

BRUNSWICK PLANNING BOARD
APRIL 2, 2013

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Dale King, Dann Lewis, and Richard Visser

STAFF PRESENT: Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, April 2, 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.

Case Number: 13-007 – Atlantic Coast Towing: The Planning Board will review and take action on a Major Review Application submitted by Atlantic Coast Towing regarding a request to establish a towing business and impoundment yard located at 84 Old Bath Road (Assessor's Map 45, Lot 2A) in the Rural Mixed Use 1 (MU1) Zoning District.

Jeremy Doxsee stated that in June of 2012, the applicant was granted special permit approval by the Board to relocate its towing business from 64 Water Street to 84 Old Bath Road. Jeremy stated that the applicant is also seeking major review approval to create a 180 square foot gravel driveway leading to the impoundment yard. Jeremy stated that a 900 square foot garage is also being proposed at this time with a larger 1,920 square foot garage to be constructed in the future. Jeremy stated that there are no significant resources on this property and noted that Staff Review Committee reviewed this application at their March 7, 2013 meeting.

Jeremiah Raitt, Surveyor, added that the applicants have prepared an aerial overlay of the property with property lines and location of the garage and shed.

Staff Review meeting of March 7, 2013, bullet number two, states that the applicant will need to provide details of the proposed garages, including colors, materials, and height. Charlie Frizzle noted that included in the packet, they have a sketch for a 28x28 square foot garage even though the garage will be for 32x28 square feet, but no sketch for the second larger garage proposed to be 32x60 square feet. Charlie asked if staff had any more information for the second forthcoming garage. Jeremy Doxsee replied that it was his understanding that the second garage would be of similar design with a different footprint. Jeremiah Raitt replied that in speaking with Rachel and Charles Louder, it was his understanding that it would be similar stick construction. Jeremiah stated that it is also his understanding that if the smaller garages suits their needs they may not construct the larger garage. Charlie replied that in keeping with Staff Review, a condition should be added that prior to the start of construction on the second garage, detailed plans should be submitted to staff for review and approval. Margaret Wilson replied that with a 28x32 sketch, the Board usually likes more information such as windows so they know what the building looks like. Jeremiah replied that that he believes that they are going to paint the building blue/grey, similar to the other buildings with double hung windows. Jeremiah stated that the sketch provided to the Board was all that was given to him by the applicant. Margaret asked Jeremy if staff felt that the applicant completed what was asked of them in terms of height and building requirements. Jeremy replied that staff felt that the applicant met the minimum in terms

of construction materials as noted in the Findings of Fact. Jeremy stated that it is proposed to be 24 feet maximum so probably 2 story, and blue with double hung windows; Jeremy stated that they can condition that more information be provided if the Board wishes. Margaret asked what the maximum height was. Jeremiah replied that according to the Codes office, maximum height is 40 feet. Charlie Frizzle replied that for the 28x32 garage, the Board has enough information and that it is unlikely that a 28x32 foot building is going to exceed that height limit, but still believes that a detailed sketch be provided for the 32x60 foot building prior to construction. Margaret asked what they will be using for lights. Jeremiah replied that there will be a garage door light and that lighting would be more typical of a residential structure. Bill Dana stated that he believes it was stipulated that the lighting would be on motion sensors. Margaret asked about the 150 feet of buffered woodland and asked if it was off of Bath Road. Jeremy replied that it is located at the rear of the property and noted that the property slopes off; he was thinking about the direction of any runoff to the southeast. Margaret asked if there were any residences nearby and noted that Crooker was on both sides of the property. Jeremy replied that there are no residences to the south. Jeremiah stated that there is a residence across the street.

Chairman Charlie Frizzle opened the meeting to public comment, hearing none the public comment period was closed.

MOTION BY DANN LEWIS THAT THE COMBINED SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION IS DEEMED COMPLETE. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY DALE KING THAT THE SKETCH PLAN AND MAJOR DEVELOPMENT PLAN APPLICATION IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant, and the written and oral comments of the applicant, their 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 review and approval in accordance with the Brunswick Zoning Ordinance.

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

Other

No other business.

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 7:20 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
MAY 21, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Dale King, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, May 21, 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.

Public Hearing: The Board will hold a public hearing to hear public comment and take action regarding the following:

- a. A proposed zoning amendment to revise in its entirety Section 216, Village Review Zone (VRZ Overlay District) of the Town of Brunswick Zoning Ordinance. Proposed revisions include:
 - i. General reformatting and revisions to the entire Section 216;
 - ii. Establishing a classification-based review system for contributing and noncontributing resources within the VRZ; and
 - iii. Establishing the basis for a minor and major activity and their applicable review processes for new construction, additions, alterations, relocation and demolition of existing structures.
- b. A proposed amendment to the Town of Brunswick Zoning Map, expanding the geographic boundaries of the Village Review Zone as recommended in the Town's adopted 2008 Comprehensive Plan Update, map attached.

