



TOWN OF BRUNSWICK

PLANNING BOARD

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

PLANNING BOARD *REVISED AGENDA

**Tuesday, March 5, 2013
7:00 P.M.**

1. **Case Number: 13-004 – Duck Cove Subdivision:** The Planning Board will review and take action on a Major Review Application regarding a request to merge 2 lots into 1 lot of record. An application to subdivide was approved in 2011 by the previous owner; located at 138 Coombs Road (**Assessor's Map 38, Lot 149**) in the FF3 (Farm Forest / New Meadows River Area) Zoning District.
2. **22 Pleasant Street– Expansion of Tao Restaurant:** The owners of the Tao Restaurant have requested a workshop with the Planning Board regarding their potential expansion of the existing restaurant, including construction of additional apartment units and parking. In accordance with §405.1.B., the applicant is seeking guidance from the Planning Board on the use of provisional parking standards.
3. **Other Business**
4. **Minutes**

**Revised 3/1/13 – The joint workshop of the Planning Board and Village Review Board that was scheduled to happen on March 5th has been moved to the March 12th agenda*

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

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

PLANNING BOARD

DRAFT Findings of Fact Major Development Review March 5, 2013

Project Name: Duck Cove Subdivision Amendment
Address: 138 Coombs Road
Case Number: 13-004
Tax Map: Map 38, Lot 149
Zoning District: Farm and Forest 3 (FF3) Zoning District.
Applicant: George & Margaret Cooke

PROJECT SUMMARY

The Duck Pond Subdivision was originally created in 1977, and was subsequently amended in 2005, 2008, and again in 2011, when the prior owner subdivided Lot 9-A (2.13 total acres) from Lot 9 (14.34 total acres). The resulting net acreage of these two lots was 2.02 and 2.31, respectively, as 10.01 acres was identified on the approved plan as Deer Wintering Area.

According to the current property owners (George and Margaret Cooke), unbeknownst to them, the 2011 subdivision was approved while they were under contract to buy the property, and it was only at the closing that they realized the property had been subdivided.

At the present time the Cooke's have no interest in selling Lot 9-A; merging lots 9 and 9-A provides desired privacy from the neighboring property while also reducing their property tax bill.

The applicant is proposing a joint Sketch/Final review by the Planning Board in accordance with §405.5 of the Zoning Ordinance.

The following waivers have been requested by the applicant:

1. 412.2.B.15 – Topography with 2 foot counter intervals
2. 412.2.B.16 – Class A Soil Survey
3. 412.2.B.17 – Location of trees over 10 inches in diameter

Staff recommends approval of the requested waivers.

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

411.1 Ordinance Provisions

The property is located in the Farm and Forest 3 (FF3) Zoning District. In accordance with §501.2, forested wetlands and a deer wintering area totaling 10.01 acres were subtracted from the total lot acreage, resulting in a net site area of 4.33 acres.

With the merger of these two lots, the previously approved Flag Lot provisions no longer apply. The proposed amended subdivision plan complies with all applicable standards in the FF3 Zoning District, and meets all dimensional, density and lot configuration requirements. *The Board finds the provisions of Section 411.1 are satisfied.*

411.2 Preservation of Natural Features

All natural features associated with the land are mapped on the attached plan with the exception of large trees as the applicant has requested a waiver of mapping trees with a diameter of larger than 10 inches. The merger of lots 9-A and 9 reduces the likelihood of additional development on this lot, and therefore reduces the potential for adverse impacts to the natural features of the landscape.

The Board finds that the provisions of Section 411.2 are satisfied.

