



TOWN OF BRUNSWICK

PLANNING BOARD

28 FEDERAL STREET, BRUNSWICK, ME 04011-1583

TOWN OF BRUNSWICK

PLANNING BOARD

AGENDA

BRUNSWICK STATION

16 STATION AVENUE, BRUNSWICK, ME

ROOM 217

Tuesday, November 5, 2013

7:00 P.M.

1. **Public Hearing: Case No. 13-029, Brunswick Commerce Center Reapproval.** The Board will hold a Public Hearing to review and take action on a request for reapproval of a Major Subdivision Plan application submitted by William Moore, President, Moore Properties, Inc. for a commercial/residential subdivision on Old Portland Road/Durham Road. The plan was originally approved on June 9, 2009, by the Planning Board but not recorded (**Original Assessor's Map 13, Lot 34**) in the **Mixed Use 5 (MU5) Zoning District and the Telecommunications Zone 2 Overlay (Lot 5)**.
2. **Workshop: 22 Pleasant Street– Expansion of Tao Yuan Restaurant:** The owners of the Tao Yuan Restaurant have requested a consultation with the Planning Board regarding the potential expansion of their existing restaurant and new construction of an adjacent structure to house an “aquaponic” greenhouse and underground parking. In accordance with §405.1.B, the applicant is seeking guidance from the Planning Board prior to a formal submission. (**Assessor's Map U13, Lot 52**) in the **Town Center 1 / Maine Street (TC1) Zoning District**.
3. **Zoning Ordinance Rewrite Update**
4. **Other Business.**
5. **Minutes.**

This agenda is mailed to owners of property within 200 feet of the above referenced development proposals as well as others upon request. 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 is televised.

**DRAFT Findings of Fact
Major Subdivision Final Plan Reapproval
November 5, 2013**

Project Name: Brunswick Commerce Center Reapproval
Case Number: 13-029
Tax Map: Map 13, Lot 34
Zoning District: Portland Road Area Mixed Use 5 (MU5)
Applicant: William Moore, President
Moore Properties, Inc.
228 Old Portland Road
Brunswick, Maine 04011
(207) 725-1388

Authorized Representative: Kevin Clark, PLS
Sitelines, PA
8 Cumberland Street
Brunswick, ME 04011
(207) 725-1200 x 18

PROJECT SUMMARY

The applicant, Moore Properties, Inc., is requesting final plan *reapproval* for the proposed commercial/residential 19 lot major subdivision on Durham Road. The plan was originally approved by the Planning Board in August of 2009; however, it was never recorded with the Cumberland County Registry of Deeds. A subsequent amended plan was approved in October of 2009, which was recorded, and a second amended plan was approved in March of 2010 and also recorded.

However, in accordance with §407.2 of the Zoning Ordinance, a final plan must be filed with the Cumberland County Registry of Deeds by the applicant within 60 days after Development Plan approval by the Planning Board, otherwise the approval expires. Furthermore, in accordance with §407.5.B, there shall be no sale of lots of a proposed or amended Subdivision until the final plan has been duly recorded with the Registry of Deeds by the applicant. Three residential lots (Lots 1-3) were sold but the title searches did not uncover that the original plan was never recorded. When Lot 4 went under contract, that title search did discover that the original plan had not been recorded. As such, the original subdivision plan has been deemed to be void.

The applicant has resubmitted the originally approved subdivision plan, and also incorporated the changes from the 2 approved, amended plans (changes to configuration of lot 5 and inclusion of a phasing plan) and is seeking reapproval from the Planning Board. Staff notes that the owner of Lots 1-3 has also authorized the submittal of this plan.

There are no material changes to the plan. As with the 2009 approval, 4 lots are designated for residential use, 14 for commercial/industrial use, and the 30.8-acre Lot 19 is to be retained in its natural state by the owner.

The proposed subdivision is located between Durham Road and Old Portland Road [Assessor's Map 13, Lot 34] with frontage along both roads. Access for the residential lots will be provided directly from Durham Road. The non-residential lots will be primarily accessed by either Old Portland Road or from a new 2,230 ft. loop road. Lot #10 may also have secondary access provided from Durham Road.

As this subdivision site is located outside the Town's designated growth area, the lots will be served by private on-site water and subsurface wastewater disposal systems. The new loop road and water quality treatment areas will be constructed with each phase. The detention basin will be designed for full-build-out and constructed during the first phase of development.

The project meets zoning ordinance use, space and bulk standards.

The following waiver has been requested by the applicant:

1. Submission of profiles for existing and proposed sidewalks (Section 412.2.B.19).
Staff notes: As this is located outside the designated growth area, no sidewalks exist or are anticipated at this time.

Staff recommends approval of the requested waiver.

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

411.1 Ordinance Provisions

The property is located in the Old Portland Road Area Mixed Use 5 (MU5) Zoning District. The proposed subdivision meets dimensional, density and lot configuration requirements. The proposed development complies with all applicable standards for the MU5 zoning district. *The Board finds that the provisions of Section 411.1 are satisfied.*

411.2 Preservation of Natural Features

The proposed 4 residential lots fronting Durham Road are fully forested and utilize forested buffers for water quality treatment. The forested buffers, located on side lot lines, are intended to be "no-cut" buffers and will be deed-restricted upon the sale of each lot. Staff requests that the restriction be noted on the subdivision plan as well.

The wetland and vernal pool findings were determined to be complete. A copy of the detailed wetland and vernal study is attached and made a part of these findings of fact.

For the most part, the proposed development avoids the wetlands and vernal pools (all of which are not significant). Added documentation indicates a determination by Maine DEP stating vernal pools on the property are not significant. DEP-defined streams are identified, and the stream on the eastern boundary is shown with a 75' setback (when Lot 1 is proposed for development, exact setbacks will need to be verified).

The proposed building and parking lot areas will comply with the minimum side, front and rear property line setbacks and the 75-foot stream setback/buffer for the Natural Resource Protection Zone (NRPZ). The proposed 100 foot setback to the adjacent stream is shown on the plan. *The Board finds that the provisions of Section 411.2 are satisfied.*

411.3 Surface Waters, Wetlands and Marine Resources

The wetland and vernal pool findings were determined to be complete by the Town's Natural Resource Planner in 2009. A copy of the detailed wetland and vernal study is attached and has been made a part of these findings of fact. For the most part, the proposed development avoids the wetlands and vernal pools (all of which are not significant). DEP-defined streams are identified, and the stream on the eastern boundary is shown with a 75' setback (when Lot 1 is proposed for development, exact setbacks will need to be verified). The development will not adversely affect 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, rev. 1/3/86, the project site, including the unnamed stream, is located within Zone C, described as areas of minimal flooding and outside the regulatory 100-year flood zone. The development activity does not occur within a FEMA flood hazard area and therefore minimizes any risk of flooding. *The Board finds that the provisions of Section 411.4 are satisfied.*

411.5 Stormwater Management

The proposed project involves the construction of more than 1-acre of new impervious area and meets the definition of a subdivision per Maine DEP. Accordingly, a Site Location of Development Act permit, containing a complete stormwater management plan with narrative and calculations, was issued in 2009 and is still valid. A stormwater management plan has been prepared to provide for peak flow control (flooding standard) and water quality treatment of runoff from the project area. Stormwater runoff will be provided through the use of a detention basin and the four separate infiltration trenches. Stormwater quality will be achieved through the use of roadside meadow buffers, ditch turnouts to stone bermed level spreaders into forested buffers and several infiltration trenches/basins. Final stormwater calculations will be submitted as lots are developed. *The Board finds that the provisions of Section 411.5 are satisfied.*

411.6 Groundwater

The project will be served by on-site private wells and septic systems. Through infiltration of the stormwater, the natural groundwater recharge cycle will be preserved. There are no adverse impacts to groundwater anticipated from this development. 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

The project has been designed to incorporate Best Management Practices as outlined in the Maine Erosion and Sediment Control BMPs as published by the Maine DEP, current edition. The potential for sediment transport from the project area will be mitigated through the use of permanent and temporary erosion control measures. Disturbed areas will be isolated through the use of sediment barrier and other measures to minimize the transport of sediment from the site. Specific provisions for permanent and temporary erosion control features have been provided in the construction drawings. As lots are developed, the contractor will be bound to meet the performance standards of the BMPs including erosion control, stabilization, maintenance, and inspection requirements. The proposed development will not cause unreasonable soil erosion or reduction in the lands' capacity to hold water so that a dangerous or unhealthy situation results. *The Board finds that the provisions of Section 411.7 are satisfied.*

411.8 Sewage Disposal

The project will be served by private on-site septic systems. It is anticipated that each will result in 350 GPD or less, which can be served by subsurface detention systems. Test pits have been located throughout the development, providing for 2 test pits per developed lot. Test pit data has been developed by both Albert Frick Associates, Inc. and George Patton, site evaluator, at different times throughout the years as the client has investigated development of the property. Albert Frick Associates, Inc. has augmented the original investigations to ensure 2 test pits per lot as shown on design plans. This design has been preliminarily reviewed by the Codes staff and has been found to be acceptable for the project. As is standard practice, the septic system design will be approved as part of the building permit application process. *The Board finds that the provisions of Section 411.8 are satisfied.*

411.9 Water Supply

All lots for this project will be served by private wells. The project parcel is located over an aquifer and therefore we anticipate a bountiful supply of fresh water. Residential lots having a 4-bedroom home have a typical usage of 360 GPD.