Anna Breinich began by reviewing what the Town Council had asked, at their October 2012 meeting adding: that the Planning Board draft an amendment to Section 216 of the Brunswick Zoning Ordinance pertaining to demolitions in the Village Review Zone. Anna stated that at that time, Charlie Frizzle asked that Council consider an interim approach which is what the Village Review Board has been working under since late November, 2012, with the understanding that a more comprehensive amendment to Section 216 could be completed by June 1, 2013. Anna stated that there have been several joint workshops between the Planning Board and the Village Review Board. Anna stated that in the workshops they discussed different review criteria and the language was drafted from these comments. Anna reviewed some of the major changes including:

- Establishment of a classification based review system; contributing and non-contributing
- Addition of definition key terms
- 90 day waiting period on contributing structures with an optional 90 day delay period on non-contributing based on location and other factors
- Non-contributing structures not visible from a public right-of-way would not require a Certificate of Appropriateness for demolition or relocation.
- Establishment of Major and Minor Activities.
- Changes in the Review Standards for all activities.

- Map included in packet that highlights the expansion of the VRZ is taken from the 2008 Comprehensive Plan

Anna Breinich reviewed the comments made by Attorney Pat Scully and stated that Section 216.4.a needs to include a list of contributing resources within the district and any that are considered significant listed as an appendix.

Margaret Wilson stated that for clarification on page 82, Subsection b, they should state that the 90 day delay period starts after the application is found complete. On page 84, Section 216.9.B.F.4 Margaret suggested that should read that any energy source should be screened unless it interferes with the system. Margaret asked when Section 216.9.D.1.b was added; Anna Breinich replied that it comes from the existing ordinance language and noted that it was not included in the last draft, but was in an earlier draft. Margaret asked if the Board still wants to include this as the Town does not have a maintenance ordinance. Charlie Frizzle stated that he would like to table the discussion until after the public hearing.

Chair Charlie Frizzle opened the meeting to public hearing.

David Chittim, owner of 11 Potter Street, stated that he moved to Brunswick 63 years ago and lived in the Chamberlain House. Mr. Chittim stated that he and his wife own 11 Potter Street which was built sometime between 1844 and 1849 by William M. Corbett and has had 16 distinct owners over the past 160-odd years. Mr. Chittim stated that he has personally known every owner and resident since 1949. For example, Bill Root bought the house at auction from Bowdoin College for \$7,600 on August 10, 1950 and he moved in 30 days later. Mr. Chittim stated that the history behind the house given is to exemplify that he is not lacking in interest in or appreciation of the past, nor are the general goals of the Village Review Ordinance inimical to our own, but stated that it is the particulars that trouble him. Mr. Chittim stated that even though he may agree with the opinions of the Boards, he will resist the right of imposition.

Mr. Chittim stated that the section of the Ordinance of particular and personal interest is the 5-year plan. He stated that he does not intend to step on toes, but noted that he has been in the position of drafting ordinances and policies many times in his career and he recognize the difficulty of writing ordinances while being specific and broad in coverage. Mr. Chittim stated that the Comprehensive Plan speaks of expanding VRZ to the Chamberlain Museum; the proposed expansion exceeds that by adding 25 additional properties. Mr. Chittim stated that public notice of this expansion may have been provided, but he was not aware of any. Mr. Chittim stated that the February 12 joint meeting minutes talk about expanding zone to Noble Street, but noted that the May 7 meeting minutes do not talk of expansion.

Mr. Chittim stated that:

- Section 216.1.A, Purpose, the architectural context for Potter Street and other neighborhoods has not yet been developed in the Design Guidelines

- Section 216.3.B, Village Review Board Membership, states that only one member is required to live within the zone and asked if residents of Topsham, West Bath and Harpswell should have positions on the Brunswick Planning Board since they are all in Sagadahoc County. Mr. Chittim noted that legally the VRB is composed of seven members, but at this time there are only four incumbents and asked what happens to a project if there is no quorum and how can the timetable in the ordinance be honored?
- Section 216.4, Classifications, contributing resource is defined later in the ordinance, but that definition may or may not be overridden by the classification section. Mr. Chittim asked if a structure is not a contributing resource by definition, is it then forced into the classification by virtue of being eligible for listing?
 - Section 216.4.A.2, refers to eligible properties. Mr. Chittim stated that MHPC maintains a database of properties eligible for this listing and asked if this section refers to properties currently on that list or to properties that may be listed after a request by the Town? Process can take up to a month.
 - Section 216.4.A, 3 and 4 define a contributing resource as a contributing resource and both are redundant.
 - Item B breaks a cardinal rule of lexicography by defining a word with itself.
- Section 216.5, Certificate of Appropriateness, Mr. Chittim stated that he recently replaced a leaking asphalt roof, visible from Page Street with a metal roof and noted that this activity did not require a building permit, but it would require a Certificate of Appropriateness issued by the Village Review Board, not by the Director. Mr. Chittim stated that he and his neighbor erected a fence with no involvement from the Town. He has removed and replaced a front walk with no Town involvement and pointed out that all of these activities would require review by either staff or the VRB.

Mr. Chittim asked if a Certificate of Appropriateness was ever issued for the building that burned at the corner of Mason and Maine as Sub-section C requires it.