411.3 Surface Waters, Wetlands and Marine Resources

No water bodies, streams or vernal pools are identified on the site. The amended subdivision plan will not adversely affect the Mare Brook watershed or the water quality of Casco Bay or its estuaries. *The Board finds that the provisions of Section 411.3 are satisfied.*

411.4 Flood Hazard Areas

Based on the Flood Insurance Rate Map, community panel # 230042 0010 B, effective date, 1/3/1986, the project site is located within Zone C, described as areas of minimal flooding and outside the regulatory 100-year flood zone. *The Board finds that the provisions of Section 411.4 are satisfied.*

411.5 Stormwater Management

The proposed merger of the 2 lots will not result in any new development; therefore stormwater requirements are not applicable. *The Board finds that the provisions of Section 411.5 are not applicable.*

411.6 Groundwater

There are no adverse impacts to groundwater anticipated from this merger. No activities are proposed or anticipated that will extract groundwater for commercial purposes. The Board finds that the development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater. *The Board finds that the provisions of Section 411.6 are satisfied.*

411.7 Erosion and Sedimentation Control

No development is proposed; soil erosion and sedimentation control measures are not required.. *The Board finds that the provisions of Section 411.7 are satisfied.*

411.8 Sewage Disposal

The existing single-family dwelling is currently served by subsurface wastewater disposal. No additional sewage disposal is proposed. *The Board finds that the provisions of Section 411.8 are satisfied.*

411.9 Water Supply

The existing single-family dwelling is currently served by a well. No additional groundwater extraction is proposed. *The Board finds that the provisions of Section 411.9 are satisfied.*

411.10 Aesthetic, Cultural and Natural Values

The amended subdivision plan will not have any undue adverse effect on the scenic or natural beauty of the area, historic sites, or significant wildlife habitat identified by the Maine Department of Environmental Protection and Inland Fisheries & Wildlife or by the Town of Brunswick, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. *The Board finds that the provisions of Section 411.10 are satisfied.*

411.11 Community Impact

No new development is proposed. Water and sewer services are operated privately by the lot owner. There will be no impacts to school enrollment. *The Board finds that the provisions of Section 411.11 are satisfied.*

411.12 Traffic

The amended subdivision plan will not cause unreasonable highway or public road congestion or unsafe conditions. Traffic patterns associated with the existing single family dwelling is not expected change. *The Board finds that the provisions of Section 411.12 are satisfied.*

411.13 Pedestrian and Bicycle Access and Safety

There will be no impacts to bicycle and pedestrian access, safety and circulation. *The Board finds that the provisions of Section 411.13 are satisfied.*

411.14 Development Patterns

The amended subdivision plan is respectful of Brunswick's historic development pattern and will have no adverse impact on adjacent residential areas. *The Board finds that the provisions of Section 411.14 are satisfied.*

411.15 Architectural Compatibility

No new structures are proposed with this requested merger. *The Board finds that the provisions of Section 411.15 are not applicable.*

411.16 Municipal Solid Waste Disposal

No new solid waste will result from the amended subdivision plan. *The Board finds that the provisions of Section 411.16 are satisfied, conditional upon the applicant paying the solid waste impact fee prior to receiving a building permit.*

411.17 Recreation Needs

The existing single family dwelling is not subject to a recreational impact fee. *The Board finds that the provisions of Section 411.17 are satisfied.*

411.18 Access for Persons with Disabilities

The amended subdivision application does not require the implementation of specific requirements of the Americans with Disabilities Act. *The Board finds that the provisions of Section 411.18 are not applicable.*

411.19 Financial Capacity and Maintenance

The proposed merger of 2 lots does not require significant financial capacity to complete or maintain. *The Board finds that the provisions of Section 411.19 are satisfied.*

411.20 Noise and Dust

There are no anticipated impacts with regard to noise or dust. *The Board finds that the provisions of Section 411.20 are satisfied.*

411.21 Right, Title and Interest

The project applicant owns the subject parcel and has sufficient right, title and interest in the property. *The Board finds that the provisions of Section 411.21 are satisfied.*

411.22 Payment of Application Fees

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

**APPROVED MOTIONS
DUCK COVE SUBDIVISION AMENDMENT
CASE NUMBER 13-004**

Motion 1: That the Final Plan is deemed complete.