The Maine State Sewer Regulations project design flows for employees at a place of employment (without showers) at 15 gpd per employee. A typical 10,000 sf business is expected to employ fewer than 20 full-time employees for a commercial/light manufacturing facility. Therefore, based on a maximum footprint of 10,000 sf for each structure on the commercial lots, it is anticipated that the future commercial uses will generate no more than 300 GPD. The subsurface detention systems for any anticipated use will be comparable to a typical residential system.

The Maine Geological Survey maps for the project area show wells close to the project and along the aquifer line to be yielding 25 to 50 GPM with well depths of 250 to 400 feet. Based on the documented flows and the development's proximity to a large aquifer

it is anticipated there is an adequate supply of water for the development. *The Board finds that the provisions of Section 411.9 are satisfied.*

411.10 Aesthetic, Cultural and Natural Values

In a letter from the Maine Historic Preservation Commission dated January 15, 2009, it was recognized that the subject parcel possibly contains one or more prehistoric archeological sites. A Phase I archeological Survey was completed in July of 2009 by Dr. Leslie Shaw, a DEP approved archaeologist, and concluded that subsurface testing of the areas sensitive for the preservation of prehistoric deposits did not locate any evidence of prehistoric occupation, and recommended that no further prehistoric archaeological work be conducted.

As provided in supplemental data originally submitted as part of this application, a letter from the Maine Department of Conservation notes that no rare botanical features are documented within the specified project area. In addition, per a Maine Department of Inland Fisheries and Wildlife letter dated January 9, 2009, no known threatened or endangered fish species or habitat are documented in the vicinity of the specified project area.

It is noted that the proposed development is within an area identified in the 2008 Comprehensive Plan as one that should remain an “attractive gateway to Brunswick from the south.” The vision for this area is further stated as follows: “The limited development that does occur maintains the “rural character” of the corridor and protects the area’s natural resources and scenic values including unfragmented wildlife habitats.”

Presently, a forested buffer exists along the entire length of the Route One Corridor. In accordance with Sections 501 and 515 of the Brunswick Zoning Ordinance, a minimum forested buffer of 50 feet is shown on the plan to remain, with minimal interruption for road and/or driveway cuts.

The proposed project 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 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

The proposed project will be located on Route One and Durham Road in the MU5 (Old Portland Road) zoning district, which is described as a mixed use rural district. Only the four proposed residential lots will have single family residences constructed; therefore the project is anticipated to have a minimal impact on community facilities such as schools.

Due to the project being located outside of a hydrant district and having a lengthy response time from the downtown fire station, the Fire Department staff suggests the installation of residential sprinkler systems in the four residential occupancies to provide

an improved level of safety. In response, note # 11 has been included on the plan. *The Board finds that the provisions of Section 411.11 are satisfied.*

411.12 Traffic

The proposed subdivision has been reviewed by the Town Engineer with the following issues needing to be further addressed:

- a. The cost estimate for the new loop road appears reasonable and does have estimates per phase.
- b. The Town is looking to understand how MaineDOT is handling this subdivision but as of now we do not have anything in writing from MaineDOT. What needs to be said is the subdivision as submitted would require a Traffic Movement Permit (TMP) from MaineDOT per letter contained in the application from the developer's engineer, Tom Errico, Wilbur Smith Associates, to Glen Willette, MDOT dated May 8, 2009. It should also be noted the TMP will require traffic to be considered for all of Mr. Moore's development since he first purchased this entire parcel in 2002. That is, it will have to include traffic from his current painting business building and the other two adjacent lots that are currently undeveloped. However, the applicant is seeking to defer applying for the TMP by limiting the amount of development that will occur and the Town is awaiting a written opinion from MDOT. The town will also need to develop language that will condition the subdivision development to a certain level of development before a traffic impact study must be done. There is concern that a High Crash Location is present adjacent to the site at Durham Road and Old Portland Road. The state has identified that location for safety improvements but their plan to address the safety has been negated in part by the development now taking place near the intersection (Midcoast Baptist Church project). MaineDOT has indicated a willingness to abandon the project so the Town is not comfortable allowing this subdivision to proceed without this issue being properly addressed. It is requested that the project traffic engineer needs to evaluate the HCL issues and determine if any mitigation steps by the subdivision applicant are warranted.
- c. It is questionable whether or not a street light on Old Portland Road might be needed for safety for traffic entering and exiting the site from Route 1. MaineDOT usually requires a street light under a TMP but it appears the project may not need a TMP at this point in time. Given that, it is recommended that a street light be provided; normally the town handles that under the CMP street light rental program. A street light impact fee is assessed for the developer. Our street lighting impact fee, which has not been updated, is \$296.03/street light. Therefore, it is recommended that street lights are appropriate for each of the access connections to Route 1 for the total impact fee is $\$296.03 \times 2 = \592.06 .
- d. A performance security in an acceptable form is required for this project for the roadway infrastructure. It is further recommended that the security cover the full roadway when the developer begins construction of the first phase.
- e. The phasing plan was not properly identified needs further clarification for final review. Once the development sequence is clear we may have comments on appropriateness of infrastructure.

- f. Prior to the start of construction, the street developer shall deposit in a Town-held escrow account an amount equal to 2% of the street construction value. These funds are to be used to fund an engineering consultant to be hired by the Town Engineer to inspect project construction and report all findings, tests and recommendations to the Town Engineer. Any of the escrowed funds not used for construction administration will be returned to the developer.
- g. A guard rail is called for at the road edge of the most easterly entrance. Since this pertains in part to the existing guard rail on Route 1, further review will be required by the Town Engineer with regard to guard rail design and placement with MaineDOT staff before Town approval is provided.
- h. The four residential lots on Durham Road will require Entrance Permit applications submitted to Public Works for driveways when they are developed. As agreed at the staff review committee meeting, the driveways are to be located in the locations shown on the plan where adequate sight distance was determined. A driveway can only be relocated to a different point on the lot if adequate sight distance is available for the revised location.
- i. Permanent survey monumentation (4 inch by 4 inch by 4 foot granite monument or approved equal) is to be provided and set by a State of Maine Professional Land Surveyor along the road at all changes in direction (including Point of Curvature & Point of Tangency for curves) on both sides of the road parcel. Monument location and type at all other points is to conform to standard State of Maine survey practices.
- j. A digital and referenced version of the final subdivision is required to be submitted to the Town Public Works Department after approval in accordance with the Zoning Ordinance, Section 407.9 - Submission of digital data.

The Board finds that the provisions of Section 411.12 are satisfied, conditioned upon requested modifications by the Town Engineer/Staff are satisfied.

411.13 Pedestrian and Bicycle Access and Safety

The Board finds that the development will accommodate bicyclists and addresses pedestrian access, safety and circulation within the site. *The Board finds that the provisions of Section 411.13 are satisfied.*

411.14 Development Patterns

The proposed subdivision is both residential and small-scale commercial/industrial in nature, with residential lots fronting a residential area along Durham Road. A 50-foot buffer is provided between residential and non-residential lots. Off-street parking, loading and unloading areas will be determined during the site plan review process. As proposed, the development 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, conditioned upon adequate buffering being determined as part of the site plan review process.*

411.15 Architectural Compatibility

It is anticipated that all four residential lots will have single family residences similar to and consistent with the existing homes in the area. The structures on the proposed non-

residential lots will be separated from Route One and Durham Road both by a difference in elevation and existing wooded buffers. All buildings will be constructed and configured within the building envelopes shown on the Subdivision Plan. With the exception of Lot 5, all commercial buildings will be orientated to face the proposed loop road and all facades will be consistent with the MU5 zoning requirements. It is further recommended that signs along Route One be limited to no more than two directory listing-type signs, consistent with Town zoning requirements, potentially located at each loop road entrance, in keeping with the rural character of the corridor. The Board finds the development to be compatible with its surroundings in terms of size, scale and mass. *The Board finds that the provisions of Section 411.15 are satisfied, conditioned upon limiting signs along Route One to no more than two directory-type signs, consistent with Town zoning requirements.*

