

**BRUNSWICK PLANNING BOARD
NOVEMBER 5, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Bill Dana, Dale King, Dann Lewis (arrived at 7:10), Richard Visser and Steve Walker (arrived at 7:05)

STAFF PRESENT: Anna Breinich and Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, November 5, 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: 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)**.

Jeremy Doxsee introduced the project and stated that the plan was originally approved by the Planning Board in June of 2009, but was never recorded by the Cumberland County Registry of Deeds. A subsequent amended plan was approved in October of 2009, which was recorded with a second amended plan approved in March of 2010; also recorded. Jeremy stated that there were no substantive changes from the 2009 plan, but that staff has cleaned up the language and improved the legibility of the phasing of the plan. Jeremy noted that the Condition for Approval regarding the 50 foot buffer on Route 1 was added to show on the plan and was therefore removed. Jeremy stated that three residential lots have been sold of a 19 lot subdivision with four lots being residential and the remaining 15 lots being commercial or retail. Jeremy stated that the owner of lots one thru three is not able to get a building permit until this plan is reapproved and recorded with the County Registry. Jeremy stated that the most notable change is Conditions of Approval, Condition number 9, A, B and C, regarding expiration dates and recording the plan; the applicant has submitted a revised plan showing the requirements and this condition has also been removed.

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

Richard Visser stated that the Board had reviewed this project extensively when it was originally submitted; if no substantive changes were made to the project, he does not see any problems.

Steve Walker arrived at the meeting at 7:05 P.M.

Charlie Frizzle pointed out that Condition number 2 is not tied to any specific event and asked, if approved with this condition, does that mean that the approval does not take effect until the condition is satisfied or is the Board approving the plan subject to satisfaction of that condition;

if so when will that condition be satisfied? When can the applicant register the plan? Jeremy Doxsee replied that this is tied to a Certificate of Occupancy and Anna Breinich agreed. Anna added that this was the same as saying “prior to a building permit” and can be reworded. Anna stated that staff was concerned about this condition because it wasn’t tied originally as in the original application it didn’t have phasing. Anna suggested rewording that *prior to the applicable phase*. Charlie asked when the Town will conduct the traffic study needed and Anna replied that it would be based on the phasing. Anna stated that Phase I is almost complete and includes Lots 1-4 and 5; before Phase II (Lots 6,7,8 and 18) is begun, the comments in Section 411.5, Findings of Fact, would need to be addressed to the extent necessary and the DOT permit is linked to the traffic counts at that time. Anna stated that this is similar to what was done when Maine Street Station was going in and that after 100 vehicles/ATV went through, this triggered the light at Maine Street and McKeen Street. Anna noted that John Foster, Public Works Director, did review the plan and was comfortable with the plan as is. Charlie again asked when does one consider this plan approved such that it can be filed. Anna replied that if the wording is adjusted as she suggested earlier, the plan should be fine. Charlie stated that he understood where they were headed but again asked what will be added to the condition before it is approved. Kevin Clark, from Sitelines, replied that at the current traffic level, it requires an entrance permit by DOT which has been approved and as the uses on the lots are defined the trips will start to accumulate; once it hits 100 then a traffic movement permit is required which brings it to the next level. Charlie replied that this would take care of one condition, but again asked about the others. Anna replied that these are the conditions set in 2009 with the exception of phasing and asked what the difference would be to add more specificity to the conditions. Charlie replied that he would be satisfied if they conditioned Condition 2, upon commencement of the applicable project phase.

MOTION BY DALE KING THAT THE BOARD WAIVES THE FOLLOWING SUBMISSION REQUIREMENT:

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

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY STEVE WALKER THAT THE FINAL PLAN IS DEEMED COMPLETE. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER 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. Prior to initiation of applicable project phases, the comments/requirements of the Town Engineer, noted as part of these findings, relative to traffic and other issues, shall be satisfied. This includes payment of Street Lighting Impact, Recreation Impact, and Solid Waste Impact fees.
3. That the following items be addressed during site plan review:
 - 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 by the Planning Board.

SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

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.**

Jeremy Doxsee introduced the project and stated that the applicant was before the Board on March 13, 2013 and is requesting a workshop to assist in design an expansion to their restaurant and the construction of an adjacent structure to house an aquaponic greenhouse with underground parking. Jeremy stated that the revised plan does not include residential units as previously submitted and that the issues are mainly access and parking.