Motion 2: That the Planning Board waives the following requirements:

1. 412.2.B.15 – Topography with 2 foot counter intervals
2. 412.2.B.16 – Class A Soil Survey
3. 412.2.B.17 – Location of trees over 10 inches in diameter

Motion 3: That the Planning Board grants Final Plan approval with the following conditions:

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

** All Subdivisions for which Final Plan approval has been granted, and any conditions that have been imposed by the Planning Board for the subdivision or final plan shall be filed in the Cumberland County Registry of Deeds by the applicant. If the applicant fails to record the subdivision plan within 60 days after Development Plan approval by the Planning Board, the approval shall expire. No building permits associated with a subdivision shall be issued unless evidence of all recording requirements is provided by the applicant to the Codes Enforcement Officer.*

If applicable, subdivision approvals by the Planning Board shall expire at the end of five years after the date of Final Plan approval unless all infrastructure work associated with the development is completed (Section 407.4.C of the Brunswick Zoning Ordinance).

MAJOR DEVELOPMENT REVIEW
FINAL PLAN APPLICATION

1. Project Name: Duck Cove Subdivision Amendment
To Recombine Lot 9 & Lot 9A

2. Project Applicant
Name: George & Margaret Cooke For Mail
Address: 138 Coombs Rd. Purposes
Brunswick Me. 04011 25419 Elsam Hills
Phone Number: 618-374-9410 Elsam IL
62028

3. Authorized Representative
Name: _____
Address: NONE
Phone Number: _____

4. List of Design Consultants. Indicate the registration number, address and phone number
Of any engineer, surveyor, architect, landscape architect or planner used:
1. Brian Smith Surveying - Brian Smith
2. 8 Cumberland St. Maine Pls
3. Brunswick, Me. 04011 # 1175
207-666-3268 Ext 19

5. Physical location of property being affected: 138 Coombs Rd.

6. Lot Size: Lot 9 12.26 acres, Lot 9A 2.13 acres

7. Zoning District: FF-3

8. Indicate the interest of the applicant in the property and abutting property. For example, is the
applicant the owner of the property and abutting property? If not, who owns the property subject to
this application?
Applicants are the new owners
of both lots as of Aug. 31, 2012

9. Assessor's Tax Map 38 Lot Number 149 of subject property.

10. Brief Description of proposed: Recombine Lot 9 & 9A into
one lot. For privacy & do not wish to
incur the added taxes of 2nd lot.

11. Describe Specific Physical Improvements to be Done: NONE

Owner Signature: George Cooke Margaret Cooke
Applicant Signature (if different): _____

Required Attachments (by Applicant): Feb. 7, 2013

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

MAJOR DEVELOPMENT REVIEW
SKETCH PLAN APPLICATION

1. Project Name: DUCK COVE SUBDIVISION AMENDMENT
RECOMBINING LOT 9 + 9A
2. Project Applicant
Name: GEORGE + MARGARET COOKE
Address: 138 COOMBS RD.
BRUNSWICK ME 04011
Phone Number: 618-374-9410
3. Authorized Representative FOR MAILING PURPOSES PLGASG USE
NONE Name: _____
Address: 25419 ELSAH HILLS DR.
ELSAH IL 62028
Phone Number: cooke.george@gmail.com
3. List of Design Consultants. Indicate the registration number, address and phone number
Of any engineer, surveyor, architect, landscape architect or planner used:
1. BRIAN SMITH MAINE P.L.S. # 1175
 2. BRIAN SMITH SURVEYING
 3. 8 CUMBERLAND ST. BRUNSWICK ME 04011
5. Physical location of property being affected: 138 COOMBS RD
6. Lot Size: LOT 9 = 12.26 ACRES LOT 9A = 2.13 ACRES
7. Zoning District: FF-3
8. Indicate the interest of the applicant in the property and abutting property. For example, is the
applicant the owner of the property and abutting property? If not, who owns the property subject to
this application?
APPLICANTS ARE THE NOW OWNERS
OF BOTH LOTS AS OF
AUG. 31, 2012
9. Assessor's Tax Map 38 Lot Number 149 of subject property.
10. Brief description of proposed use: RECOMBINING BOTH LOTS FOR
PRIVACY + TO RETURN LOT TO 1 BILL
FOR TAX PURPOSES (BACK TO ORIGINAL PLAN)
11. Describe specific physical improvements to be done: NONE