411.16 Municipal Solid Waste Disposal

It is estimated that each new non-residential building will house 20 or fewer employees and per Table 3 of the Basic Data for Solid Waste Amounts, Composition and Management Systems, each employee is anticipated to generate approximately 1 pound of waste per day. Therefore, each building will generate approximately 3.65 tons of solid waste per year, more or less. Based on a rate of \$258.56 per ton, the estimated solid waste fee for a 10,000 sf building is \$943.74. Solid waste will typically be collected in an enclosed dumpster area, including fencing and landscape planting to screen the dumpster from the abutters. Since the actual number of employees and specific uses are not available, it is requested the impact fee for non-residential uses be deferred until individual lots are developed. *The Board finds that the provisions of Section 411.16 are satisfied, with the condition that solid waste impact fees are paid prior to obtaining building permits.*

411.17 Recreation Needs

At their May 20, 2009 meeting, the Brunswick Recreation Commission voted to recommend acceptance of a fee in lieu of land in fulfillment of the recreation/open space requirement as set forth in the Town's Zoning Ordinance. The fee required is \$951.75 per dwelling, to be paid to the Town prior to obtaining building permits. Therefore the proposed residential portion of this development will not cause an unreasonable burden on the municipality's ability to provide recreational services. *The Board finds that the provisions of Section 411.17 are satisfied, with the condition that the recreation fees are paid prior to obtaining building permits.*

411.18 Access for Persons with Disabilities

The development shall comply with the Americans with Disabilities Act, which will be reviewed as part of the building permit application. *The Board finds that the provisions of Section 411.18 are satisfied.*

411.19 Financial Capacity and Maintenance

The estimated site costs are approximately \$795,000 to construct the entire subdivision roadway, utilities, and stormwater management.

Costs for the development of the individual lots will be borne by future owner/developer and supported by sale of the lots. The Applicant will self-finance the project infrastructure construction. Although the Applicant can fully fund the entire estimated construction cost, the project is proposed to be constructed in phases. Construction of subsequent phases will be financed from capital raised from sales of lots in the initial/previous phase. A letter from Norway Savings Bank attesting to the financial strength of the Applicant has been provided as part of the application submittal. *The Board finds that the provisions of Section 411.19 are satisfied.*

411.20 Noise and Dust

Best Management Practices as outlined in the Maine Erosion and Sediment Control BMP's as published by the Maine Department of Environmental Control, will be utilized to control noise and dust during construction. Noise will be limited through the compliance of the site contractor with the standard hours of construction per Section 524.1. Upon construction completion, 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

Moore Properties, Inc. has sufficient right, title and interest in the subject properties, save for Lots 1-3, which are owned by Robert S. Mitchell. *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.*

**DRAFT MOTIONS
BRUNSWICK COMMERCE CENTER
CASE # 13-029**

Motion 1: That the Board waives the following submission requirement:

Section 412.2.B.19: Submission of profiles for existing and proposed sidewalks.

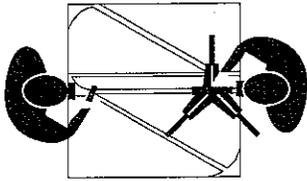
Motion 2: That the Final Plan is deemed complete.

Motion 3: That the Final Plan is *reapproved* 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 comments/requirements of the Town Engineer, noted as part of these findings, relative to traffic and other issues, be satisfied. This includes payment of street lighting impact fees and performance security for the construction of the new loop road.
3. That the following items be addressed during site plan development:
 - a. Adequate buffering between residential and non-residential uses;
 - b. Driveway locations for individual lots; and
 - c. Signage for individual lots/structures.
4. That prior to issuance of building permits for each building, the applicant shall pay applicable solid waste impact fees to be determined as part of the site plan review process.
5. That prior to issuance of building permits for the residential uses, the applicant shall pay to the Town a recreation fee in the amount of \$951.75 per dwelling unit.
6. That no less than 50 feet of the existing vegetated area along the length of Route One Corridor shall remain as is with any removal of vegetation on individual lots approved by the Planning Board at the time of site plan reviews.
7. That no more than two business directory-type signs for the development are located along the Route One Corridor property line.
8. That site development plans for those lots abutting the Route One Corridor shall be reviewed and acted on the Planning Board.
9. Add the following notes to the approved plan:
 - a. §407.2. 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.
 - b. §407.4.A.1. Where construction and completion of improvements or fulfillment of conditions required in an approved plan is not pursued within specified time limits, the Site Plan, Subdivisions or Special Permit approval shall lapse according to the provisions of this Section. The applicant may, at any time before the date of approval expiration, make a written request to the Planning Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if an approval time extension is granted by the Board.

- c. §407.4.C.1. Subdivision approval shall expire at the end of five years after the date of Final Plan approval unless either the Town Engineer certifies that construction of all approved infrastructure systems throughout the Subdivision has been completed or the Town Manager causes the completion of all approved infrastructure systems throughout the Subdivision according to the terms of the applicable performance guarantee. This expiration provision, together with the extension and notice provisions of Subsection §407.4.A.1. shall be noted on the recorded Final Plan.



October 29, 2013

0731-7

Jeremy Doxsee, AICP
Town Planner
Town of Brunswick
28 Federal Street
Brunswick, Maine 04011

**Re: Major Development Review Final Plan Application
Brunswick Commerce Center – Subdivision Plan**

Dear Jeremy,

On behalf of Moore Properties, Inc. please find enclosed one copy of a Major Development Review Final Plan Application for the proposed commercial / residential subdivision on Durham Road in Brunswick, Maine. This application includes this letter, the Major Development Review Final Plan Application form, the application checklist, and associated drawings and attachments.

The purpose of this proposal is to gain approval for a project that has been previously approved and amended twice. However, the originally approved and signed mylar, dated July 28, 2009 and signed by the Planning Board on August 4, 2009, was inexplicably not recorded at the Cumberland County Registry of Deeds within the specified time frame of the Brunswick Land Use Ordinance. Although two subsequent amendments have been approved by the Planning Director and recorded at the Registry, the original subdivision plan has been deemed to be void. Therefore we are requesting approval of a Subdivision Plan, which represents the originally approved plan and incorporates the modifications of both amendments, including Phase lines. As a matter of Title, Right or Interest, we are providing authorization letters from owners of parcels that have been previously conveyed.

This proposal will subdivide 94.4 acres into nineteen (19) lots in accordance with the current zoning. Lots 1 through 4 will be designated as residential lots only with direct access along Durham Road. Lots 1 through 3 have been previously conveyed to Robert Mitchell and he has signed the attached Agent Authorization to allow the approval of the lots as originally delineated. The remainder of the lots will be designated as commercial lots. Lot 5 will have access off U.S. Route 1. Lot 5 has been leased and a portion was developed for the construction of a radio tower. Access for the remaining lots will be along a new 2,230'± public loop road with two entrances from Route 1. The westerly entrance has been constructed and paved, while the easterly entrance has been cleared and rough graded. Approximately 30.8 acres (Lot 19) will be retained by the owner. The proposed lots will be serviced by private on-site water and subsurface wastewater

SITELINES, PA

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8 Cumberland Street ■ Brunswick, ME 04011 ■ TEL 207-725-1200 ■ FAX 207-725-1114 ■ www.sitelinespa.com

disposal systems. All lots will meet or exceed the dimensional requirements of the MU5 (Old Portland Road) Zoning District.

The proposed development will be completed in phases with temporary turnarounds installed at the ends of each phase, which will be removed when the subsequent phase is complete. No particular sequence should be inferred to the phases. The water quality treatment areas will be constructed with each phase. The drainage features have been constructed adjacent to each of the entrances.

In summary, the project meets zoning and space and bulk requirements. In order to facilitate review of this application, the following issues are summarized in accordance with *CHAPTER 5: DEVELOPMENT REVIEW PLAN STANDARDS* of the Ordinance:

501 PRESERVATION OF NATURAL FEATURES AND NET SITE AREA:

The four single family residential lots are fully forested and utilize forested buffers for water quality treatment. The forested buffers are "no-cut" buffers that will be deed restricted upon the sale of each lot. See the "Subdivision Plan" for the location of these buffers. The commercial lots and associated access road have been designed to avoid and/or minimize impacts to the wetland areas and vernal pools identified on the parcel. Within each lot the building envelope has been adjusted to exclude natural features, and a 100' buffer has been established adjacent to streams.

502 FLOOD HAZARD AREA:

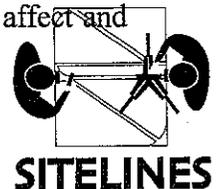
Based on the Flood Insurance Rate Map, community panel number 230042 0010 B, Revised January 3, 1986, the project site including the unnamed stream are located within zone C, described as areas of minimal flooding and outside the 100-year flood zone.

503 STEEP SLOPES AND EMBANKMENTS:

There are no steep (greater than 20%) slopes within the areas to be developed. Building envelopes have been configured to precluded construction in the vicinity of any steep slopes.

