

**BRUNSWICK PLANNING BOARD  
FEBRUARY 5, 2013**

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

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

A meeting of the Brunswick Planning Board was held on Tuesday, February 5, 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 - Case Number: 12-031 Brunswick Landing Subdivision:** Applicant has requested a workshop to receive further guidance from the Board so that they may adequately prepare their revised Final Plan submission (**Assessor's Map 40, Lot 2** in the **BNAS Reuse Zoning District**).

Steve Levesque, Executive Director for Maine Regional Redevelopment Authority (MRRA) introduced the project and the history by reviewing his letter to Charles Frizzle, Chair of the Brunswick Planning Board dated February 5, 2013. Steve Levesque stated that since the last Planning Board meeting they have scaled down the number of lots to lots that have or had buildings on them. Margaret Wilson asked if what was in red on the Comparative Plan (Plan B) would still become lots; Pat Scully replied that "to the extent that you approve a plan that recognizes or creates the lots" in blue, you are dividing out the other tracks; by approving the plan it recognizes the lots in orange. Margaret Wilson noted that public roads define lots and Pat Scully reiterated that by approving those in blue, you have separated out the red/orange lots but noted that it does not prevent the red/orange lots from coming back to the Planning Board for subsequent review of development or further subdivision of the red/orange areas. Margaret asked if there was any difference between the original plan and Plan B; Pat replied that the only difference is that the original plan subdivides the orange lots.

Steve Walker, in reference to the letter submitted by Steven Levesque, dated 2/5/13, stated that he is fully behind the comprehensiveness of the EIS, the work that has gone into the Brunswick Master Plan, all the public meetings and other voluntary meetings that they have conducted to do the design the of the project but it is still an EIS and not intended as data for a development review project at this level of detail. Steve Walker apologized if the items he brought forth at the last meeting were surprising and stated that during sketch plan review he did raise issues about the need to field identify streams, the need to identify significant wildlife habitats and address wetland issues. Steve Walker stated that there are still issues which need to be addressed and noted that they are basic requirements per the Brunswick Zoning Ordinance. Steve Walker said that he prefers Plan B as it reflects what was discussed at the last meeting and focuses on the parcels that already have development on them and have limited or no natural resources; the plan allows MRRA the opportunity to move ahead with development. Steve Walker stated that wetlands, streams and basic natural resources still need to be addressed and believes that MRRA could accomplish meeting the requirements of the zoning ordinance by requesting waivers, lot-by-lot development as suggested by the letter by Wright Pierce dated 1/30/13, or adding a

conditioning that when MRRA submits Plan B MRRA address the building envelope concern in those developed lots by showing the front and side setbacks. Steve Walker stated that on lots 2, 7, 10 & 31 there are existing wetlands and NRPZ issues but that MRRA can move forward with Plan B via the following condition

“Prior to submitting final application for development of any of the lots 2, 7, 10, 11, or 31, the applicant shall submit to the planning board a report from a qualified wetland scientist and botanist that includes 1) results of on-site wetland delineation per USACE approved delineation methodology; 2) field determined extent of the Natural Resources Protection Zone where applicable; 3) location of any Significant Wildlife Habitat; and 4) results of an on-site rare plant and rare natural community survey.

The applicant shall submit evidence that findings from on-site investigations on Lots 2, 7, 10, 11, and 31 have been used to determine final locations for future development on the parcels in a manner that most effectively avoids impacts to significant wildlife habitats or rare or irreplaceable natural areas in accordance with 411.2 and 411.10 of the Brunswick Land Use Ordinance .”

Steve stated that if MRRA is confident that the delineations have been completed, per response from Wright Pierce, and acceding to the Town’s requirements, then a letter be submitted with the proposed subdivision plan that states that wetland delineations have been completed on these lots per USACE; if they can’t do that then MRRA will need to come back at time of development and show how the development is going to avoid or minimize such that the Board can rule on 411.2 and 411.10. Steve Walker said that Mike Mullen’s email dated 1/28/13, states that DEP is comfortable with the Town having the capacity to take this on through their ordinance, but in other correspondence it stated that DEP will address these concerns of not having this information up front. Steve Walker stated that when the second phase is presented to the Board, the work should be done up front. Charlie Frizzle replied that he does not believe that anything that has been discussed in any of the meetings indicates that anyone is talking about waiving or neglecting what the Town and State require in terms of environmental reviews. What the Board is talking about is “when” they will be done; the Town loses nothing if they do what is suggested by the State and reaffirmed in Mike Mullen’s letter. Charlie stated that this is not unlike how they handle other individual lot applications and handled the Moore Development in similar fashion. Steve replied that in the Moore subdivision the Board required each resource investigation up front and the building envelopes were drawn to avoid wetlands and proper setbacks from streams based on the investigations; he disagrees with Charlie and the subdivision process that is being presented. Charlie responded that Steve Walker is correct when it comes to environmental concerns on the Moore property but noted that the Board allowed other concerns to be addressed at a later time.

Margaret Wilson asked MRRA to present the FOST overlay map on the proposed subdivision at the next meeting.