- Section 216.7, Application for Certificate of Appropriateness, the Application form for a COA indicates that the applicant shall submit the historic building survey, but the code says that staff will do so. Copies of the surveys are already in the Town's possession.
 - Section E requires interior and exterior photographs. Mr. Chittim stated that he finds this particularly intrusive.
- Section 216.8.B.2.b.4, Application Review Process allows the board to require peer review at a cost to the applicant. Mr. Chittim stated that many applicants are not for-profit developers and stated that this might be appropriate in the case of a commercial project, but is an onerous imposition on a homeowner.
 - 216.8.B.2.c.1.a.ii refers to *the* 30-day appeal period. Mr. Chittim stated that this is an appeal of a staff decision to the board, and is not applicable to major projects. Mr. Chittim asked if this is another 30-day appeal period unmentioned elsewhere in the ordinance.

- Section 216.12, Definitions, the definition of “Contributing Resource of Local or Regional Significance” and “Project of Special Public Merit” are nowhere used in the Zoning Ordinance or the revision of Section 216 and asked why define it?

Katherine Ferdinand, of Bowdoin College, reviewed and read aloud her Memo to Anna Breinich dated May 20, 2013.

1. 216.6 Limitation on Granting of Other Permits - page 79

If project review by two separate boards is required, concurrent review will increase the efficiency of the review process and reduce costs to the applicant of preparing for duplicative reviews.

Recommendation: Amend the second sentence to read: “Where an application requires both a Certificate of Appropriateness and Development Review, the applications ~~may be~~ *shall be* concurrently reviewed.”

2. 216.8 B.2.c.(1)(a)i. Additional Processing Requirements for Relocation and Demolition Activities: General – page 82

The statement “Demolition or relocation of contributing resources within the Village Review Zone should be avoided whenever possible” appears to be a statement of intent versus a processing requirement.

Recommendation: Consider moving the statement to the introduction.

3. 216.8 B.2.c (1) (b) ii. 1 and 2 Additional Processing Requirements for Relocation and Demolition Activities: Review Process - page 82-83

As drafted, an applicant is required to consult with the VRB, Maine Preservation and “other civic and preservation organizations”. We believe that there should be a choice by the applicant. In addition, there could be a conflict in consulting with the VRB because it is the decision-making body.

Recommendation: Amend language as follows: “1. Consult with Village Review Board, and Maine Preservation, Maine Historic Preservation Office, or other civic and preservation organizations.”

Similarly, the proposed ordinance in section 2 requires that notice of the proposed demolition be sent to "other civic organizations". This requirement seems overly broad, is unclear and gives the applicant no guidance as to how to meet the requirement.

Recommendation: Omit the requirement that notice be sent to other civic organizations or make it optional, "and may be sent to other civic organizations".

4. 216.9 D.1.b. Review Standards - page 85

To objectively determine economic feasibility for restoration, renovation or rehabilitation the applicant and the VRB must consider the costs associated with the restoration/rehabilitation and the estimated real estate value assuming the restoration/rehabilitation occurred. Additionally, costs associated with demolition must be considered for comparison. In the most recent draft, the standard limits the VRB's review to the opinion of a professional experienced in historical rehabilitation. This limitation may reduce the efficacy of the standard because professionals experienced in historic rehabilitation may not be qualified to give an opinion of market value of real estate, or costs of demolition. Determining economic feasibility may require more than one professional opinion.

Recommendation: Replace the last sentence of this section with: "Opinions shall be provided from an architect, developer, real estate consultant, or appraiser and from a professional experienced in historic rehabilitation, as to the economic feasibility for restoration, renovation, or rehabilitation of the contributing resource versus demolition or relocation of same."

5. 216.12 Definitions - page 86

We could not find a definition for the term "person of standing" in the ordinance and suggest including a definition of this term to the list in this section.

Thank you for your consideration of these comments.

Emily Swan, Chair of the Village Review Board, in response to Margaret Wilson's question on whether to keep Section 216.9.D.1.b, stated that the joint Boards did discuss at length about the condition of properties and demolition by neglect. Emily stated that the Village Review Board enjoyed working with the Planning Board and that she is pleased with what is in front of the Planning Board. Emily replying to David Chittim's comments of photo documentation, that when the Town loses a structure which has been deemed a contributing structure, you want to be able to show what was once there. Emily stated that photo documentation is preserving history. Emily replied that in terms of process, the VRZ process is usually quick, doesn't require much or excessive materials, but stated that the new process is streamlined and more efficient and useful.

Chair Charlie Frizzle closed the public comment period.

Margaret Wilson, in addressing David Chittim's question about whether or not a Certificate of Appropriateness (COA) was issued for the building that was damaged by fire and once stood at the corner of Maine and Mason Street; Margaret stated that the permit almost seems unnecessary. Anna Breinich replied that she did discuss this section with the Codes Enforcement Officer and the Town Attorney and both agreed that the process does work and noted that there was a Certificate of Appropriateness issued for Mason Street and also for the Brunswick Universalist Church and the house on Oak Street. Margaret asked why and Charlie Frizzle replied that in the case of the church, it was not totally demolished. Margaret replied that it seems silly to make an applicant with a completely demolished building to come back for a certificate within 30 days; members agreed that a completely demolished building should not require a COA.