504 STORM WATER MANAGEMENT:

The proposed project involves the construction of more than 1-acre of new impervious area and meets the definition of a subdivision per Maine DEP and therefore will require a Site Location of Development Act permit. A stormwater management plan has been prepared to provide for peak flow control (flooding standard) and water quality treatment of runoff from the project area. Stormwater flooding control will be provided through the use of a detention basin and the four separate infiltration trenches. Stormwater quality will be achieved through the use of roadside meadow buffers, ditch turnouts to stone bermed level spreaders into forested buffers and several infiltration trenches/basins. A complete stormwater management plan with narrative and calculations has been submitted and approved by the DEP and the Town Engineer. Stormwater features required by this permit have all been constructed. The DEP Permit is still in affect and the project is in compliance.



505 GROUNDWATER:

The project will be serviced by private wells and septic systems. Through infiltration of the stormwater, the natural groundwater recharge cycle will be preserved. There are no adverse impacts to groundwater anticipated from this development. No activities are proposed or anticipated that will extract groundwater for commercial purposes.

506 EROSION AND SEDIMENTATION:

The project has been designed to incorporate Best Management Practices as outlined in the Maine Erosion and Sediment Control BMPs as published by the Maine Department of Environmental Protection, current edition. The potential for sediment transport from the project area will be mitigated through the use of permanent and temporary erosion control measures. Disturbed areas will be isolated through the use of sediment barrier and other measures to minimize the transport of sediment from the site. Specific provisions for permanent and temporary erosion control features have been provided in the construction drawings. The contractor will be bound to meet the performance standards of the BMPs including erosion control, stabilization, maintenance, and inspection requirements.

507 SEWAGE DISPOSAL:

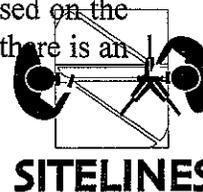
The project will be served by private septic systems. It is anticipated that each proposed use will result in 350 GPD or less, which can be served by modest subsurface detention systems. Test pits have been located throughout the development, providing for 2 test pits per developed lot. Test pit data has been developed by both Albert Frick Associates, Inc. and George Patton, Site evaluator, at different times throughout the years as the client has investigated development of the property. Recently Albert Frick Associates, Inc. has augmented the original investigations to ensure 2 test pits per lot as shown on design plans. Test pit logs and reports have been submitted under separate cover for review by the Town Staff. Detailed septic systems will be designed as individual lots are developed.

508 WATER SYSTEM:

All lots for this project will be served by private wells. The project parcel is located over an aquifer and therefore we anticipate a bountiful supply of fresh water. Residential lots having a 4-bedroom home have a typical usage of 360 GPD.

The Maine State Sewer Regulations project design flows for employees at a place of employment (without showers) at 15 gpd per employee. A typical 10,000 s.f. business is expected to employ fewer than 20 full-time employees for a commercial/light manufacturing facility. Therefore, based on a maximum size of 10,000 s.f. for each structure on the commercial lots, it is anticipated that the future commercial uses will generate no more than 300 GPD. The subsurface detention systems for any anticipated use will be comparable to a typical residential system.

The Maine Geological Survey maps for the project area show wells close to the project and along the aquifer line to be yielding 25 to 50 GPM with well depths of 250 to 400 feet. Based on the documented flows and the development's proximity to a large aquifer it is anticipated there is an adequate supply of water for the development.



SITELINES

509 COMMUNITY FACILITIES IMPACT ANALYSIS: The proposed project will be located on Old Route One in the MU5 (Old Portland Road) zoning district, which is described as a mixed use rural district. Only the four proposed residential lots will have single family residences constructed; therefore the project is anticipated to have a minimal impact on community facilities such as schools.

510 DEVELOPMENT IMPACT FEES:

Impact Fees have been previously calculated at the following rates: The Solid Waste Impact Fee is calculated at a rate of \$258.56 per ton for each of the new housing units. For the four (4) proposed housing units the Recreational Impact Fee is calculated at \$1,034.24.

No sewer impact fees are applicable to this project.

511 DEVELOPMENT OF NEW STREETS:

An approximately 2,230 linear foot loop road is proposed for this project. This road will be built to the same design standards as Industrial Park Road and will be proposed to the Town of Brunswick for acceptance upon completion. The Public Works Director has indicated his willingness to accept responsibility for the completed road should the Town Council accept it.

512 OFF STREET PARKING:

Future commercial sites will provide off street parking as they are developed.

513 CURB CUTS:

A MDOT Entrance permit was issued for the two curb cuts onto Route 1. The conditions of this permit have currently not been met. No MDOT permits were required for entrances for the Durham Road lots.

514 OFF STREET LOADING:

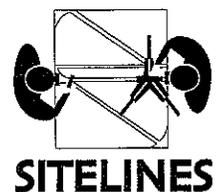
No off street loading is proposed for this project.

515 APPEARANCE ASSESSMENT:

No structures are proposed for the commercial subdivision at this time. It is anticipated that all four residential lots will have single family residences similar to and consistent with the existing homes in the area. The structures on the proposed commercial lots will be separated from Route 1 and Durham Road both by a difference in elevation and existing wooded buffers. A 50-foot wooded buffer will be maintained along Route 1.

516 BUILDING CONFIGURATION:

All buildings will be constructed and configured within the building envelopes shown on the Subdivision Plan. With the exception of Lot 5, all commercial buildings will be orientated to face the proposed loop road and all facades will be consistent with the MU5 zoning requirements.



517 PRESERVATION OF HISTORIC RESOURCES:

In a letter from the Maine Historic Preservation Commission dated January 15, 2009, it was recognized that the subject parcel possibly contains one or more prehistoric archeological sites. A Phase I archeological survey was completed by Dr. Leslie Shaw, a professor in the Department of Sociology and Anthropology at Bowdoin College, who is a DEP approved archaeologist. This survey indicated that no further investigation was warranted.

518 ACCESS FOR PERSONS WITH DISABILITIES:

The project will comply in all aspects with the requirements of the ADA. Individual lots will demonstrate compliance with ADA criteria when their designs are prepared.

519 RECREATIONAL REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS:

A letter has been sent to the Brunswick Parks and Recreational Department requesting to pay the fee in lieu of open space. An Impact Fee has been calculated and assessed.

520 FISCAL CAPACITY:

The estimated site costs were approximately \$795,000 to develop the infrastructure for construction of the entire subdivision roadway, utilities, and stormwater management. To date approximately one third of the road and all of the stormwater features have been completed. The remaining work will be financed through the sale of lots.

Costs for the development of the individual lots will be borne by future owner/developer and supported by sale of the lots. The Applicant will self-finance the project infrastructure construction. Although the Applicant can fully fund the entire estimated construction cost, the project is proposed to be constructed in phases. Construction of subsequent phases will be financed from capital raised from sales of lots in the initial/previous phase. A letter from Norway Savings Bank attesting to the financial strength of the Applicant was previously submitted. Infrastructure for Phase I was completed and the roadway paved. All stormwater features required by the MDEP permit have been constructed. The remaining roadway for future phases has been rough graded.

521 PERFORMANCE GUARANTEE:

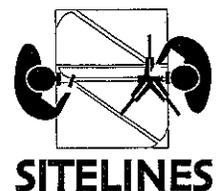
A performance guarantee will be posted for each phase of the road. The amount of the guarantee will be 110% of the estimated construction costs for the proposed phase.

522 HOME OWNERS/PROPERTY OWNERS ASSOCIATION:

A home owners/property owners association is not proposed.

523 PROTECTED CONSERVATION LAND:

There is no protected conservation land proposed or involved with this project. The layout of the lots and road has been design to avoid and/or minimize impacts to wetlands.



524 NOISE AND DUST:

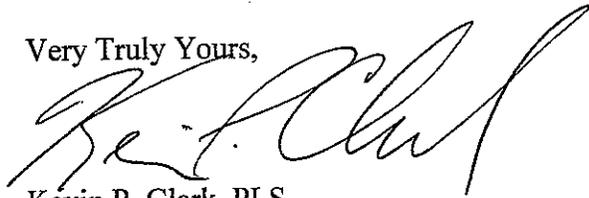
Best Management Practices as outlined in the Maine Erosion and Sediment Control BMP's as published by the Maine Department of Environmental Control, will be utilized to control noise and dust during construction. Noise will be limited through the compliance of the site contractor with the standard hours of construction per Section 524.1. Upon construction completion, there are no anticipated impacts with regard to noise or dust.

SIGNAGE

No project sign is proposed at this time. At such time as a sign is considered, an application will be made through the sign approval process.

We trust that this information satisfactorily addresses the requirements for Subdivision Review and we look forward to your comments. We look forward to meeting with the Planning Board on November 5, 2013 to discuss and approve the project. If you have any questions or require additional information, please do not hesitate to call. Thank you for your assistance with this project.

