below. Interested citizens should complete an application form, available in the Town Clerk's Office. Please return applications to the Town Clerk's Office by 4:30 P.M. on Monday, March 18, 2013.

### Assessment Board of Review

2 members – 3 year terms to expire on 01/12/2015

### Conservation Commission

1 member – balance of 3 year term to expire on 05/01/2014

### Downtown & Outer Pleasant St Plan Implementation Committee

Creative Economy member – no set term

### Fair Hearing Authority

3 members – 2 year terms to expire on 10/01/2014

### Marine Resource Committee

1 Alternative (Commercial Harvester) – 3 year term to expire on 05/01/2014

1 Alternate (no license holder) – 3 year term to expire on 05/01/2013

1 member (Recreation license holder) – 3 year term to expire on 05/01/2015

1 member (Commercial Harvesters) – balance 3 year terms to expire on 05/01/2013

### Planning Board

3 members – 3 year terms to expire on 02/23/2016

### Recycling & Sustainability Committee

2 members – 3 year term to expire on 01/12/2016

1 member – balance of 3 year term to expire on 01/12/2015

### Sewer District Board of Trustees

2 full members – 3 year term to expire on 10/20/2015

### Trust Fund Advisory Committee

1 member – 3 year term to expire on 05/10/2015

### Village Review Board

2 full members – 3 year term to expire on 10/20/2015

### Zoning Board of Appeals

1 associate member – balance of 3 year term to expire on 12/18/2014

1 associate member – 3 year term to expire on 07/01/2015

2 full members - 3 year terms to expire on 11/20/2015

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# Summary of Received Applications

3/20/2013

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Date of Application

## Fence Viewer

<b>Mark</b>	<b>Worthing</b>	<b>26 Eastern Shore Rd.</b>	<b>729-6050</b>	<b>1/31/2013</b>
Will this be a reappointment	yes	MembershipType:	Interview Time:	<input type="text" value="March 20th at 6:30 p.m."/>

## Planning Board

<b>John</b>	<b>Bouchard</b>	<b>19 Dionne Circle</b>	<b>522-5364</b>	<b>3/11/2013</b>
Will this be a reappointment	NO	MembershipType:	Interview Time:	<input type="text" value="March 20th at 7:30 p.m."/>

<b>William</b>	<b>Dana</b>	<b>18 Bowker St</b>	<b>721-0887</b>	<b>2/22/2013</b>
Will this be a reappointment	No	MembershipType:	Interview Time:	<input type="text" value="March 20th at 6:45 p.m."/>

<b>Dale</b>	<b>King</b>	<b>1 Simpson Pt Rd</b>	<b>729-8806</b>	<b>2/25/2013</b>
Will this be a reappointment	no	MembershipType:	Interview Time:	<input type="text" value="March 20th at 7:00 p.m."/>

<b>Charles</b>	<b>Wiercinski</b>	<b>5 Chebeague Ln.</b>	<b>725-8174</b>	<b>2/22/2013</b>
Will this be a reappointment	No	MembershipType:	Interview Time:	<input type="text" value="March 20th at 7:15 p.m."/>

## Recycling & Sustainability Committee

<b>Sarah</b>	<b>Wolpow</b>	<b>45 Page St.</b>	<b>721-0941</b>	<b>11/19/2012</b>
Will this be a reappointment	Yes	MembershipType:	Interview Time:	<input type="text" value="To be resheduled"/>

## Sewer District Trustees

<b>Thomas</b>	<b>Green</b>	<b>28 Willow Grove Rd</b>	<b>798-3925</b>	<b>1/31/2013</b>
Will this be a reappointment	yes	MembershipType:	Interview Time:	<input type="text" value="March 20th at 6:15 p.m."/>

**Zoning Board of Appeals**

<b>Steven</b>	<b>Garrett</b>	<b>158 Highland Rd</b>	<b>729-5784</b>	<b>12/21/2012</b>
Will this be a reappointment	Yes	MembershipType: Full	Interview Time:	<input type="text" value="To be rescheduled"/>
<b>Ervin</b>	<b>Snyder</b>	<b>1 Colonial Dr</b>	<b>729-4317</b>	<b>4/3/2013</b>
Will this be a reappointment	No	MembershipType: Full or Associate	Interview Time:	<input type="text" value="March 20th at 7:45 p.m."/>
<b>Sande</b>	<b>Updegraph</b>	<b>724 Durham Rd</b>	<b>725-1345</b>	<b>11/19/2012</b>
Will this be a reappointment	Yes	MembershipType: Full	Interview Time:	<input type="text" value="Need to schedule interview"/>

3/20 6 pm

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
11/19/12	Date App.
	Received
	Date App.
	Entered
	Appointed