Charlie Frizzle, in response to David Chittim's comments pertaining to the definition of contributing versus non-contributing, asked staff if they were going to revise the definitions to reflect what the Historic Preservation uses. Anna Breinich replied yes and stated that Kurt Mooney has reviewed this Section of the ordinance.

Richard Visser stated that the charges by Bowdoin College seem reasonable. Charlie Frizzle replied that he disagrees with the first one requiring that there be parallel application review because some applicants prefer a step by step review. Margaret Wilson agreed and stated that the option should be available but not required. Charlie asked Anna Breinich if she had any concerns with respect to the recommendations that Bowdoin is making. Anna replied in the consultation, there could be a conflict with the VRB because it is a decision making body. Anna stated that any applicant can ask for a consultation before a Board, prior to submittal, and is meant as assistance to the applicant and nothing more than that. Anna stated that regarding definition for "persons with standing" is also a change the Town Attorney had asked for.

Charlie Frizzle asked how members felt about Margaret Wilson's earlier suggestion to generalize rooftop screening. Anna Breinich replied that it is not only energy producing devices and asked if they could just put energy devices in the list.

Margaret Wilson, referencing Section 216.9.a (page 83), asked if the wording could be changed from "additional guidance available" to "additional non-binding guidance available". Anna Breinich replied that the Town Attorney suggested "In meeting the standards of this ordinance applicant can obtain additional guidance from the US Secretary of Interior Standards and the Village Review Zone Design Guidelines." Margaret asked that the word "can" be changed to "may".

Margaret Wilson asked, in terms of process, in contributing versus non-contributing, if there a difference in something requiring a Major or Minor Review; the ordinance needs to reflect this. Anna Breinich replied that "it was felt that Major Reviews, and this was where it comes into play the contributing versus non-contributing resources visible from a public right-of-way, that those resources would be considered" Major Review. If it was something on the building such as a change/renovation and it was not visible but still contributing or non-contributing and wasn't visible from a public right-of-way, then it would be a Minor Review; this is codifying what the Board has been doing. Anna stated that when it comes to demolition and relocation that is where

the contributing and non-contributing being visible from a public right-of-way comes into play more. Emily Swan replied that Minor Review does not only involve changes that are not visible from a public right-of-way, but replacement of existing exterior siding, windows or doors which do not alter historical character which can be visible from the public right-of-way. Emily stated that this comprises a huge portion of what the Planning Staff reviews right now.

Steve Walker suggested using the word structure instead of building. Anna Breinich replied that there is a difference, but that she will need to confirm the wording. Anna stated that they do not have a definition for structure and this would be a good time to add one. Steve replied that if a wrought iron fence is truly not a structure then using the word *object* will capture this; Anna agreed that using object would capture the fence but using the definition that is in the National Registry. David Chittim stated that he objects and stated that a fence is a structure by definition of the code. Mr. Chittim added that a mailbox, sidewalk, house, barn and a weathercock are structures, but noted that Codes Enforcement may have a distinction that is not shared with the public.

Charlie Frizzle stated that he was comfortable allowing Planning Staff to incorporate the changes suggested into the draft amendment and move forward to Town Council; Margaret Wilson agreed. Richard Visser suggested that the Chair and Vice Chair review Anna's changes prior to submittal to Town Council.

Motion by Bill Dana to recommend this ordinance change, as modified at the 5/21/13 meeting, and including the Village Review Zone expansion, to town council. Seconded by Dale King, approved unanimously.

Other

- Anna Breinich stated that an anaerobic digest project for Final and Sketch review will be coming to the Board.

Minutes

Motion by Richard Visser to approve the minutes of 2/12/13. Seconded by Margaret Wilson, approved unanimously among those present.

Adjourned

This meeting was adjourned at 8:25 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

BRUNSWICK PLANNING BOARD
MAY 28, 2013

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, and Richard Visser

STAFF PRESENT: Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, May 28, 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.

Case # 13-012 – Village Green Maine/Village Green Brunswick Landing, LLC:

The Planning Board will review and take action on a Major Review combined Sketch and Final Plan Application submitted by Village Green Maine/Village Green Brunswick Landing, LLC, regarding their proposal to construct an anaerobic digester project consisting of 7,372 SF of new structures and 11,310 SF of additional impervious surfaces, located at the southern end of the airport tarmac at Brunswick Landing, on a proposed 3.47 ± acre lot located in the BNAS Reuse Zoning District (B-RU), Aviation-Related (R-AR) land use district.

Jeremy Doxsee reviewed the project summary and stated that the applicant is proposing to construct an anaerobic digester plant which converts organic waste into methane gas, which is then burned to create electricity. Jeremy stated that the plant will consist of one office building with mechanics and 4 tanks; the site is currently a grassy area. Jeremy stated that Staff Review reviewed the application on 3/21 and noted that comments were included in the packet. Jeremy pointed out that though the application does fall within the zoning ordinance's minor development review, the Town requested and the applicant agreed to review this applicant at the major review level.