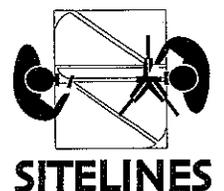
Very Truly Yours,



Kevin P. Clark, PLS
President

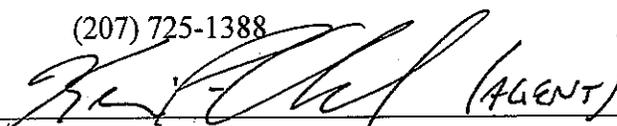
Enclosures

cc: Bill Moore



**MAJOR DEVELOPMENT REVIEW
FINAL PLAN APPLICATION FORM**

1. Project Name: **Brunswick Commerce Center**
Commercial / Residential Subdivision for Moore Properties, Inc.
2. Project Applicant:
Name: William Moore, President
Moore Properties, Inc.
Address: 228 Old Portland Road
Brunswick, ME 04011

Phone Number: (207) 725-1388
3. Applicant Signature:  (AGENT)
4. Authorized Representative:
Name: Kevin P. Clark, PLS
Sitelines, PA
Address: 8 Cumberland Street
Brunswick, ME 04011

Phone Number: (207) 725-1200 x18
5. List of Design Consultants. Indicate the registration number, address and phone number of any engineer, surveyor, architect, landscape architect or planner used:
- 1. Engineering & Planning: Sitelines, PA; Curtis Y. Neufeld, PE #9779,
Brunswick, ME
 - 2. Survey: Sitelines, PA; Kevin P. Clark, PLS #2245,
Brunswick, ME
 - 3. Wetlands: Woodlot Alternatives, Inc. / Stantec Environmental
EcoAnalysts
 - 4. Soils / Wetlands: Albert Frick Associates, Inc., SE #163, CSS #66
6. 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 no, who owns the property subject to this application?
- Moore Properties, Inc. owns the property subject to this application. A copy of this deed is included with this application.
7. What is the tax map and lot numbers of the property subject to this application?

Map 13 – Lot 34

Required Attachments (by Applicant):

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

Required Attachment (by Planning and Development Department):

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

Item	O	S	NA	W	P	Comments
Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of any private wells.		✓				Previously Submitted, Reviewed and Approved
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.		✓				Previously Submitted, Reviewed and Approved
Topography with counter intervals of not more than 2 feet.		✓				Previously Submitted, Reviewed and Approved
A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.		✓				Previously Submitted, Reviewed and Approved
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.				✓		Waiver Previously Requested and Granted
Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.			✓			
Existing locations and proposed locations, widths and profiles of sidewalks.				✓		Waiver requested for profiles of existing sidewalks. None present.
Location map.		✓				
Approximate locations and dimensions of proposed parking areas.			✓			
Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.			✓			
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.		✓				Previously Submitted, Reviewed and Approved
Dedicated public open spaces, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.			✓			

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.		✓				No street lighting is proposed on access road.
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.		✓				Previously Submitted, Reviewed and Approved
Location of features, natural and artificial, such as water bodies, wetlands, streams, vegetation, railroads, ditches and buildings.		✓				

Item	O	S	NA	W	P	Comments
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 number 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 envelopes showing acceptable locations for principal and accessory structures.		✓				

FINAL PLAN/SUPPORTING DOCUMENTS

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.			✓			Previously Submitted, Reviewed and Approved
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.		✓				MEDEP Site Location of Development Act Permit – Previously Approved
Any additional studies required by the Planning Board which are deemed necessary in accordance with this Ordinance.			✓			
Storm water management program for the proposed project prepared by a professional engineer.		✓				Previously Submitted, Reviewed and Approved
A storm water management checklist prepared by the Cumberland County Soil and Water Conservation District, made available at the Brunswick Department of Planning and Development.			✓			

Item	O	S	NA	W	P	Comments
An erosion and sedimentation control checklist prepared by the Cumberland County Soil and Water Conservation District.			✓			
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.		✓				
All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of <u>Section 411</u> .		✓				
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.			✓			
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.		✓				See Site Plan
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.			✓			

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

J. Andrew Cashman
Preti Flaherty LLP
45 Memorial Circle
P.O. Box 1058
Augusta, ME 04330

MEMORANDUM OF LEASE
With Right of First Offer and Option to Buy

THIS MEMORANDUM OF LEASE (this "Memorandum") is made and entered into this 28 day of October, 2011, by and between MOORE PROPERTIES, INC d/b/a "BRUNSWICK COMMERCE CENTER," with a mailing address of 228 Old Portland Road, Brunswick, Maine 04011 ("Landlord") and FIRST WAVE MEDIA, INC. a Maine corporation with a mailing address of 14 Maine Street, Suite 9 Brunswick, ME 04011 ("Tenant").

WHEREAS, Landlord and Tenant are parties to a certain Lease Agreement dated October 14, 2011 (the "Lease") relating to certain property located in Brunswick, Maine;

NOW, THEREFORE, the parties hereto hereby set forth a Memorandum of the Lease in accordance with 33 M.R.S.A. Section 201 as follows:

1. Parties to Lease:

Lessor: Moore Properties, Inc. d/b/a "Brunswick Commerce Center"

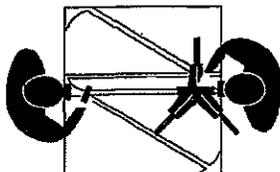
Lessee: First Wave Media, Inc.

2. Description of the leased property: Lot 5 on the Subdivision Master Plan Amendment 1 recorded on March 30, 2010 in the Cumberland County Registry of Deeds Plan Book 210, Page 76

3. Date of Lease: October 14, 2011

4. Term of Lease: The Lease commences on the Commencement Date and extends for a period of five (5) years.

5. Description of any provisions relating to renewals and extensions: The Landlord has granted Tenant three (3) options to renew the Lease for an additional term of five (5) years each.



October 15, 2013

731-2

Mr. William Moore, President
Moore Properties, Inc.
228 Old Portland Road
Brunswick, Maine 04011
<via email>

**Re: Designation of Agent Authorization
Brunswick Commerce Center
Brunswick, Maine**

Dear Bill:

As required by various approval agencies, please indicate by signing below that Sitelines, PA is authorized to act as agent for Moore Properties, Inc., for the specific purpose of preparation and submission of local and state permitting applications on your behalf for the Brunswick Commerce Center in Brunswick, Maine.

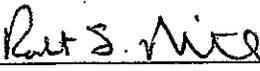
Sincerely,

Kevin P. Clark, PLS
President

The undersigned hereby gives Sitelines, PA the authority to act as agent for Moore Properties, Inc., for the specific purpose of preparation and submission of local and state permitting applications for the project specifically identified above.

 10-15-13
William Moore Date

The undersigned hereby gives Sitelines, PA the authority to act as agent for the property owner for the specific purpose of preparation and submission of local and state permitting applications for the project specifically identified above.

Signature: 
Printed Name Robert S. Mitchell Date 10-15-13

SITELINES, PA

ENGINEERS ■ PLANNERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS
8 Cumberland Street ■ Brunswick, ME 04011 ■ TEL 207-725-1200 ■ FAX 207-725-1114 ■ www.sitelinespa.com

6. Description of any provisions relating to options to purchase or transfer of title: Landlord has granted to Tenant a Right of First Refusal as to offers to purchase the leased property from Landlord, all subject to and on terms and conditions more fully set forth in the Lease, ~~as the same may be amended, which is incorporated herein by this reference.~~ Landlord has also granted to Tenant an Option to Purchase to purchase the leased property from Landlord, all subject to and on terms and conditions more fully set forth in the Lease, ~~as the same may be amended, which is incorporated herein by this reference.~~

W Moore
10-28-11

W Moore *10-28-11*

This Memorandum is executed pursuant to the provisions of the Lease, ~~as the same may be amended or modified,~~ and is not intended to vary the terms and conditions of the Lease.

W Moore
10-28-11

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum on the day and year first above written.

LANDLORD:
MOORE PROPERTIES, INC. d/b/a
"BRUNSWICK COMMERCE CENTER"

[Signature]

Witness

[Signature]

By: William E. Moore

Its: *[Signature]*
Date 10-28-11

State of Maine
County of Cumberland, ss

10-28, 2011

Then personally appeared before me the above named William E. Moore in his capacity as _____ above Moore Properties, Inc. d/b/a "Brunswick Commerce Center" and acknowledged the foregoing to be his free act and deed and the free act and deed of said Moore Properties, Inc. d/b/a "Brunswick Commerce Center."