John Stadler, owner and applicant, began by saying that they have scaled back the parking design so that you don’t drive around the building to exit on the Post Office side and have switched to right angle parking. Mr. Stadler explained the new parking proposal and the expansion to the restaurant. Mr. Stadler stated that they propose to use the foundation that is in the rear as an aquaponic farm with the basement used for staff parking (six spaces). Jeremy Doxsee noted that

staff is in agreement that the last parking space in the rear of the restaurant closest to the dumpster does not have sufficient room to back out. Jeremy explained that if they eliminate the one parking space, the applicant may need a waiver or shared parking to meet the parking requirements. Charlie Frizzle replied that this is only a draft and it is possible that the dumpster could be moved. Charlie asked if the parking spaces which are still angled will create a problem and Mr. Stadler replied that people can still exit down Abby Lane. Anna Breinich added that she had checked the parking agreements and suggested that the applicant look at the traffic study to make sure that there is enough give to pull into the parking spaces. Jeremy reminded that applicant to keep snow removal in mind. Richard Visser stated that the parking looks to be tight. Discussion among members about the stacked parking in the basement.

Chairman Charlie Frizzle opened the meeting to public comment.

Art Boulay, owner of the adjacent Business Center, asked how many staff are currently employed. Cecil Stadler, co-owner and applicant, replied that they have five staff members, one runner one bartender and three servers. Mrs. Stadler stated that they do not plan to increase staff, but to make one part-time employee full time with shared responsibilities in the greenhouse. Mrs. Stadler pointed out that the restaurant primarily serves dinner with a limited lunch menu and noted that although the Post Office won't openly say it, people can park in the parking lot after business hours. Mr. Boulay stated that parking is the reason why he is attending the meeting and agreed that evening parking is not so much a problem but pointed out that patrons will migrate to the lot closest to the restaurant which is his business and not the Post Office lot. Mr. Boulay stated that his primary concern is during the day and lunch hour and staff who continue to park in his back parking lot even when asked not to. Mr. Boulay stated that he is especially concerned if there is daytime expansion but happy to see that they have added staff covered parking.

Andy Freedman, resident of abutting apartments, stated that the aquaponics farm sounds good but that he is concerned about traffic.

Suzann Hillman, resident of abutting apartments, asked where the equipment will be located for the farm and how much noise they will make.

John Stadler replied that the aquaponics farm is a 36 square foot greenhouse above the foundation at grade level which will be lightly staffed with light traffic. Mr. Stadler stated that the six garage parking space will be similar to that of the abutting apartments with light traffic and limited time in the shared driveway. Mr. Stadler stated that the roof pitch will go to the east and west with a gutter connect and the entrance will be along the raised sidewalk. Jeremy Doxsee reiterated that this is just a concept workshop, not a plan submittal.

David Hillman, resident of abutting apartments, asked what the height to the ridge will be and Mr. Stadler replied that the current design is 12-14 feet above floor level. Mr. Hillman asked if there will be fish and Mr. Stadler replied yes. Mr. Hillman asked about the odors that will be generated and if they will be going out the piping. Mr. Stadler replied that there is very minimal odor generated and that ventilation has not been worked into the design yet.

Chairman Charlie Frizzle closed the public comment period.

Richard Visser added that snow provisions need to be made.

Zoning Ordinance Rewrite Update

Anna Breinich stated that the Zoning Ordinance Rewrite Committee met on October 22, 2013 and discussed member expectations, public engagement ideas, ways to handle public interaction and the timeline. Anna stated that the consultant will be in Brunswick on December 3rd with several joint meetings being scheduled, but not yet finalized.

Other Business

No other business.

Minutes

**MOTION BY BILL DANA TO APPROVE THE MINUTES OF MAY 21, 2013.
SECONDED BY DALE KING, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

**MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF MAY 28, 2013.
SECONDED BY BILL DANA, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

**MOTION BY STEVE WALKER TO APPROVE THE MINUTES OF JULY 9, 2013.
SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

**MOTION BY DALE KING TO APPROVE THE MINUTES OF AUGUST 6, 2013.
SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

Adjourned

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

Attest



Tonya D. Jenusaitis
Recording Secretary