

**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