Steve Walker asked if MRRA could address the concerns presented in the Brunswick Area Citizens for a Safe Environment dated 2/1/13; Steve Levesque replied that he did address these concerns in his presentation, ie. land use controls, environmental concern location documentation, property management transfer, and stormwater management plan. Steve Levesque and Steve Walker discussed the stormwater management plan and DEP handling and groundwater plumes in the groundwater and the monitoring wells. Anna Breinich replied that

the draft Findings of Fact provided to the Board on January 14, 2013, Section 411.6-Groundwater, staff did note that the institutional land use control imposed restricting any groundwater extraction across Brunswick Landing without any approval. Anna stated that this concern was already recognized and within the FOST itself.

Anna Breinich, stated that, in response to Charlie Frizzles earlier comment, the Board did wait to address the 50 foot buffer along the Route 1 Corridor and the Planning Board made a further restriction that the Planning Board not only address such concern at the site development phase but that every lot being developed along Route 1, regardless of size, must come back to Planning Board for review and approval. Anna agreed with Pat Scully that the red/orange spaces on Plan B are lots whether they are developed now or later and that they will need to meet the same requirements.

Dana Totman stated that he struggles finding the value debating what a lot is and what is not a lot and is focused on what is in blue (Plan B). Dana asked Steve Walker to explain his lot-by-lot suggestion. Steve Walker replied that if you take what is in blue as Phase I and add a subset of 4-6 blue lots that prior to building permit or codes, come back to the Board with the information showing how they designated the potential building envelope to satisfy the standards and for the remaining lots, set building envelopes when conditions allow for on site visits. Dana replied that he is unsure of how developers will feel with the uncertainty of what they may or may not be allowed to do and is taking what is being proposed in blue, with the exception of lot 9, makes sense and what is in red/orange can come back to the Board when it can be divided. Margaret Wilson replied that she believes that the applicant is proposing that the Board consider anything striped, what is in blue is considered Phase I and orange/red as Phase II and if it becomes Alternative A or B, provide guidance on what they will need to bring to the Board, Phase II back.

Jeremy Doxsee asked if the 399 acres in the subdivision was part of the 389 acres of wetlands referred to in Jan Weigman's letter; Jan replied that the cumulative 389 acres being referred to is actual wetlands and not the acreage of what was actually covered. Margaret Wilson asked Jan if the standards met USACE standards for delineations; Jan replied by reviewing the methodology and stated that they went back to areas that were previously identified as wetlands. Steve Walker referred to page 136 of the EIS and pointed out that 20% of the 389 acres have been field delineated and of those most are over the 5 year threshold, and noted that the EIS states that they did not do any more delineations. Steve Walker suggests that MRRA obtain from Ecology and Environment a letter stating that they did conduct all the delineations in the proposed subdivision or, once weather allows, will conduct the delineations on the six lots in Phase I and conduct them ahead of time in Phase II. Anna Breinich referred Appendix A of the original application, methodology.

Charlie Frizzle stated that the applicant needs to leave with some guidance on how to proceed; he still sees no substantive difference between the plans since all lots need to come back to the Board.

Vice Chair Margaret Wilson opened the meeting to public comment, hearing none the public comment was closed.

Jeff Peters stated that they should view MRRA as a developer and look at what MRRA has presented to the Board and apply the standards that they would to anyone else and move forward easily. Margaret Wilson asked Steve Levesque if MRRA would prefer that the Board look at the original plan from January of the phased approach; Steve Levesque replied the original plan was based on 41 lots and based on the discussions they have removed some of the more sensitive lots and only focusing on the lots that were already encumbered or had history. Steve Levesque reviewed the plans and gave a history of some of the more sensitive lots.

Richard Visser asked if they could do advantages and disadvantages of each plan. Jeff Peters replied that he wanted to keep things simple and believes that Plan B is the best choice.

Margaret Wilson replied that she believed that they have 3 plans in front of them:

- A. Original Subdivision Plan
- B. Phased plan where the blue would be Phase I and the red/orange would come back to the Board in Phase II
- C. Plan B with further conditions

Pat Scully replied that the difference between the two plans is that one approach is subject to whatever conditions the Board attaches to a certain number of lots and the other approach approve a different number of lots; if the Board approves the phased approach then then the lots in blue can be marketed immediately and those in red/orange could not be marketed until Phase II is approved.

Margaret Wilson asked if members felt that the application for Proposed Plan A was complete; Charlie Frizzle, Dann Lewis, Dana Totman believed it is complete. Margaret Wilson and Steve Walker lean towards Plan B. Charlie stated that the big advantage of Plan A is that it relieves any legal restriction from MRRA from marketing any lot and they would still have to come back to the Board with any environmental detail as required. Richard Visser replied that he leans towards Plan A. Steve Walker reviewed Section 412.2, Final Submission Plans and Requirements and stated that many have not been done or are complete; Charlie replied that they could be covered by a condition.

Other

- Anna Breinich stated that at this time there are three items on the 2/26/13 agenda and a workshop with the Village Review Board.

Minutes

**MOTION BY DANN LEWIS TO APPROVE THE MINUTES OF OCTOBER 23, 2012.  
SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

Adjourned

This meeting was adjourned at 8:47 P.M.

Attest



Tonya D. Jenusaitis  
Recording Secretary