Owner Signature: George Cooke Margaret Cooke

Applicant Signature (if different): _____

Required Attachments (by Applicant):

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

Required Attachment (by Planning and Development Department):

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

SKETCH PLAN REQUIREMENTS

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

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

138 COOMBS RD.

GEORGE COOKE & MARGARET COOKE

FINAL PLAN REQUIREMENTS

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

Item	O	S	NA	W	P	Comments
Name of Development						
Scale, date, north point, area, number of lots (if subdivision)		✓				
Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed.		✓				
Certification by a professional land surveyor that the land has been surveyed and the boundaries established in accordance with the State of Maine Board of Licensure for Professional Surveyors standards for Category 1 (Standard Boundary Survey), conditions 1, 2, or 3.		✓				
Existing zoning district and overlay designation.		✓				
Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.		✓				
Names of current owner(s) of subject parcel and abutting parcels.		✓				
Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.		✓				
A general road plan noting circulation, direction, traffic control devices, street lighting and type of lighting proposed.		✓				
Existing and proposed easements associated with the development.		✓				
Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning Department.		✓				
Location of features, natural and artificial, such as water bodies, wetlands, streams, vegetation, railroads, ditches and buildings.		✓				

An erosion and sedimentation control checklist prepared by the Cumberland County Soil and Water Conservation District.			✓			No development proposed
A statement from the Brunswick-Topsham Water District of conditions under which water will be provided.			✓			"
A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.			✓			"
A Statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.			✓			"
A statement from the Superintendent of the Brunswick Sewer District of the conditions under which the Sewer District will provide sewerage disposal service and approval of the sanitary sewers proposed within the development.			✓			"
Where a septic system is to be used, evidence of soil suitability.			✓			Septic existing
All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of Section 411.		✓				
A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.			✓			No development proposed
An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.			✓			"
A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems.			✓			"
The size and proposed location of water supply and sewage disposal systems.			✓			"
A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, location and purpose and type of vegetation.			✓			"

C S M A W P

Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of any private wells.		✓			
Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.			✓		None proposed
Topography with counter intervals of not more than 2 feet.				✓	previously wanted in 2011
A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.				✓	" "
Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing all trees to be removed as a result of the development proposal.				✓	" "
Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.			✓		None proposed
Existing locations and proposed locations, widths and profiles of sidewalks.			✓		" "
Location map.	✓				
Approximate locations and dimensions of proposed parking areas.					
Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.			✓		None proposed
Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization.			✓		" "
Reference to special conditions stipulated by the Planning Board, with conditions either set forth in full or on the plan or identified as specific documents filed with the Board.			✓		" "
A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the US Army Corps of Engineers.	✓				
Dedicated public open spaces, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.			✓		None proposed

For Open Space Development, a note indicating the total permitted lot count of the entire land tract based upon the destiny standards in this Ordinance, the number of lots created by the Plan, and the numebr of lots permitted to be subdivided in the future, as well as a table showing setback requirements and impervious surface coverage limits for each lot.			✓			" "
Building envelops showing acceptable locations for principal and accessory structures.		✓				

FINAL PLAN/SUPPORTING DOCCUMENTS

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

Item	O	S	NA	W	P	Comments
Documentation of Ownership or contract.						
Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which conservation land will be owned, maintained, and protected.			✓			" "
Draft performance guarantee or conditional agreement.			✓			" "
Disclosure of any required permits from the Department of Environmental Protection, Marine Resources, US Army Corps of Engineers, Department of Inland Fisheries and Wildlife, or other agencies, as applicable; or, if a permit has already been granted, a copy of that permit.			✓			
Any additional studies required by the Planning Baord, which are deemed necessary in accordance with this Ordiancne.			✓			
Storm water management program for the propsed project prepared by a professional engineer.			✓			No new development
A storm water management checklist prepared by the Cumebrland County Soil and Water Conservation District made avaiabel at the Brunswick Department of Planning and Development.			✓			" "