Full Name: Sande Updegraph Date 11-16-12

Street Address: 724 Durham Rd. Brunswick 04032

Home Telephone #: 725-1345 E-mail Address: sandeupdegraph@gmail.com live in Council District #: 4

I wish to be considered for appointment to the:  
ZBA  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM BEGINS: 11-21-12

TERM EXPIRES: 11-20-15

Do you currently serve on any Town Board/Committee/Commission? Yes If so, please state name of Board/Committee/Commission and the number of years of service:

① ZBA Number of Years 6 Date term expires 11-20-12

Occupation: Manager, Train Center, Freeport

Employer: Town of Freeport Work Telephone #: 869-5310

② List any civic organizations to which you belong:  
Freeport + USA (formerly  
creator Freeport Chamber, Freeport Merchants Assn)  
BDA, Freeport Community Improvement Assoc.  
MRPA

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

- 6 years as Economic Development Director in Freeport
- Zoning, permitting & planning certifications (municipal)

Have you previously served on a Town board/committee/commission? Yes If so, please list the board/committee/commission and years of service:

Above

Sande Updegraph  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

This completion of this application allows a person to be considered for a Town Board/Committee/Commission.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: ZBA

Term Length: 3

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

- 6 years as Freeport's Econ Dev. Director and appropriate certifications
- 3 years as MERA trustee

3. Why would you like to be on the Board/Committee/Commission?

To provide continuity on the board and familiarity with ordinances and process;  
To provide a viewpoint that has been developed by working at another community.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

I hope to continue to participate

**DISCLOSURE OF INTEREST STATEMENT: PLEASE ADD IF YOU ARE AN APPLICANT RESPONSIBLE PERSON**

3/20  
6:15p

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only  
**RECEIVED** Date App. Received  
~~JAN 31 2013~~ Date App. Entered  
TOWN OF BRUNSWICK  
CLERK'S OFFICE

Full Name: Thomas S. Green Date 1/30/2013  
Street Address: 28 Willow Grove Rd.  
Home Telephone #: 798-3925 E-mail Address: thogreen@myfairpoint.net I live in Council District #: \_\_\_\_\_

I wish to be considered for appointment to the:  
Sewer District Trustees  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:  
FULL MEMBERSHIP STATUS:  TERM BEGINS: 4/1/2013  
and/or  
ASSOCIATE MEMBERSHIP STATUS:  TERM EXPIRES: 4/1/2016

Do you currently serve on any Town Board/Committee/Commission?  If so, please state name of Board/Committee/Commission and the number of years of service:  
Sewer District Trustees Number of Years 8 Date term expires 4/1/2013

Occupation: Civil Engineer - Retired

Employer: \_\_\_\_\_ Work Telephone #: \_\_\_\_\_

List any civic organizations to which you belong:  
\_\_\_\_\_

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:  
Eight years service as a Sewer District Trustee

Have you previously served on a Town board/committee/commission? No If so, please list the board/committee/commission and years of service:  
\_\_\_\_\_

Thomas Green  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee  
It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Committee but does not guarantee placement on a Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Sewer District Trustee

Term Length: 3 years

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

no

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

40 years + as a consulting engineer primarily serving municipalities in the areas of water supply and wastewater treatment.

3. Why would you like to be on the Board/Committee/Commission?

To continue my service to the sewer district rate payers.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

no

6. Do you have anything you would like to add?

**THE CONFLICT OF INTEREST STATEMENT HERE AND THE APPLICANT'S RESPONSES ARE SUBJECT TO THE BOARD'S REVIEW.**

3/20  
6:30 p.m.

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only  
Date App. Received  
Date App. Entered  
Appointed  
JAN 31 2013  
TOWN OF BRUNSWICK  
CLERK'S OFFICE

Full Name: Mark Worthing Date Jan 31, 2013

Street Address: 26 Eastern Shore Rd Brunswick

Home Telephone #: 729-6050 E-mail Address: mrworthing@comcast.net I live in Council District #: 2

I wish to be considered for appointment to the: Fence Viewer

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:  
FULL MEMBERSHIP STATUS:  TERM BEGINS: 4/4/2013  
and/or  
ASSOCIATE MEMBERSHIP STATUS:  TERM EXPIRES: 4/4/2016

Do you currently serve on any Town Board/Committee/Commission? yes If so, please state name of Board/Committee/Commission and the number of years of service:  
Fence Viewer Number of Years 14 Date term expires 4/4/2013