Dave Wayburn, Chief Executive Officer of Village Green Ventures and applicant, reviewed a PowerPoint presentation which included the Village Green concept for clean energy. Mr. Wyburn stated that this venture will

- Kick start the development of a clean energy center
- Support base redevelopment
- Address Maine's zero waste goal

Jan Weigman, Engineer for Wright Pierce, reviewed a PowerPoint presentation. Mr. Weigman stated that the location is at the southern end of the large tarmac area with access from Orion Street. Mr. Weigman stated that there will be a 2,500 square foot building and four digester tanks with six parking spaces. Mr. Weigman stated that they have minimized the pavement and have captured 100% of the runoff and will be treating that stormwater as they are located in an Urban Impaired area. Mr. Weigman stated that they will be removing 13, 925 square feet of roadways and will be converting this into grass for impaired credits.

Charlie Frizzle asked if the impervious surface that is being removed in order to get the impaired credits is on an adjacent lot and asked what provisions have been made with respect to future

owners of that lot. Jan Weigman replied that they have spoken to MRRA in order to remove the pavement in the adjacent lot and stated that the pavement is not being used and noted that if another developer comes to that location, they would want to start fresh anyways. Jeremy Doxsee replied that to the west of the pavement, about 240 feet, there is a runway taxi and questioned if there would be room for development anyway. Dave Wayburn stated that the purpose of the pavement originally was that it was access to a weapons tie down and is not regularly accessible. Steve Levesque replied that the adjacent parcel is an old access way and MRRA does not envision anything being developed there but if there is development then the developer would need to provide their own access and mitigation. Steve stated that it is disturbed land and not useable. Margaret Wilson asked how DEP would calculate it down the road. Steve Levesque replied that DEP would have to deal with it as each project arises and mitigate it however they can. Steve Levesque pointed out that there is not much development that they can put in this area due to FAA regulations.

Richard Visser asked about the safety of the gas being so close to the runway. Steve Levesque replied that the runway is 240 feet away and a plane would have to be off by quite a bit; they are quite away from the runway exclusion zone. Steve Levesque stated that they have been working with the FAA in conjunction with this project. Margaret Wilson asked if there was any letter from the FAA and Steve Levesque replied that if they did not want the tanks to be built, then the project just wouldn't happen.

Margaret Wilson asked about the inflatable membrane roof over the methane tank, is the methane under pressure and is this type of roof more vulnerable or less vulnerable to an airplane impact. Dave Wayburn stated that the first time he went out to Ohio to visit a digester was just after a tornado had hit and noted that the elements of the roof are such that they are supposed to be able to handle high sources of wind. Mr. Wayburn explained that there are two membranes, the outer membrane is meant to maintain a dome looking shape while the inner membrane is constantly going up and down as the bacteria is eating the waste.

Charlie Frizzle asked if the drawings associated with the adjacent lot identify the fact that pavement has been removed to satisfy urban impaired zones or something similar. Steve Levesque replied that they will.

Margaret Wilson asked what is meant by the report stating that the soil is useless and asked if it was a plume. Steve Levesque replied that to the east of the parcel is the landfill and that it is maintained by DEP and the Navy.

Margaret Wilson asked Steve Levesque to talk a little more about the underdrain soil filter and possible groundwater contamination as discussed in the Materials Management Plan. Steve Levesque replied that the Materials Management Plan that is an agreement with DEP and is a protocol on how they and the contractors deal with soils if they identify soils that are discolored, have an odor or that may be removed. Jan Weigman replied that the underdrain soil filter that they have on the site is about a three feet deep media filter section and noted that they have done some testing on this site and the groundwater is about eight feet below the surface. Mr. Weigman stated that the filter will be lined.

Margaret Wilson asked what the bacteria will be consuming and where it will be coming from. Dave Wayburn replied that they will be working with bio solids from Brunswick Sewer Department and hopefully Portland, South Portland and other regions in the area. Mr. Wayburn stated that there will be roughly three to four truckloads of pressed bio solids per day. Mr. Wayburn stated that the goal is to move to food waste, fats, oils and greases. Margaret asked how they are protected from explosion. Allan Johnson from Quasar Energy Group, replied that the digester tank is essentially a very large water tank. Mr. Johnson stated that the tank is 750 gallons, most of which is liquid digestate. Mr. Johnson stated that the inflatable membrane where the methane collects is continually utilized. Mr. Johnson stated that this is a continuous process with a goal of not having any methane be built up but to be used continuously. Charlie Frizzle asked what the disposition is for the liquid and solid waste being generated from the plant. Mr. Johnson stated that the DEP takes this as part of the solid waste application and in Maine the material has to be converted to Class A, or pasteurized, so that any pathogens that might be there are eliminated. Mr. Johnson stated that the plan is to separate the liquid fraction from the solid fraction and to then use the solid fraction to an anaerobic use such as composting; this is under the jurisdiction of the DEP. Mr. Johnson stated that the liquid fraction is planned to go back to Brunswick.

Richard Visser asked how close the nearest neighbor is. Jan Weigman replied that the nearest resident is ½ mile and a machine shop and recycling shop that is about 800 feet away.

Chairman Charlie Frizzle opened the public comment period. No comments were made and the public comment period was closed.