Before me,

Melissa Bobalek

Notary Public
Name: *Melissa Bobalek*

MELISSA BOBALEK
Notary Public, Maine
My Commission Expires December 1, 2017

Received
Recorded Register of Deeds
Nov 08, 2011 12:21:08P
Cumberland County
Pamela E. Lovley

SEAL

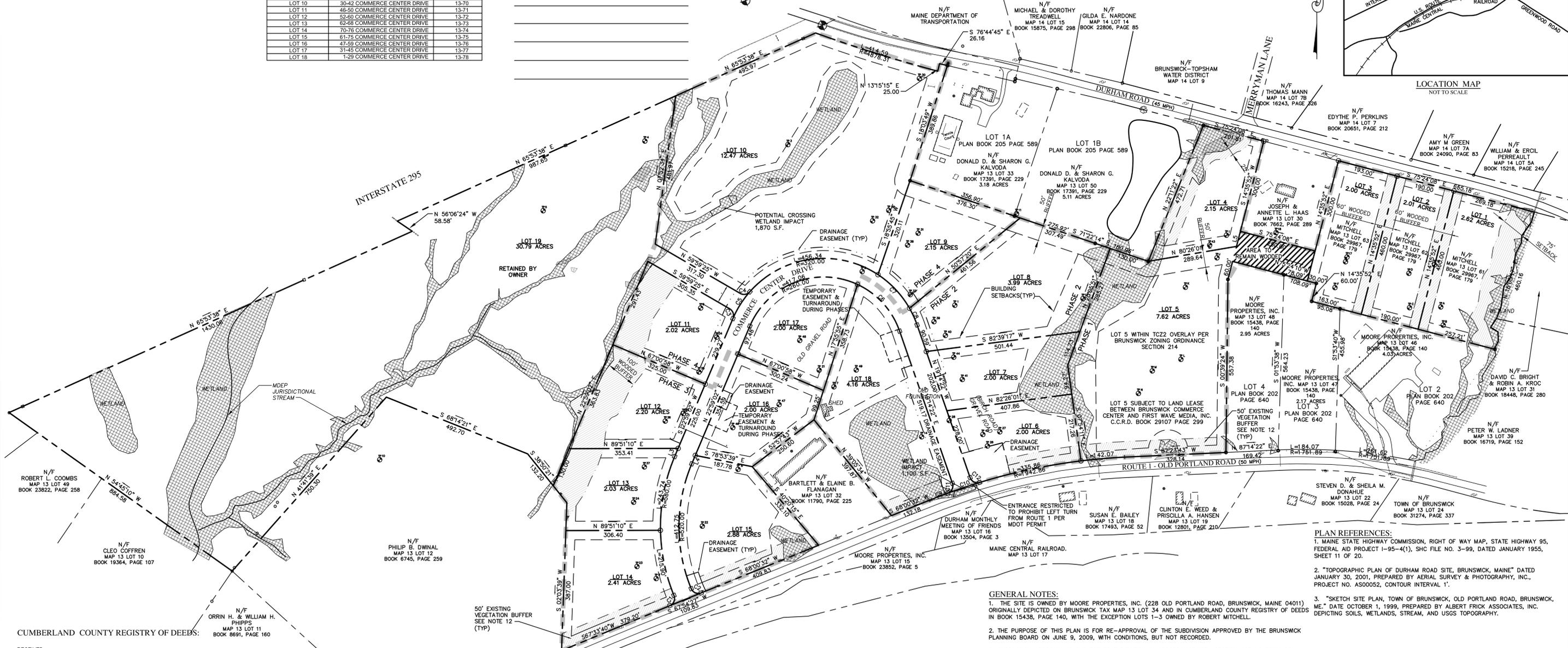
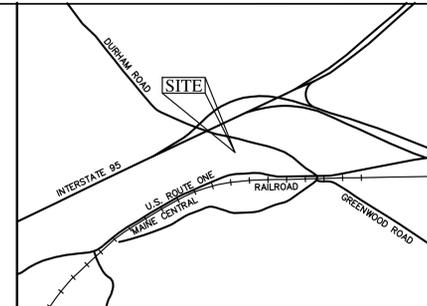
ASSIGNED STREET ADDRESSES AND MAP/LOT NUMBERS

SUBDIVISION LOT #	STREET ADDRESS	MAP/LOT
LOT 1	75-83 DURHAM ROAD	13-61
LOT 2	85-91 DURHAM ROAD	13-62
LOT 3	93-99 DURHAM ROAD	13-63
LOT 4	109-111 DURHAM ROAD	13-64
LOT 5	250-268 OLD PORTLAND ROAD	13-65
LOT 6	2-10 COMMERCE CENTER DRIVE	13-66
LOT 7	12-16 COMMERCE CENTER DRIVE	13-67
LOT 8	18-22 COMMERCE CENTER DRIVE	13-68
LOT 9	24-28 COMMERCE CENTER DRIVE	13-69
LOT 10	30-42 COMMERCE CENTER DRIVE	13-70
LOT 11	46-50 COMMERCE CENTER DRIVE	13-71
LOT 12	52-60 COMMERCE CENTER DRIVE	13-72
LOT 13	62-68 COMMERCE CENTER DRIVE	13-73
LOT 14	70-76 COMMERCE CENTER DRIVE	13-74
LOT 15	61-75 COMMERCE CENTER DRIVE	13-75
LOT 16	47-59 COMMERCE CENTER DRIVE	13-76
LOT 17	31-45 COMMERCE CENTER DRIVE	13-77
LOT 18	1-29 COMMERCE CENTER DRIVE	13-78

APPROVAL
TOWN OF BRUNSWICK PLANNING BOARD

DATE: _____

CHAIRMAN: _____



RECEIVED _____

AT _____ HRS _____ MIN _____ M, AND

FILED IN PLAN BOOK _____ PAGE _____

ATTESTED: _____ REGISTER

LEGEND

● OR ■	EXISTING	○ OR □	PROPOSED
—	IRON PIPE OR MONUMENT	—	PROPERTY LINE
⊕	BENCH MARK (SEE NOTES)	—	EASEMENTS
△	TRAVERSE STATION	—	SETBACK/BUFFER
○	UTILITY POLE	—	EDGE OF PAVEMENT
⊙	SIGN	—	EDGE OF GRAVEL
—	PROPERTY LINE	—	WETLAND BOUNDARY
—	EASEMENTS	—	STREAM
—	SETBACK/BUFFER	—	BUILDING
—	EDGE OF PAVEMENT	—	TEST PIT
—	EDGE OF GRAVEL	—	STONE WALL
—	WETLAND BOUNDARY		

PHASING PLAN:

PHASE 1: LOTS 1-4 (RESIDENTIAL LOTS ON DURHAM ROAD) AND LOT 5

PHASE 2: LOTS 6, 7, 8, AND 18

PHASE 3: LOTS 12, 13, 14, 15 AND 16

PHASE 4: LOTS 9, 10, 11, AND 17

PHASE 4 ROADWAY MAY NOT BE CONSTRUCTED UNLESS PHASE 2 & 3 ROADWAY HAS BEEN COMPLETED

Parcel Line Table			Curve Table		
Line #	Direction	Length	Curve #	Length	Radius
L1	N2° 03' 40"E	89.59	C1	39.28	25.00
L2	S38° 50' 20"E	70.00	C2	39.05	25.00
L3	S22° 59' 02"W	28.58	C3	36.20	25.00
L4	S22° 59' 02"W	29.51	C4	34.23	25.00
L5	S14° 35' 50"W	50.00	C5	102.46	320.00
L6	S14° 35' 50"W	100.00	C6	208.15	260.00
			C7	150.00	320.00
			C8	59.41	320.00
			C9	63.94	1942.88
			C10	108.63	1942.88
			C11	38.89	25.00
			C12	38.25	25.00

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.

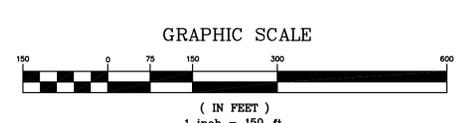
STATE OF MAINE
KEVIN P. CLARK
#2245
PROFESSIONAL LAND SURVEYOR

PRELIMINARY

DATE: _____

KEVIN P. CLARK, PLS #2245

NOT VALID UNLESS EMBOSSED HERE



GENERAL NOTES:

- THE SITE IS OWNED BY MOORE PROPERTIES, INC. (228 OLD PORTLAND ROAD, BRUNSWICK, MAINE 04011) ORIGINALLY DEPICTED ON BRUNSWICK TAX MAP 13 LOT 34 AND IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15438, PAGE 140, WITH THE EXCEPTION LOTS 1-3 OWNED BY ROBERT MITCHELL.
- THE PURPOSE OF THIS PLAN IS FOR RE-APPROVAL OF THE SUBDIVISION APPROVED BY THE BRUNSWICK PLANNING BOARD ON JUNE 9, 2009, WITH CONDITIONS, BUT NOT RECORDED.
- SUBDIVISION APPROVAL IS SUBJECT TO EXPIRATION IN ACCORDANCE WITH SECTION 407.4.C TOWN OF BRUNSWICK ZONING ORDINANCE.
- TOTAL AREA OF PARCEL = 94.4± ACRES
- ORDINANCE STANDARDS:
ZONE: MU5 PORTLAND ROAD AREA
MINIMUM LOT SIZE: 2 ACRES
MAXIMUM DENSITY: 1 UNIT PER 2 ACRES
DIMENSION REQUIREMENTS:
1.) MINIMUM LOT WIDTH: 150'
2.) YARD DEPTHS
A) FRONT = 25'
B) REAR = 30'
C) SIDE = 30'
3.) MAXIMUM BUILDING HEIGHT = 40'
MAXIMUM BUILDING FOOTPRINT PER STRUCTURE = 10,000 S.F.
MAXIMUM IMPERVIOUS SURFACE COVERAGE = 25%
- THE SITE IS SUBJECT TO SECTION 208.1 USE TABLE. LOTS 1-4 ARE RESTRICTED TO RESIDENTIAL USE.
- CONSTRUCTION WITHIN 100 FEET OR CLEARING ACTIVITIES WITHIN 75' OF THE STREAM MAY REQUIRE A NATURAL RESOURCES PROTECTION ACT PERMIT BY RULE FROM THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
- THE SIDE SETBACK OF LOTS 1-4 AND 100-FT BUFFER ON LOTS 11-13 SHALL BE MAINTAINED AS "NO-CUT" BUFFERS. ONLY REMOVAL OF DEAD WOOD SHALL BE ALLOWED.
- A STREET LIGHT SHALL BE INSTALLED AT EACH ENTRANCE FROM US ROUTE 1.
- ALL LOTS SHALL CARRY A NOTE ON THE DEED STATING ANY USE OR ACTIVITY THAT SHALL STORE OR HANDLE POTENTIAL CONTAMINANTS IN EXCESS OF THE AMOUNT NEEDED FOR NORMAL CUSTODIAL FUNCTIONS SHALL FILE A GROUNDWATER PROTECTION PLAN IN ACCORDANCE WITH STATE LAWS.
- RESIDENTIAL LOT OWNERS SHALL BE AWARE THAT THEIR LOTS ARE LOCATED OUTSIDE A FIRE HYDRANT DISTRICT AND THERE IS POTENTIAL FOR A LENGTHY RESPONSE TIME BY THE FIRE DEPARTMENT IN THE EVENT OF AN EMERGENCY. A NOTE ADVISING RESIDENTIAL LOT OWNERS SHALL BE INCLUDED ON THEIR DEED.
- A MINIMUM 50 FEET OF THE EXISTING VEGETATED AREA ALONG THE LENGTH OF ROUTE ONE CORRIDOR SHALL REMAIN AS IS, WITH ANY REMOVAL OF VEGETATION ON INDIVIDUAL LOTS APPROVED BY THE PLANNING BOARD AT THE TIME OF SITE PLAN REVIEWS.

PLAN REFERENCES:

- MAINE STATE HIGHWAY COMMISSION, RIGHT OF WAY MAP, STATE HIGHWAY 95, FEDERAL AID PROJECT 1-95-4(1), SHC FILE NO. 3-99, DATED JANUARY 1955, SHEET 11 OF 20.
- "TOPOGRAPHIC PLAN OF DURHAM ROAD SITE, BRUNSWICK, MAINE" DATED JANUARY 30, 2001, PREPARED BY AERIAL SURVEY & PHOTOGRAPHY, INC., PROJECT NO. AS00052, CONTOUR INTERVAL 1'.
- "SKETCH SITE PLAN, TOWN OF BRUNSWICK, OLD PORTLAND ROAD, BRUNSWICK, ME." DATE OCTOBER 1, 1999, PREPARED BY ALBERT FRICK ASSOCIATES, INC. DEPICTING SOILS, WETLANDS, STREAM, AND SUBS TOPOGRAPHY.

OWNER OF RECORD: MOORE PROPERTIES, INC
228 OLD PORTLAND ROAD, BRUNSWICK, ME 04011

SITELINES, PA
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LANDSCAPE ARCHITECTS
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FIELD WK:	SCALE: 1"=150'	SHEET:
DRN BY: DSE	JOB #: 731	
CHD BY: KPC	SS:	
DATE: 10-15-2013	FILE: 731_Sub_2013	

Re. the Proposed Tao Yuan Restaurant Expansion

Project Narrative:

Tao Yuan (22 Pleasant Street) would like to expand the restaurant on the west side of the existing building, and build an aquaponics greenhouse on the foundation toward the rear of the lot. The restaurant will add approximately 25 seats in a new dining room as shown, in Tao Expansion v8.pdf. The roof of the addition will be accessible as a roof deck for seasonal use. This location – where the current driveway exit is today – will improve the parking and safety of the lot, while increasing actual spaces by 2. Currently, cars exiting the parking lot onto Pleasant Street cannot see pedestrians approaching from the east. Having all cars exit (as most do, already, today) onto Abbey Lane will be an improvement in that regard.

Tao Yuan would like to improve the unfinished foundation at the rear of the lot, by installing an aquaponics greenhouse to supply the restaurant with fresh greens and fish. This improvement will benefit the neighborhood without increasing parking demand. The staff of the greenhouse is expected to be about 1 Full-Time-Equivalent; however, the people working at the greenhouse will also be employed in the restaurant as service/cook staff during peak hours.

The installation of the greenhouse on top of the existing foundation will also allow use of the basement space for increased (principally staff) parking. As shown in the plan, Tao Yuan can add 6 spaces here, as 3 stacked double-spaces, and a turn-out. As shown, therefore, the parking design adds 8 spaces to the Tao Yuan facility.

We have considered many different options to improve the property and develop the foundation from the eyesore it is today. We believe that the current proposal has been scaled back very considerably, to the point that the negative impact on neighbors and the town is now negligible. The additional parking is adequate to accommodate normal interior seating requirements. We consider the roof deck use to be occasional and seasonal; the parking impact is similar to other restaurants on Maine Street putting tables on the sidewalk during nice weather.

Attached are the drawings and SketchUp plans that summarize our intentions:

- (1) The Plot Plan is a survey of the lot, with dimensions shown.
- (2) The accurate foundations location.skp is a SketchUp drawing that is within a few inches of accuracy, based on the dimensions in the Plot Plan. The parking proposal is shown here, with intended location of the dumpsters, right-angle parking (8 spaces, up from 6 useable spaces now); and 6 spaces in the basement of the greenhouse foundation. The net increase in parking shown would therefore be 8 spaces.
- (3) This is a .pdf of the same parking plan, for those without SketchUp.
- (4) The Tao Restaurant expansion v8.pdf has three pages, showing an exterior rendering of the addition, from Pleasant St. side; a floor plan of the addition and the old space; and a floor plan showing just the addition. We can show these in 3D, if the PB would like to see them.
- (5) and (6) are early (and very rough) drawings showing the greenhouse location. I hesitate to send these to the PB, since we have not spent a lot of time on the greenhouse design yet. The drawing does show a maximum sized, gutter-connect greenhouse that would fit the existing foundation.

If you need any other documents, please let me know. Otherwise I will assume we will present these to the PB on November 5.

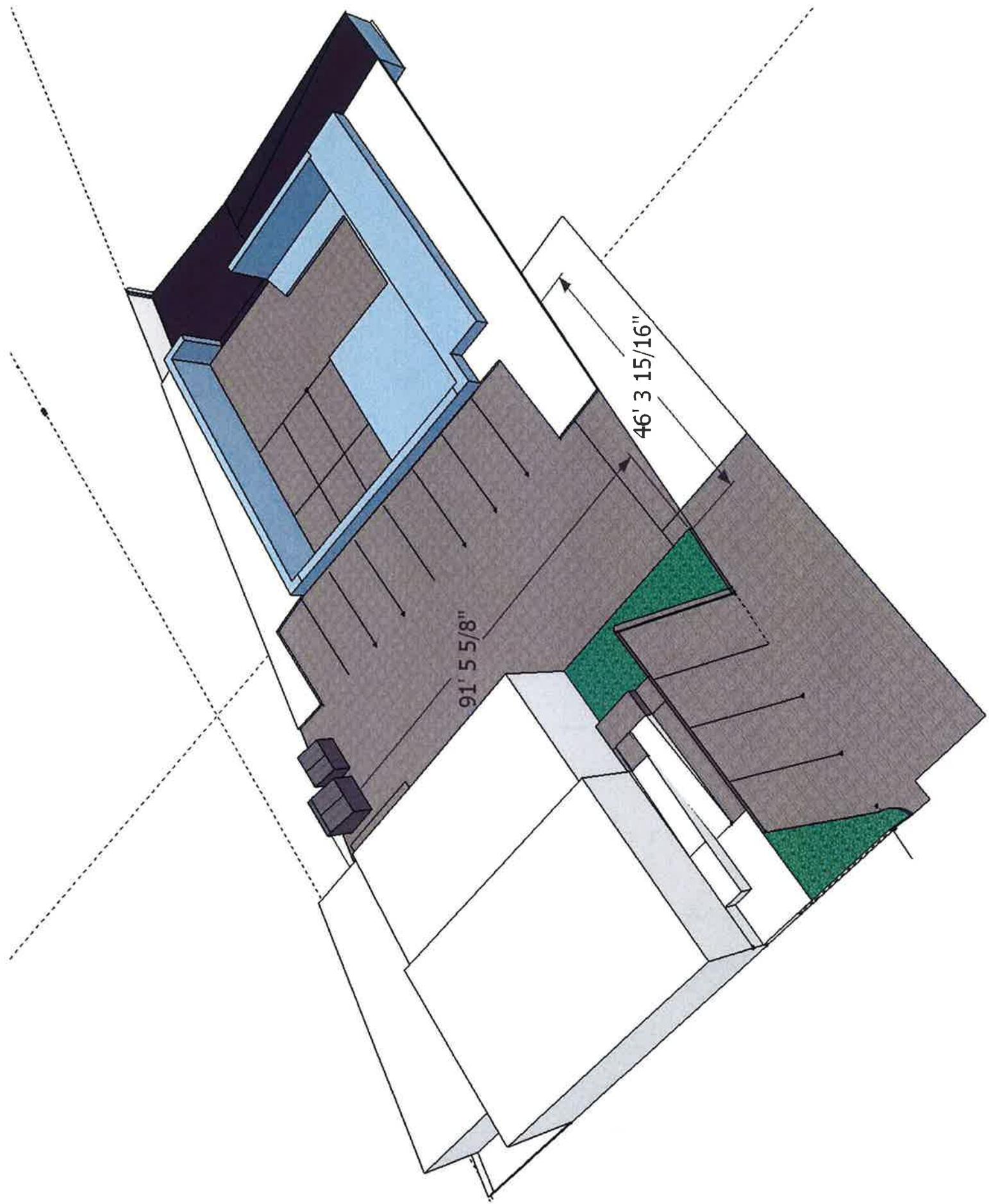
Regards, JAS

John Stadler

Phone: (1) 207.389.2162

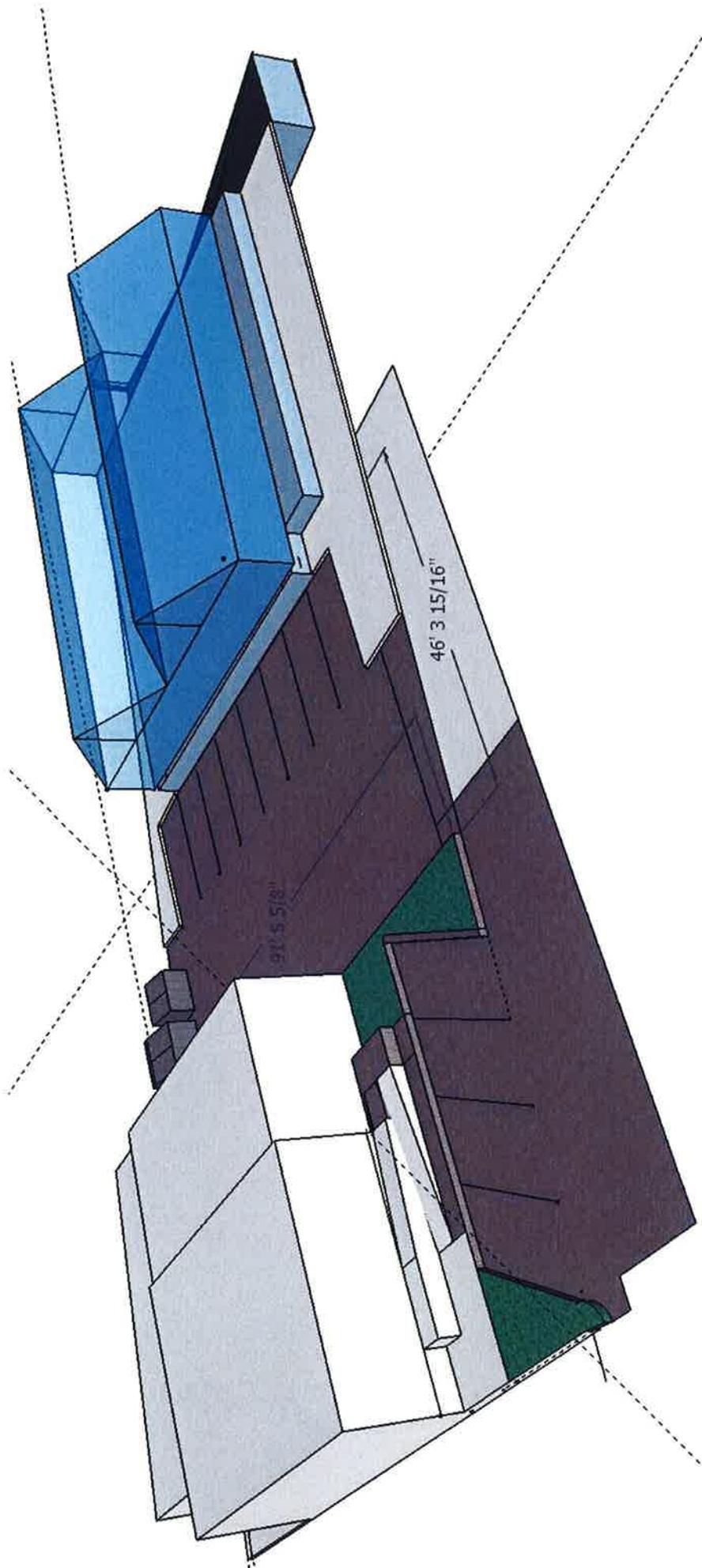
Cell: (1) 978.406.1131

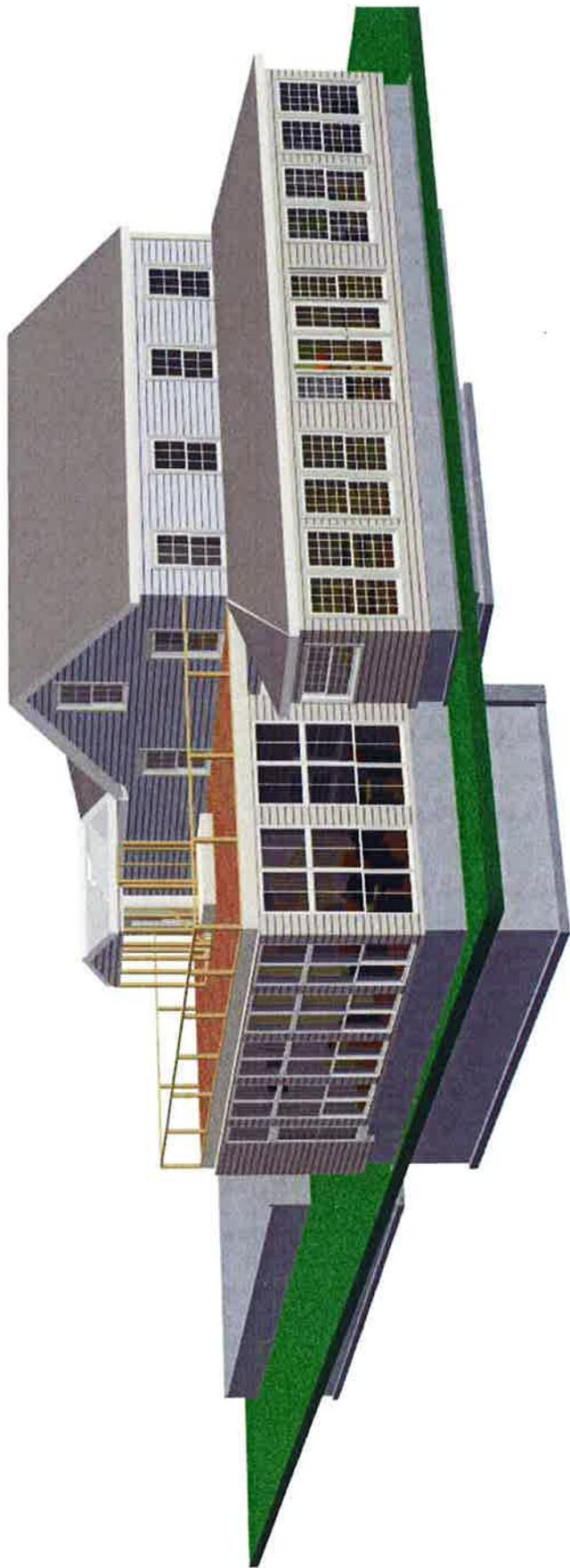
Skype: jas3456



91' 5 ⁵/₈''

46' 3 ¹⁵/₁₆''







— Current Building Perimeter

— Proposed Expansion Area