Occupation: physician

Employer: Martins Point Health Care Work Telephone #: 798-4050

List any civic organizations to which you belong:  
\_\_\_\_\_  
\_\_\_\_\_

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:  
\_\_\_\_\_  
\_\_\_\_\_

Have you previously served on a Town board/committee/commission? \_\_\_\_\_ If so, please list the board/committee/commission and years of service:  
\_\_\_\_\_  
\_\_\_\_\_

Mark Worthing  
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee  
It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Committee or for placement on a Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Fence Viewer

Term Length: 3 yrs

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

no

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

14 years of experience as Brunswick's Fence Viewer

3. Why would you like to be on the Board/Committee/Commission?

Fence Viewer is one of the oldest appointed positions in New England towns, dating back to the 1600's. I enjoy being part of such a long tradition and am well willing to help mediate fence disputes.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

no

6. Do you have anything you would like to add?

-

**ALL CONFLICT OF INTEREST STATEMENTS HERE AND HAVE APPLICANT RESPOND TO THESE ON**

3/20  
6:45P

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
FEB 22 2013	Date App.
_____	Received
_____	Date App.
_____	Entered
_____	Appointed

Full Name: William J. Dana Date 2/22/13

Street Address: 18 Bowker St.

Home Telephone #: 721-0887 E-mail Address: Lilldana2@myfairpoint.net live in Council District #: 5

I wish to be considered for appointment to the:

PLANNING BOARD

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: \_\_\_\_\_

and/or

ASSOCIATE MEMBERSHIP STATUS: \_\_\_\_\_

TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? NO If so, please state name of Board/Committee/Commission and the number of years of service:

Number of Years \_\_\_\_\_ Date term expires \_\_\_\_\_

Occupation: BUILDER ENERGY AUDITOR

Employer: SELF-EMPLOYED Work Telephone #: 319-5205

List any civic organizations to which you belong:

MEMBER OF BRUNSWICK OLD FOLKS ASSOCIATION BOARD

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

I SERVED ON THE SCHOOL BOARD FOR EIGHT YEARS

Have you previously served on a Town board/committee/commission? YES If so, please list the board/committee/commission and years of service:

BRUNSWICK SCHOOL BOARD 2000-2008

William J. Dana  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

~~PLEASE NOTE: This completion of this application only guarantees consideration by the Town Board/Committee and does not guarantee placement on a Board/Committee.~~

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: PLANNING BOARD

Term Length: 3 YRS

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

NO.

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

I HAVE BEEN A BUILDER FOR 30+ YEARS. CONSEQUENTLY, I HAVE PAID CLOSE ATTENTION TO REGULATORY ISSUES AROUND DEVELOPMENT

3. Why would you like to be on the Board/Committee/Commission?

I FEEL PUBLIC SERVICE IS VERY IMPORTANT. I ALSO BELIEVE I OFFER A DELIBERATIVE, NON-PARTISAN PERSPECTIVE TO A BOARD

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO

6. Do you have anything you would like to add?

NO.

**IF YOU HAVE A CONFLICT OF INTEREST, YOU MUST DISCLOSE IT AND HAVE AN ALTERNATE RESPONDENT IDENTIFIED**

3/20/13

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
Date App.	Received
<u>FEB 25</u>	Date App.
	Entered
	Appointed

Full Name: DALE KING Date 2/22/13

Street Address: 1 SIMPSONS PT RD.

Home Telephone #: 729-8806 E-mail Address: DALEKING57@COMCAST.NET live in Council District #: 2

I wish to be considered for appointment to the:

PLANNING BOARD

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: \_\_\_\_\_

and/or

ASSOCIATE MEMBERSHIP STATUS:

TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? YES If so, please state name of Board/Committee/Commission and the number of years of service:

PERSONNEL BOARD Number of Years 10 Date term expires \_\_\_\_\_

Occupation: OWNER OF BRUNSWICK TAXI SERVICE

Employer: SELF Work Telephone #: 729-3688

List any civic organizations to which you belong:

KIWANIS

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

I HAVE WATCHED MANY PLANNING BOARD MEETINGS. I ALSO FOLLOWED THE COMPREHENSIVE PLANNING COMMITTEES MEETINGS.

Have you previously served on a Town board/committee/commission? YES If so, please list the board/committee/commission and years of service:

PERSONNEL BOARD

Dale King

SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions



APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: PLANNING BOARD

Term Length: \_\_\_\_\_

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

NO. I HAVE FOLLOWED TOWN PROCEEDINGS FOR QUITE A FEW YEARS  
AND HAVE A FIRM GRASP OF HOW THINGS ARE DONE!  
I ALSO AM NOT AFRAID TO ASK FOR ADVICE WHEN I DO NOT  
UNDERSTAND SOMETHING!!