Charlie asked if, as requested by the Codes Enforcement Officer, a note had been included on the plan regarding the 100 foot setback that is being required by DEP. Jeremy Doxsee stated that he did not think that the note had been completed. Jan Weigman replied that he believes the note is on C3 Drawing number two.

MOTION BY MARGARET WILSON THAT THE SKETCH AND FINAL PLAN BE DEEMED COMPLETE. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER THAT THE FOLLOWING WAIVERS BE APPROVED:

1. 412.2.B.16 – Class A Soil Survey
2. 412.2.B.17 – Location of trees over 10 inches in diameter
3. 412.2.C.17 – Site landscaping plan

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY BILL DANA THAT THE COMBINED SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant, and the written and oral comments of the applicant, their 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 review and approval in accordance with the Brunswick Zoning Ordinance.
2. Prior to issuance of a building permit, the applicant shall obtain a sanitary sewer entry permit from the Brunswick Sewer District in order to discharge into District facilities.
3. Prior to signature of the approved plan by the Planning Board, the applicant shall submit executed stormdrain and utility & access easements, in form and substance satisfactory to the Director of Planning & Development.
4. Prior to issuance of a building permit, evidence of financial capability shall be submitted by the applicant, to the satisfaction of the Director of Planning & Development.
5. Prior to signature of the approved plan by the Planning Board, the applicant shall show bicycle parking, to the satisfaction of the Director of Planning & Development.
6. Prior to signature of the approved plan by the Planning Board, the applicant shall provide evidence of an approved Site Location of Development Permit from the Department of Environmental Protection.

Other

No other business.

Minutes

No minutes were reviewed at this meeting.

Adjourned

This meeting was adjourned at 7:50 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
JULY 9, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich and Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, July 9, 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.

Report on Zoning Ordinance Amendment Section 216, Village Review Zone and Consultant Contract Update (materials attached)

Anna Breinich stated that the Town Council adopted the text amendments that the Board made and the changes will take effect on July 31st. Anna reviewed that change requested by Town Council as outlined in her Memo to the Board dated July 2, 2013. Anna Stated that, per staff recommendations, the Council did not approve the zoning map expansion of the Village Review Zone which would have increased the size of the VRZ. Margaret Wilson noted that no body has created a set of standards to determine what should or should not be included in the zone; consultants have been hired to assist in this process. Anna pointed out that the consultants, Turke, Tracy and Larry, are going through the 331 properties to determine contributing and non-contributing within the existing VRB and will be advising if it should or should not be included. Anna stated that when you look at the criteria that is in the Ordinance that will take effect on July 31st and adjacent properties in keeping in character of an area, what do you do if someone wants to redevelop such as Dominos? Anna stated that there are some guidelines for the establishment of landmark areas that had been developed in 2005, but noted that the local landmark program is more site specific. Anna states that they should have the study back from Turke, Tracy and Larry by the end of August. Jeremy Doxsee stated that it may be easier to have a design district and possibly have a National Registered Historic District within that district.

Discussion Regarding Zoning Ordinance Rewrite of Chapters 4 and 5

Anna Breinich stated that sections of Chapter 5 needs to be revisited such as stormwater management and impervious coverage. Anna stated that she would like more specific in terms of what is considered and fewer percentages. Charlie Frizzle replied that he thought Codes captured this and Anna replied that she is referring more to impervious paving and how it relates to impervious coverage. Charlie clarified that she is referring to porous coverage.

Anna Breinich stated that Section 513, Streets needs to be reviewed.

Anna Breinich stated that they need to revisit parking. Anna noted that they now have the 2013 parking audit and recommendations.

Anna Breinich stated that recreation fees still need to be worked on.

Discussion Regarding Formation of a Zoning Ordinance Rewrite Committee and Rewrite Process

Anna Breinich stated that by the end of next week staff should have an RFQ for the Town Manager to review and then request the scope and cost. Anna stated that they hope to have someone under contract by September and hope to establish either a sub-committee or a separate committee; Anna stated that she would prefer a small group. Charlie Frizzle, Margaret Wilson and Richard Visser agreed that a small group would be best. Discussion among members on Form Based Planning and Use Based Planning.

Minutes

**MOTION BY CHARLIE FRIZZLE TO APPROVE THE MINUTES OF 2/5/13.
SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

**MOTION BY CHARLIE FRIZZLE TO APPROVE THE MINUTES OF 2/26/13.
SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.**

**MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF 3/5/13.
SECONDED BY CHARLIE FRIZZLE, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

**MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF 3/12/13.
SECONDED BY CHARLIE FRIZZLE, APPROVED UNANIMOUSLY.**

**MOTION BY CHARLIE FRIZZLE TO APPROVE THE MINUTES OF 3/26/13.
SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

Adjourned

This meeting was adjourned at 7:48 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
AUGUST 6, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Dale King, Dann Lewis, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday, August 6, 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.