Legend

Parcels

Town Boundary

Road Centerlines

298 Feet

138 COOMBS ROAD

Town of Brunswick, Maine

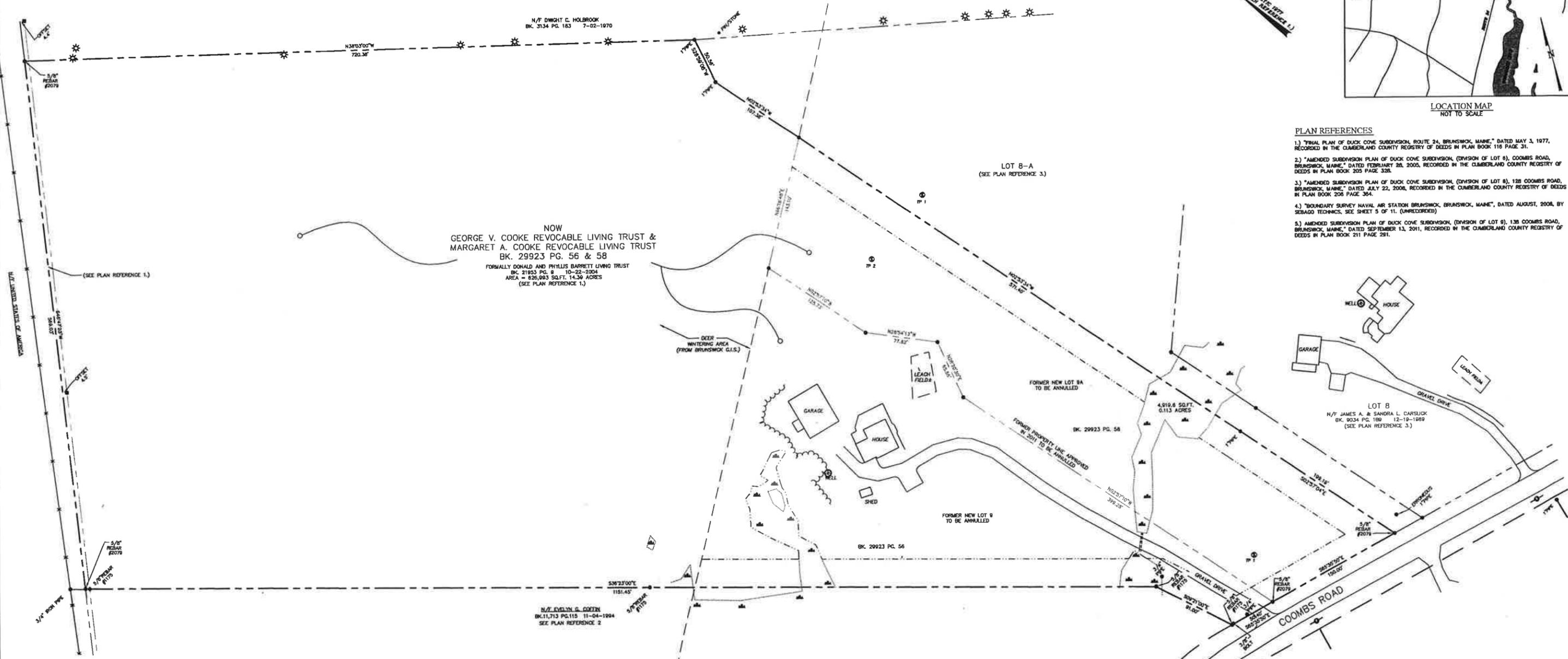
This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.



LOCATION MAP
NOT TO SCALE

PLAN REFERENCES

- 1.) "FINAL PLAN OF DUCK COVE SUBDIVISION, ROUTE 24, BRUNSWICK, MAINE," DATED MAY 3, 1977, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 116 PAGE 31.
- 2.) "AMENDED SUBDIVISION PLAN OF DUCK COVE SUBDIVISION, (DIVISION OF LOT 8), COOMBS ROAD, BRUNSWICK, MAINE," DATED FEBRUARY 26, 2005, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 205 PAGE 328.
- 3.) "AMENDED SUBDIVISION PLAN OF DUCK COVE SUBDIVISION, (DIVISION OF LOT 8), 128 COOMBS ROAD, BRUNSWICK, MAINE," DATED JULY 22, 2008, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 208 PAGE 364.
- 4.) "BOUNDARY SURVEY NAVAL AIR STATION BRUNSWICK, BRUNSWICK, MAINE," DATED AUGUST, 2008, BY SEBAGO TECHNIC, SEE SHEET 5 OF 11. (UNRECORDED)
- 5.) "AMENDED SUBDIVISION PLAN OF DUCK COVE SUBDIVISION, (DIVISION OF LOT 8), 138 COOMBS ROAD, BRUNSWICK, MAINE," DATED SEPTEMBER 13, 2011, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 211 PAGE 291.



NOW
GEORGE V. COOKE REVOCABLE LIVING TRUST & MARGARET A. COOKE REVOCABLE LIVING TRUST
 BK. 29923 PG. 56 & 58
 FORMERLY DONALD AND PHYLIS BARRETT LIVING TRUST
 BK. 21953 PG. 8 10-22-2004
 AREA = 826,993 SQ.FT. 14.39 ACRES
 (SEE PLAN REFERENCE 1.)

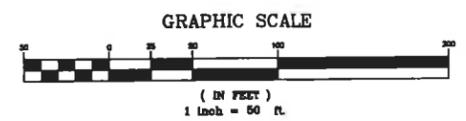
LOT 8
 N/F JAMES A. & SANDRA L. CARSLICK
 BK. 9034 PG. 189 12-19-1989
 (SEE PLAN REFERENCE 3.)

LEGEND

- MONUMENT FOUND
- IRON MARKER FOUND
- BOUNDARY LINE OF SURVEYED PARCEL
- - - BOUNDARY LINE OF ABUTTERS (APPROX.)
- ROAD RIGHT OF WAY LINE (APPROX.)
- COMPUTATIONAL TIE LINE
- STONE WALL (APPROX.)
- EDGE OF TRAVELED WAY
- UTILITY LINE
- OHE
- /CMP 13 UTILITY POLE WITH NUMBER
- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- DH DRILL HOLE
- △ 4 ARBITRARY TRAVERSE POINT WITH NUMBER
- 12, 1001 ARBITRARY COMPUTATIONAL POINT NUMBER
- BK 10674, PG 197 DEED BOOK & PAGE IN COUNTY REGISTRY OF DEEDS
- PB 195, PG 130 PLAN BOOK & PAGE IN COUNTY REGISTRY OF DEEDS
- R/W RIGHT OF WAY
- N/F NOW OR FORMERLY HELD BY
- AC. ACRES
- ELEVATION TEMPORARY BENCH MARK
- TEST PIT

NOTES

- 1.) THE PROPERTY IS CURRENTLY ZONED FF3 AND OCCUPIED BY ONE SINGLE FAMILY RESIDENCE, AND IS DEPICTED ON THE TOWN OF BRUNSWICK TAX MAP 38 LOT 146.
- 2.) THIS SITE IS PREDOMINANTLY WOODED.
- 3.) THIS PLAN HAS BEEN DRAWN & APPROVED TO REFLECT THE COMBING OF NEW LOT 9 AND LOT 8A AS SHOWN ON PLAN RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 211 PAGE 291. THE RECORDED LOT 8 IS THE SAME AS LOT 9 SHOWN ON PLAN REFERENCE #1. THIS 2013 PLAN HAS BEEN DRAFTED AT THE REQUEST OF THE TOWN OF BRUNSWICK.
- 4.) OWNER OF RECORD: GEORGE V. COOKE REVOCABLE LIVING TRUST & MARGARET A. COOKE REVOCABLE LIVING TRUST BK. 29923 PG. 56 & 58
- 5.) TOWN BUILDING SETBACKS:
 MINIMUM FRONT YARD: = 25'
 MINIMUM REAR YARD: = 30'
 MINIMUM SIDE YARD: = 30'
 MAXIMUM IMPERVIOUS SURFACE: = 25%
- 6.) SOILS TEST PITS BY STEPHEN A. DOWN S.E.# 257.
- 7.) ALL DRIVEWAY ENTRANCES SHALL HAVE A PROPERLY SIZED CULVERT A MINIMUM OF 12" DIAMETER.
- 8.) WETLANDS AS SHOWN HEREON ARE BASED ON A DELINEATION BY THIS SURVEYOR. WETLANDS WERE NOT LOCATED IN THE DEER WINTERING AREA.
- 9.) ALL NEW CONSTRUCTION SHALL COMPLY WITH "THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION - BEST MANAGEMENT PRACTICES" OR "THE MAINE EROSION AND SEDIMENTATION CONTROL BEST MANAGEMENT PRACTICES", PUBLISHED BY M.D.E.P.



SURVEYOR'S CERTIFICATION:

THE PREPARER HEREBY CERTIFIES THAT THIS SURVEY HAS BEEN UNDERTAKEN IN CONFORMANCE WITH THE RULES SET FORTH BY THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, DATED APRIL 1, 2001, FOR A BOUNDARY SURVEY.



DATE: 2-11-2013
 B. B. SMITH
 BRIAN B. SMITH, PLS #1175

CUMBERLAND COUNTY REGISTRY OF DEEDS:

RECEIVED: _____
 AT ___ HRS ___ MIN ___ M. AND
 FILED IN PLAN BOOK ___ PAGE ___
 ATTESTED: _____ REGISTER

NOT VALID UNLESS EMBOSSED HERE

TITLE: 2nd AMENDED SUBDIVISION PLAN OF DUCK COVE SUBDIVISION (LOT 9)

PROJECT: 138 COOMBS ROAD BRUNSWICK, MAINE

OWNER: GEORGE V. COOKE REVOCABLE LIVING TRUST & MARGARET A. COOKE REVOCABLE LIVING TRUST

SITELINES, PA
 ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS
 8 CUMBERLAND STREET, BRUNSWICK, ME 04011
 207.725.1200 www.sitelinespa.com

FIELD WK: B. SMITH	SCALE: 1" = 50'	SHEET: 1
DRN BY: R. LERETTE	JOB #: 2203	
CHD BY: B. SMITH	MAP/LOT:	
DATE: 02-07-13	FILE: 2203-SV	

**BRUNSWICK PLANNING BOARD
JANUARY 14, 2013**

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

STAFF PRESENT: Jeremy Doxsee

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

Introduction of Town Planner Jeremy Doxsee, AICP
Jeremy Doxsee introduced himself and stated that he is happy to be a part of our community.

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

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

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

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

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

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

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

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

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

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

Chairman Charlie Frizzle opened the public comment period per request.

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

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

Chairman Charlie Frizzle closed the public comment period.

Charlie Frizzle reviewed the proposed changes in application:

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

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

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

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

Other

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

Minutes

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

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

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

Adjourned

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

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
JANUARY 29, 2013**

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

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

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

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

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

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

Village Review Composition

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

Jurisdiction

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

Non-Demolition Review Criteria

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

Demolition Criteria

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

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

Adjourned

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

Attest

Tonya D. Jenusaitis
Recording Secretary