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

IN MY BUSINESS I HAVE TO PLAN FOR THE FUTURE TO  
KEEP UP WITH NEW TRENDS TO KEEP MY COMPETITIVE EDGE.  
I BELIEVE THIS COULD HELP WITH MY DUTIES ON THE  
PLANNING BOARD.

3. Why would you like to be on the Board/Committee/Commission?

AS A LONG TIME RESIDENT OF THE TOWN OF BRUNSWICK, I HAVE  
A VERY DEEP INTEREST IN HOW OUR TOWN GETS DEVELOPED INTO  
THE NEXT DECADE. I WANT TO MAINTAIN THE CHARACTER OF  
THIS GREAT COMMUNITY FOR FUTURE GENERATIONS TO ENJOY.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES. I HAVE A VERY FLEXIBLE SCHEDULE THAT ALLOWS ME  
TO DEDICATE AS MUCH TIME AS NEEDED TO FULFILL MY OBLIGATIONS  
AS A PLANNING BOARD MEMBER.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO!!

6. Do you have anything you would like to add?

THANK YOU FOR YOUR CONSIDERATION!!

3/20  
7:15

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
3/7/2013	Date App. Received
_____	Date App. Entered
_____	Appointed

Full Name: CHARLES R WIERCINSKI Date 3.7.2013

Street Address: 2 CHEBERGUE LANE

Home Telephone #: 725.8174 E-mail Address: CHAS.HOME@MYFAIRPOINT.NET I live in Council District #: \_\_\_\_\_

I wish to be considered for appointment to the: PLANNING BOARD  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:  
FULL MEMBERSHIP STATUS: \_\_\_\_\_ TERM BEGINS: \_\_\_\_\_  
and/or  
ASSOCIATE MEMBERSHIP STATUS: \_\_\_\_\_ TERM EXPIRES: 2-23-2016

Do you currently serve on any Town Board/Committee/Commission? No If so, please state name of Board/Committee/Commission and the number of years of service:  
Number of Years \_\_\_\_\_ Date term expires \_\_\_\_\_

Occupation: CIVIL ENGINEER - RETIRED

Employer: SITELINE3 - FORMER Work Telephone #: \_\_\_\_\_

List any civic organizations to which you belong:  
BOARD OF DIRECTORS - MAINE STATE MUSIC THEATRE  
CORPORAL - MID COAST HOSPITAL - BDA

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:  
30+ YEARS EXPERIENCE IN THE PLANNING & DESIGN OF CAPITAL PROJECTS IN BRUNSWICK AND ADJACENT COMMUNITIES.

Have you previously served on a Town board/committee/commission? YES If so, please list the board/committee/commission and years of service:  
TOWN COUNCIL 2 YEARS - RECREATION COMMISSION CHAIR 5 YRS +  
ZONING ORDINANCE TASK FORCE CHAIR 2 YRS - BIDICK DEVELOPMENT CORP.  
Charles R Wiercinski  
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: PLANNING BOARD

Term Length: 3 YEARS

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

I HAVE REPRESENTED CLIENTS BEFORE THE BOARD FOR OVER 20 YEARS. I HAVE PARTICIPATED IN REVISIONS TO THE LAND USE ORDINANCES AS CHAIRMAN OF THE TASK FORCE YEARS AGO.

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

I AM A PROFESSIONAL ENGINEER REGISTERED IN MAINE AND FOUNDER OF A LOCAL COMPANY IN 1989 SITELINES. I AM VERY FAMILIAR WITH THE PLANNING AND DESIGN REQUIREMENTS OF PROJECTS PRESENTED TO THE BOARD.

3. Why would you like to be on the Board/Committee/Commission?

I AM RECENTLY RETIRED AND HAVE THE TIME AND EXPERTISE TO CONTRIBUTE TO BRUNSWICK. I HAVE NO FINANCIAL INTEREST IN SITELINES AND NO APPARENT CONFLICTS THAT WOULD PREVENT ME FROM SERVING.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO. I HAVE NO FINANCIAL INTEREST IN SITELINES OR ANY OTHER DEVELOPER AT THIS TIME.

6. Do you have anything you would like to add?

I LOOK FORWARD TO THE OPPORTUNITY TO SERVE THE COMMUNITY AS A MEMBER OF THE PLANNING BOARD.

3/20 7:30

Town of Brunswick  
Application for  
Appointment to Board/ Committee/ Commission

For Office Use Only	
3/11/13	Date App.
_____	Received
_____	Date App.
_____	Entered
_____	Appointed

Full Name: John J. Bouchard Date March 7, 2013

Street Address: 19 Dionne Circle, Brunswick, Maine

Home Telephone #: 207-522-5364 E-mail Address: jcm173@comcast.net I live in Council District #: 3

I wish to be considered for appointment to the:  
Planning Board

(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:

FULL MEMBERSHIP STATUS:  TERM BEGINS: \_\_\_\_\_

and/or

ASSOCIATE MEMBERSHIP STATUS: \_\_\_\_\_ TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? yes If so, please state name of Board/Committee/Commission and the number of years of service:

Brunswick & Topsham Water District Number of Years 2 mos Date term expires Feb. 2016

Occupation: Real Estate Broker

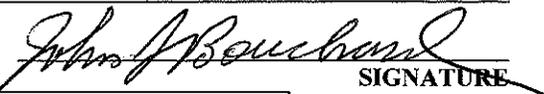
Employer: Coldwell Banker Residential Brokerage Work Telephone #: 207-725-8522

List any civic organizations to which you belong:

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

Commercial and residential building construction, Rental property owner, and Real estate broker.

Have you previously served on a Town board/committee/commission? no If so, please list the board/committee/commission and years of service:

  
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 28 Federal Street, Brunswick, Me 04011 - BY 4:30 P.M. on the date specified by the public notice.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

APPLICANT – PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Planning Board

Term Length: 3 yrs

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

no

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?  
Commercial and Residential Construction, Real Estate Broker, Owner of Rental Property both Commercial and Residential.

3. Why would you like to be on the Board/Committee/Commission?

To help Brunswick move in the right direction when it comes to development and business growth.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

no

6. Do you have anything you would like to add?

no

**John J. Bouchard  
19 Dionne Circle  
Brunswick, Maine 04011  
207-522-5364**

**March 7, 2013**

**Town Clerk's Office  
28 Federal Street  
Brunswick, Maine 04011**

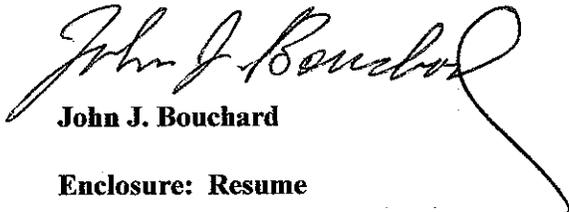
**Search Committee,**

**Please accept this letter in application for a position on the Brunswick Planning Board. I believe that my following credentials make me a strong candidate.**

- **Bachelor of Science Business Administration**
- **Licensed Associate Real Estate Broker**
- **Owner/Manager of Rental and Commercial Properties**
- **Twenty Years Experience in Residential and Commercial Construction**

**Please feel free to contact me at the number shown above.**

**Respectfully yours,**



**John J. Bouchard**

**Enclosure: Resume**

Picrme Military Housing Brunswick, Maine  
**Warranty Officer** 2004 to 2005

- Coordinating warranty repairs for the general contractor.

Picrme Military Housing Brunswick, Maine  
**Superintendent/Production Management and Inventory Clerk** 2002 to 2004

Project Scope: The demolition of two hundred and fifty-six residential homes and the design build of one hundred and twenty new homes.

- Supervision of production, inventory control, coordination of subcontractors, warranty issues, and safety control.

D. L. Poulin, Inc. Brunswick, Maine  
**Construction Superintendent** 1995 to 2002

Jobs completed:

- Dead River Company, convenient store/gas and car wash, Brunswick, Maine. Job amount: \$1 million.
- Pep Boys Auto Parts Store, Auburn, Maine. Job amount: \$1 million.
- Two Tim Horton's coffee/donut shops, South, Portland. Job amount: \$650,000 each.
- Coastal Economic Development office building, Bath, Maine. Job amount: \$4 million.
- Renovation/addition of Student Union at University of Maine, Orono, Maine. Job amount: \$10 million.

John Bouchard & Son, Inc. Brunswick, Maine  
**Vice President/Partner** 1985 to 1995

- Construction of single family homes, apartments, condominiums and light commercial buildings.

Bouchard Brothers Brunswick, Maine  
**Office Manager/Carpenter** 1981 to 1985

- General carpentry, office manager, and payroll for the construction of Brookmere Condominiums, Brunswick, Maine.

LL Bean Freeport, Maine  
**Merchandise Handler** Seasonal

LL Bean Freeport, Maine  
**Packer** Seasonal

**Other:** Owner/Manager of Oakwood Terrace Apartments. Brunswick, Maine  
A fourteen unit apartment complex with 95% occupancy rate.

Continued

Owner/Manager of Brunswick Industrial Park  
A warehouse/office commercial building. Brunswick, Maine

**Education:** Real Estate Learning Group  
**Licensed Associate Broker** Portland, Maine  
2009

Real Estate Learning Group  
**Licensed Sales Agent** Portland, Maine  
2006

Husson College  
**Bachelor of Science Business Administration** Bangor, Maine  
1981

**Additional Training:**

- Fourty hour OSHA certified.
- CPR/first aid trained.
- Forklift certification.
- Ten hour OSHA certified.
- Construct software training.
- Safety Committee.

**Community:**

- MidCoast Hunger Prevention volunteer.
- Spectrum meals on wheels volunteer.
- MidCoast Hunger Prevention facilities management board.
- Brunswick & Topsham Water District Board of Trustees

**License:**

- Sales real estate license.
- Associate broker license.

**References:** Available upon request

Town of Brunswick

Application for Appointment to Board/ Committee/ Commission

For Office Use Only	
Date App.	Received
MAR - 4 2013	
Date App.	Entered
	Appointed

3/20  
7:45

Full Name: Ervin D. Snyder Date 3/4/13

Street Address: 1 Colonial Dr., Brunswick

Home Telephone #: 729-4317 E-mail Address: ervinsnyder@comcast.net I live in Council District #: \_\_\_\_\_

I wish to be considered for appointment to the:  
Zoning Board of Appeals  
(NAME OF BOARD/COMMITTEE/COMMISSION)

Check one or both:  
FULL MEMBERSHIP STATUS:  TERM BEGINS: Any time  
and/or  
ASSOCIATE MEMBERSHIP STATUS:  TERM EXPIRES: \_\_\_\_\_

Do you currently serve on any Town Board/Committee/Commission? No If so, please state name of Board/Committee/Commission and the number of years of service:  
Town Council 2 terms, School Bd 13 years Number of Years \_\_\_\_\_ Date term expires \_\_\_\_\_

Occupation: Retired Attorney

Employer: N/A Work Telephone #: \_\_\_\_\_

List any civic organizations to which you belong:  
First Parish Church  
Mid Coast Hospital Board

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:  
Formerly municipal attorney for several Lincoln County Towns & School  
Board Attorney for numerous school districts

Have you previously served on a Town board/committee/commission? Yes If so, please list the board/committee/commission and years of service:  
see above

Ervin D. Snyder  
SIGNATURE

**PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.**

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You will be contacted to set up an interview with the Appointment Committee

It is the intent of the Town to televise proceedings of Boards/Committees/Commissions

PLEASE NOTE: This completion of this application for all persons to be considered for a Town Board/Committee/Commission is subject to discussion on Board/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Committee/Commission Applying For: Zoning Board of Appeals

Term Length: full term

1. Do you have any questions about what the Board/Committee/Commission does or on its charge?

No

2. Do you have any practical experience or formal education that would be relevant to the Board/Committee/Commission?

Former municipal attorney for several Lincoln County Towns - assisted their respective Planning Boards + ZBAs.

3. Why would you like to be on the Board/Committee/Commission?

My past experience will allow me to make positive contribution on issues which come before the ZBA

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

No

6. Do you have anything you would like to add?

No

**THE CONFIDENTIALITY OF THIS STATEMENT IS IRREVOCABLE AND THE APPLICANT ACCEPTS THE RISK OF LOSS OF THIS INFORMATION**

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# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**March 18, 2013**  
**7:00 P.M. – Regular Meeting**  
**Municipal Meeting Room**  
**Brunswick Station**  
**16 Station Avenue**

**Councilors Present:** Chair Suzan Wilson, W. David Watson, Benjamin J. Tucker, John M. Perreault, Gerald E. Favreau, Margo H. Knight, Sarah E. Brayman, John Richardson, Jr., and Benet Pols

**Councilors Absent:** None

**Town Staff Present:** Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to the Town Manager; John Eldridge, Finance Director; Anna Breinich, Director of Planning and Development; Ken Brilliant, Fire Chief; Denise Clavette, Business Development Manager; Jeremy Doxsee, Town Planner; Greg Mears, Police Officer; and TV video crew

Chair Wilson called the meeting to order, led the Pledge of Allegiance and asked the Town Clerk for Roll Call.

**Public Comment:**

**Chris Casey**, 27 Bouchard Drive, has concerns with the idling of the train for hours, and the diesel engines.

**Bob McEvoy**, 40 Bouchard Drive, spoke on the idling of the train and the dangers of the diesel engines, along with other concerns.

**Robert Morrison**, 37 Bouchard Drive, asked the Council to vote against the layover facility.

**Correspondence:**

Councilor Pols spoke about the concerns of a resident of Cedar Street regarding the idling of the trains.

Councilor Perreault announced that the play Grease will be performed at the high school later this week.

Councilor Knight spoke about the Molnlycke key exchange ceremony at Brunswick Landing.

**Adjustments to the Agenda:**

To add quit claim deeds to the Consent Agenda – CA-B.

**MANAGER'S REPORT:**

**Town Council Minutes**

**March 18, 2013**

**Page 2**

**(a) Financial Update**

Manager Brown provided this update.

**(b) Council Committee Updates**

Reports were given on the following committees: MRRA Community Advisory Group, Master Plan Implementation Committee, and CIP Committee.

Councilor Knight spoke on the passing of Jill Victor, who served on the Downtown Planning Committee.

**(c) Report regarding the Route 24 Corridor Study**

Anna Breinich provided this report.

**(d) Update on Police Station Project**

Manager Brown provided this update. He responded to questions from Councilor Pols, Councilor Favreau, Councilor Brayman, and Councilor Perreault.

**(e) Permission to apply for and expend Highway Safety Grant (*Action Required*)**

**Councilor Watson moved, Councilor Tucker seconded, to allow the Police Department to apply for and expend a grant from the Bureau of Highway Safety regarding the Seat Belt Enforcement and Education Campaign, in the amount of \$2,000. The motion carried with nine (9) yeas.**

*(A copy of a letter from the Bureau of Highway Safety will be attached to the official minutes.)*

**(f) Response to comments from Fred Blanchard**

Manager Brown provided this report and responded to questions from Councilor Perreault.

Councilor Pols and Councilor Knight spoke regarding this item.

**(g) Permission to apply for and expend a technology grant through Maine Emergency Medical Services (*Action Required*)**

Councilor Brayman asked a question, to which Chief Brilliant responded.

**Councilor Favreau moved, Councilor Watson seconded, to allow the Fire Department to apply for and expend a technology grant in the amount of \$3,400 through Maine Emergency Medical Services, to be used to replace laptops. The motion carried with nine (9) yeas.**

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

**PUBLIC HEARINGS**

26. **The Town Council will hold a public hearing on the following special amusement license, and will take any appropriate action.**

**JJ&M LLC**

**D/B/A: Benchwarmers Sports Pub  
212 Maine Street**

**Jennifer Lewis**

Chair Wilson opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Perreault asked a question, to which Fran Smith responded.

**Councilor Knight moved, Councilor Favreau seconded, to approve a special amusement license for Benchwarmers Sports Pub, 212 Maine Street. The motion carried with nine (9) yeas.**

27. **The Town Council will hear public comments on the following resolutions: “Resolution Amending the 2012-13 Budget and Appropriating \$345,580 from the Unassigned Balance of the General Fund to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and to Fund the Acquisition of Another New Fire Department Rescue Vehicle” and “Resolution Amending the 2012-13 Budget and Authorizing the Design and Re-construction of College Street and Related Improvements, with Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under this Resolution,” and will take any appropriate actions.**

**Councilor Richardson moved, Councilor Knight seconded, to waive the reading of the item. The motion carried with nine (9) yeas.**

Manager Brown explained the issues.

Chair Wilson opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Brayman spoke regarding this item and asked a question, to which Manager Brown responded.

Councilor Pols, Councilor Knight, Chair Wilson, and Councilor Perreault asked questions, to which Mr. Foster responded.

Councilor Favreau, Chair Wilson, Councilor Brayman, Councilor Pols, and Councilor Perreault spoke regarding this item.

No action can be taken at this meeting, with a vote to amend to occur at the next meeting on April 1, 2013.

**TABLED ITEM**

20. **The Town Council will hear public comments for the purpose of designating a tax increment financing district at Brunswick Landing, and will take any appropriate action. (Councilor Tucker and Councilor Richardson)**

Chair Wilson took this item off the table, with Councilor Tucker re-introducing it. The Council held a brief discussion.

**Councilor Tucker moved, Councilor Richardson seconded, to adopt a Town Council Resolution Designating the Brunswick Landing Municipal Development and Tax Increment Financing District. The motion carried with nine (9) yeas.**

*(A copy of the adopted TIF will be attached to the official minutes.)*

21. **The Town Council will hear public comments for the purpose of designating a tax increment financing district at Brunswick Executive Airport, and will take any appropriate action. (Councilor Tucker and Councilor Richardson)**

Chair Wilson took this item off the table, with Councilor Tucker re-introducing it. The Council held a brief discussion.

**Councilor Tucker moved, Councilor Watson seconded, to adopt a Town Council Resolution Designating the Brunswick Executive Airport Municipal Development and Tax Increment Financing District. The motion carried with nine (9) yeas.**

*(A copy of the adopted TIF will be attached to the official minutes.)*

**NEW BUSINESS**

28. **The Town Council will consider setting a public hearing for April 1, 2013, on amendments to the Chapter 11 “Marine Activities, Structures, and Ways” to allow bushel licenses, and will take any appropriate action. (Chair Wilson)**

Chair Wilson explained this item.

**Chair Wilson moved, Councilor Favreau seconded, to set a public hearing for April 1, 2013, on amendments to the Chapter 11 “Marine Activities, Structures, and Ways” to allow bushel shellfish licenses. The motion carried with nine (9) yeas.**

29. The Town Council will consider setting a public hearing for April 1, 2013, for amendments 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 (-), and will take any appropriate action. (Councilor Favreau)

Councilor Favreau explained this item.

**Councilor Favreau moved, Councilor Watson seconded, to set a public hearing for April 1, 2013, for amendments 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).**

Councilor Brayman spoke regarding this item.

**Councilor Brayman moved, Councilor Tucker seconded, to amend the motion to change the use from a permitted use (P) to a special permit use (-).**

Councilor Pols spoke regarding this item.

Ms. Breinich spoke regarding this item and responded to questions from Councilor Richardson.

Councilor Perreault spoke regarding this item and asked questions, to which Manager Brown responded.

**Catherine Ferdinand**, Bowdoin College, spoke regarding this item and responded to a question from Councilor Favreau.

Councilor Knight asked a question, to which Ms. Breinich responded.

Councilor Tucker spoke regarding this item.

**VOTE ON AMENDMENT**

**Councilor Brayman moved, Councilor Tucker seconded, to amended motion to change the use from a permitted use (P) to a special permit use (-). The motion carried with seven (7) yeas. Councilor Favreau and Chair Wilson were opposed.**

**VOTE ON AMENDED MOTION**

**Councilor Favreau moved, Councilor Watson seconded, to set a public hearing for April 1, 2013, on amendments 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 special permit use (-). The motion carried with seven (7) yeas. Councilor Favreau and Chair Wilson were opposed.**

30. The Town Council will consider setting a public hearing for April 1, 2013, for amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices and will take any appropriate action. (Manager)

Manager Brown explained this item.

Jackie Sartoris, Bowdoin Street, spoke regarding this item.

Councilor Perreault and Councilor Brayman asked questions, to which Manager Brown responded.

David Markovchick, MRRA, spoke regarding this item.

Councilor Richardson spoke regarding this item.

**Councilor Pols moved, Councilor Watson seconded, to set a public hearing for April 1, 2013, for amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning Amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices.**

**Councilor Perreault moved to table the item. There was no second for the motion.**

**VOTE ON MOTION**

**Councilor Pols moved, Councilor Watson seconded, to set a public hearing for April 1, 2013, for amendments to the Zoning Ordinance regarding a request by the Midcoast Regional Redevelopment Authority for a proposed zoning Amendment for the BNAS Reuse (BRU) Zoning District, Land Use District R-AR (A-III.6 Use Table for the Land Use Districts), removing the aviation-related use restriction for professional offices and business offices. The motion carried with nine (9) yeas.**

31. The Town Council will consider authorizing the submittal of the Letter of Intent for a housing assistance grant on behalf of the Brunswick Housing Authority, and will take any appropriate action. (Manager)

Manager Brown spoke regarding this item.

Councilor Brayman and Councilor Knight spoke regarding this item.

John Hodge, Housing Authority, spoke regarding this item.

**Town Council Minutes**

**March 18, 2013**

**Page 7**

**Councilor Brayman moved, Councilor Knight seconded, to authorize the submittal of the Letter of Intent for a housing assistance grant on behalf of the Brunswick Housing Authority. The motion carried with nine (9) yeas.**

*(A copy of memos from Manager Brown and John Hodge, Executive Director of the Housing Authority, along with the draft Letter of Intent, will be attached to the official minutes.)*

**32. The Town Council will consider adopting the amended “Town of Brunswick Tax Acquired Real Estate Policy,” and will take any appropriate. (Manager)**

John Eldridge, Finance Director, explained this item.

**Councilor Perreault moved, Councilor Watson seconded, to adopt the amended “Town of Brunswick Tax Acquired Real Estate Policy.” The motion carried with nine (9) yeas.**

*(A copy of the adopted policy will be attached to the official minutes.)*

**CONSENT AGENDA**

- (a) Approval of the Minutes of March 4, 2013
- (b) (ADDED) Approval of quit claim deeds for properties depicted as Map U06 Lot 080 Sub 000 Typ 000 and Map U06 Lot 079 Sub 000 Typ 000.

**Councilor Tucker moved, Councilor Watson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

**Councilor Watson moved, Councilor Favreau seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

The meeting adjourned at 9:25 p.m.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.**

*Fran Smith  
Town Clerk/Assistant to the Town Manager  
February 5, 2013*

April 1, 2013  
*Date of Approval*

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*Council Chair*