Case # 13-021 – All Pars LLC, Construction of Office and Storage Buildings:

The Planning Board will review and take action on a combined Sketch/Final site plan application submitted by All Pars, LLC, regarding their proposal for a phased development of three 5,000 s.f commercial buildings, with associated parking, infrastructure and landscaping, to be located at 104 Harpswell Road (Assessor's Map U36, Lot 33) in the Mixed Use 6 / Lower Harpswell Road (MU6) Zoning District.

Anna Breinich introduced the project for a combined Sketch/Final site plan application for a phased development of three 5,000 square foot commercial buildings, with associated parking, infrastructure and landscaping, to be located at 104 Harpswell Road. Anna stated that there are existing commercial buildings for Mid Coast Woodworkers who occupy an out building and two sheds. The applicant hopes to be able to change the configuration and add two new structures. Anna noted that this is within the Mere Brook, urban impaired watershed.

Curtis Neufeld, representative of Sitelines, stated that the applicant's intent is to improve the parcel. Curtis reiterated that Mid Coast Woodworkers does lease and work out of this space and in addition, Bowdoin College uses some of this space at times. Curtis stated that the existing facility is past its prime and could be updated, but per the applicant, they wish to improve the value of the parcel by adding a 5,000 square foot storage building for the tenants who currently use the space. Curtis stated that they plan to locate and build the building to the rear of the parcel and in conjunction the stormwater infiltration system; once the infiltration system is up and running, the applicant will move forward with demolition of the buildings and out buildings and construct two more buildings. Curtis stated that the new buildings will be basic frost wall, slab on grade, stick buildings with vinyl siding and white trim. Curtis stated that the rear building is intended to be 14 feet to the eaves with a small portion up front that would be eight feet; the intent is to allow for heating of parts of the building but not be required throughout. Curtis stated that the second building would be for storage and the building up front would be for office spaces and possibly another tenant. Curtis stated that the parcel is roughly two acres in size and is currently non-conforming; as part of the proposed project, the applicant will be making the parcel closer to conforming. Curtis stated that the main entrance will remain on Harpswell Road and reviewed the layout and design.

Curtis Neufeld reviewed the recommendation by the peer review consultant (Sebago Technics) regarding stormwater, who recommended the infiltration system be equipped with a four bay

system; this is one of the methods that the DEP has approved and likes to see for pre sediment or sedimentation removal prior to the infiltration basin. Curtis stated that he designed the system included in the packet having a grass filter strip between the gravel/paved surfaces which is another method approved by the DEP. Curtis stated that the runoff goes in a sheet fashion and he believes that the strip lends itself better to a broadly distributed runoff. Charlie Frizzle asked if the stormwater design that Curtis Neufeld included is going to DEP for review. Curtis replied that this does not go to DEP other than for a Permit By Rule; any project that disturbs more than an acre. Curtis stated that although they are within the Mere Brook watershed, they are reducing the impervious area. Charlie asked staff how they felt with respects to the two proposed solutions to the stormwater problem. Anna Breinich replied that this will still need to be reviewed by John Foster, Director of Public Works, because he would be involved in terms of what is going into the stormwater system. Anna stated that Mr. Foster has already provided some feedback, but that Mr. Foster is away on vacation. Anna stated that what is in front of the Board tonight is a revised set of draft Findings of Fact and everything under 411.5 that is bolded were the substantive changes that were made based on the give-and-take of the two engineers. Ann noted that John Foster should review the four bay versus the strip. Charlie clarified that, if approved tonight, the Board would be leaving the design of the stormwater system to John Foster and Anna replied "yes". Charlie asked Curtis if he was comfortable with this and Curtis replied that he was OK with that decision. Steve Walker asked how wide the grass strip was and Curtis replied that it is about 16 feet before it gets to the basin. Steve asked if the snow storage area located in the back was adequately sized for runoff and Curtis replied that it is.

Steve Walker encouraged the applicant to start discussions with the Town to see if there was any way to move the stockade fencing along the College to the Commons trail in towards the interior of the property five to ten feet in an attempt to better landscape the trail and make it a more user friendly. Steve stated that this is a great opportunity.

Margaret Wilson asked what is meant by cold storage and noted that warehousing is not a permitted use in this zone. Curtis Neufeld replied that what is meant by cold storage is that it is not a heated space for full time occupancy. Curtis stated that this is how the rear part of the building is being used at this time. Margaret clarified that this storage would be separate from the woodworking business which would make it not accessory to. Anna Breinich replied that this didn't come up during Staff Review and that Jeff Hutchinson, Codes Enforcement Officer, is not concerned.

Margaret Wilson clarified that the owners of the parcel are MORROD Inc. Curtis Neufeld replied that MORROD Inc. and All Pars, LLC are both owned by Dan Roderick.

Margaret Wilson asked if there was a reason why the sewer and water service letters were not included in the packet. Curtis Neufeld replied that he believes it is because this is vacation time. Anna Breinich replied that Rob Ponto, who represents the Sewer District, had no issues at the Staff Review meeting.

Richard Visser asked if Jeff Hutchinson's request to realign the first building to allow for pedestrian access as noted in the Staff Review notes was accommodated. Curtis Neufeld replied that they have pushed the building back to allow for this.

Chairman Charlie Frizzle opened the meeting to the public comment period. No comments made and the comment period was closed.

MOTION BY STEVE WALKER THAT THE SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION IS DEEMED COMPLETE. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

MOTION BY BILL DANA THAT THE BOARD WAIVE THE FOLLOWING REQUIREMENTS. SECONDED BY RICHARD VISSER APPROVED UNANIMOUSLY.

1. Class A Soil Survey.
2. Profile, cross-section dimensions, curve radii of existing streets.
3. Profile of water and sewer service lines.

MOTION BY DALE KING THAT THE COMBINED SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION IS APPROVED WITH THE FOLLOWING CONDITIONS.

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.
2. That prior to the issuance of a building permit, the applicant shall receive a Stormwater Permit-by-Rule from the Maine Department of Environmental Protection as required.
3. That prior to the issuance of a building permit, the applicant shall provide a stormwater facility inspection easement, to the satisfaction of the Director of Public Works.
4. That prior to the issuance of a building permit, the applicant shall provide a revised stormwater management plan in accordance with the applicant engineer's Sitelines, PA, responses; a letter to Town Staff dated July 31, 2013 and email to Town Staff dated August 6, 2013, as attached. Such revised plan shall be acceptable to the Director of Public Works.
5. That prior to the issuance of a building permit, the applicant shall provide letters from the Brunswick-Topsham Water District and Brunswick Sewer District confirming capacity to serve the project.

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

Zoning Ordinance Rewrite Update

- Request for Qualifications issued 7/31/13: Anna Breinich stated that the request is out to hire a consultant to update the Comprehensive Zoning Ordinance. Anna stated that this is just the request for qualifications and once they have reviewed the submitted proposals, they will schedule interview and select a consultant.
- Chapters 4 & 5: Anna Breinich stated that Chapters 4 & 5 are being reviewed and that they may need to review parking once again due to the findings of the parking study. Discussion of fee in lieu.

Other Business

- Next meeting scheduled for September 10, 2013

Adjourned

This meeting was adjourned at 7:41 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
OCTOBER 7, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Dale King, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich and Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, October 7, 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.

Update on Zoning Ordinance Rewrite consult selection and work program.

Anna Breinich stated that Clarion Associates, LLD has been selected to complete the comprehensive rewrite of the Brunswick Zoning Ordinance. Anna stated that there were ten applications with four of the applicants chosen for interviews; it was a unanimous decision to hire Clarion Associates, LLD to complete the Zoning Ordinance rewrite. Charlie Frizzle noted that local firms were given the opportunity to participate, but that they did not rise to the level that Clarion Associates did. Margaret Wilson added that what distinguished Clarion Associates was Don Elliot's, of Clarion Associates, LLD, willingness to engage the public through the process and to conduct the final wrap up. Anna stated that Gary Brown, the Town Manager, signed the contract today, 10/7/13, and it has been sent to Clarion Associates. Anna stated that they will begin the rewrite this month and are looking at a timeline of one year and one month.

Anna reviewed the Town Council concern over Task 3.2, Public Meetings and Engagement (Week of August 4th), and stated that if the date is an issue with members of the Committee to please notify her. Anna added that the month of August will be open to public comment and that they can have the meetings televised more frequently if they wanted to. Anna stated that she would be meeting with IT on Friday, 10/10/13 to discuss the click-to-comment feature listed in the Agreement for Professional Services to make sure it is set up early on. Anna stated that the first meetings with Don Elliot will be December 3rd, 4th & 5th and that at that time they will be finalizing the Public Engagement Plan. Anna stated that there will be a ½ day workshop with Don Elliot which will be open to the public.

In the Agreement for Professional Services, 1. Scope of Services, Charlie Frizzle asked if the work previously completed on the Zoning Ordinance over the past three years will be included. Anna Breinich replied that the work already done will be included and that the Village Review changes that were just adopted will also be included.

Anna Breinich reviewed the timeline and dates of adoption.

Steve Walker asked who the stakeholders will be comprised of. Anna Breinich replied that the rewrite committee will be determining this, but suggested that if there are any groups not at the table to notify the committee.

Appointment of Planning Board's Zoning Ordinance Rewrite Committee.

Charlie Frizzle and Margaret Wilson volunteered to stay on the Zoning Ordinance Rewrite Committee to see the process through to fruition. Charlie Frizzle noted that he had spoken to Richard Visser who has agreed to be a member of the committee as well.

MOTION BY BILL DANA TO ELECT CHARLIE FRIZZLE, MARGARET WILSON AND RICHARD VISSER AS MEMBERS OF THE ZONING ORDINANCE REWRITE COMMITTEE. SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.

Staff members of the ZORC will be Anna Breinich, Jeremy Doxsee and Jeffrey Hutchinson.

Other Business

- Upcoming plan submittal for November and possibly early December.

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF APRIL 2, 2013 AS AMENDED. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY DALE KING TO APPROVE THE MINUTES OF APRIL 9, 2013. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF APRIL 23, 2013. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY DALE KING TO APPROVE THE MINUTES OF APRIL 31, 2013. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY BILL DANA TO APPROVE THE MINUTES OF MAY 7. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 7:36 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary