



# Botany Place

*Carefree Neighborhood Living*

Botany Place Condominium Owners Association  
P. O. Box 513  
Brunswick, Maine 04011

February 23, 2014

Anna Breinich  
Director of Planning and Development  
Town of Brunswick  
28 Federal Street  
Brunswick, Maine 04011

**Re: Botany Place Master Plan Amendment**

Dear Ms. Breinich,

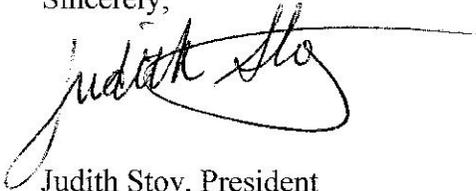
The Board of Directors of the Botany Place Condominium Owners Association (COA) voted to support the amendment proposed by the developer, Botany Place, LLC, for the Botany Place master plan. In support of this new amended master plan the Botany Place COA Board would like to convey the following information:

1. Botany Place, LLC and the Botany Place COA homeowners have jointly planned, designed, approved and paid for the following recreational and open space amenities:
  - a) community park with flower gardens, stone walls, granite bench, bird baths
  - b) wildlife refuge area with trails, including the ½ acre expansion in 2009
  - c) wildlife pond w/benches and bird houses (recently dedicated as 'Tom's Pond')
  - d) vegetable and flower common gardens
  - e) vegetable and flower planters next to individual homes
  - f) right of way to Baribeau Drive for the town owned public road and sidewalk
  - g) right of way to Barrows Street for the bike path and sidewalk
  - h) sidewalks built - Maine St. to Richards Drive, Barrows St. to MacMillan Drive
2. Botany Place COA is the only Brunswick condominium association that pays taxes on and maintains these privately owned trails, sidewalks, bike paths, pond and gardens and yet provides public access to all of these recreational and open space amenities.

3. Botany Place is the only Brunswick condominium development with a town owned public road, sidewalk and esplanade that the developer and the homeowners paid to build, thereby providing public access to these privately owned recreational and open space amenities; the town refuses so the Botany Place COA pays to maintain the town owned esplanade and grassed areas in the town right of way.
4. The Botany Place COA homeowners do not want a gazebo that is costly to build, and maintain; providing public access to a gazebo could attract security, noise and vandalism issues for the homeowners. Botany Place residents have devoted many hours of their own time maintaining and improving the trails and gardens that are available to all residents of Brunswick.
5. Botany Place is a very attractive, welcoming community development that encourages neighborhood interaction through public access to its recreational and wildlife amenities; neighbors skate on, boat and fish the pond, walk and picnic the trails, bike the roads and the bike paths, sit in the gardens and genuinely enjoy meeting with their neighbors.

The Botany Place COA Board of Directors requests the Brunswick Planning Board approve the proposed Botany Place amended master plan. Kindly advise if any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith Stoy", with a long horizontal flourish extending to the right.

Judith Stoy, President  
Botany Place Condominium Owners Association  
judistoy@yahoo.com  
Cell: 561-234-0548

March 2, 2014

To the Members of the Brunswick Planning Board:

This letter is to express our opposition to the proposed Botany Place Amendment application which proposes to add a unit to phase 7 and eliminate the community park. We also wish to express our concern with the developer's failure to address problems that neighbors have repeatedly asked to be solved. We respectfully ask that the amendment be rejected in so far as it eliminates the community park and that the Planning Board direct the developer to address the neighbors' concerns addressed below.

The proposed elimination of the community park, which was a central feature of the development as approved in 2004, should not be approved. Eliminating the community park is inconsistent with the original vision for the development as a "Great American Neighborhood" which would be integrated into the existing surrounding neighborhoods. For example, in the final submission of the Botany Place Major Development Review Filing, dated March 30, 2004, the developer stated: "At the core of Botany Place is open space land with *a park*, ponds and natural wetlands available for residents and the general public." March 3, 2004 Letter from Sitelines to Phil Carey (emphasis added). Further the community park is the only area that is accessible by a completely public way. See Botany Place literature ("The completely public space in the Botany Place neighborhood is limited to a 50' public right-of-way containing a town road and enclosing a community park.").

At the staff review, the developer stated that the addition of a semi-circular garden space surrounded on three sides by a private road and condo units was a reasonable substitute for the community park. This very small space should not be considered a community park (as it is labeled on the plan submitted by the developer). Instead it is more like a front yard for the units on the private road. While the garden space is undoubtedly pleasant for the units facing it, the neighbors who live outside of Botany Place certainly would not feel welcome in this small semi-private space. If members of the planning board have any doubts about whether this space would be a reasonable substitute for the community park, we urge them to walk to Lady Slipper Lane and consider whether they would be comfortable walking, sitting or playing catch with their children on this small semi-private strip of land.

The developer has also suggested that adding a small area of wetlands to the semi-public nature path is a reasonable substitute for the community park. Neighbors certainly

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appreciate that the Botany Place residents allow public access to their nature path; however, adding a little bit of land to this semi-private open space is not a substitute for a community park, especially where the added land is not surrounded by the public right of way but is in the corner of development away from the public right of way.

We also note that the community park was committed to by the developer as part of a package of “extensive recreation and open space amenities” which were in lieu of a recreation impact fee. The developer listed the cost of the community park construction costs as \$45,000. In comparison, the nature walking path had estimated construction costs of \$8,000. We ask that the developer be held to his commitment to create a community park that clearly is open to the public.

To be clear, we welcome our Botany Place neighbors; however we urge the Planning Board to ensure that the developer reciprocate this welcome by building a community park open to the surrounding neighborhoods. Accordingly, the Board should not approve the elimination of the community park.

Regarding the developer’s disregard for the concerns of neighbors, we point out that, for several years, large dirt piles have been dumped in the cleared Botany Place area. When questioned about the dirt piles by one of the Planning Board members in 2011 when the developer sought re-approval of his permit, the developer stated that he had been storing dirt for Crooker and Sons and that this dirt would be removed. Rather than removing the dirt piles, the developer has continued to increase the size and number of piles. In fact, there is one dirt and debris pile that has been there for the last ten years. The pile has broken pipes and other debris that should have been removed years ago. In addition, since the developer removed most of the trees from the development in 2004, there are areas of standing water around the dirt piles which are a mosquito breeding ground in the summer. Neighbors have asked the developer several times to do something about the standing water and dirt and debris piles but to no avail.

Recently, the developer removed the trees in the 30’ buffer area even though the findings adopted by the planning board states:

The plan calls for maintenance of a 30-foot buffer around most of the perimeter of the project. *Existing grades in this buffer area are to remain so as to assure preservation of existing trees.*

Findings adopted by planning board approval of the Botany Place Subdivision , April 13, 2004 (emphasis added). While the findings did not require that the developer mark trees of greater than 10 inches, this waiver was likely to apply to trees outside of the buffer which were to be eliminated due to the raised grade outside of the buffer area.

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Although not many trees now remain in the buffer, after they were bulldozed a couple of weeks ago, neighbors ask that the Planning Board direct the developer to leave any remaining trees in the buffer area and keep the existing grades in the buffer areas as required in the permit. Placing drainage ditches within the buffer (which is no longer 30 feet but 20 feet along most of MacMillan Drive) may damage the roots of trees even outside of the buffer on the neighbors' side of the property line. Finally, the neighbors also ask that the developer be directed to remove debris piles immediately and reduce the dirt piles to only what is needed for Phase 7 of the development.

In conclusion, we ask that the Planning Board reject the proposed amendment, in so far as it eliminates the community park. We further request that the Planning Board direct the developer to address the neighbors' concerns outlined above and that any approval granted by the Planning Board contain these directions as conditions of approval,

Sincerely,

Lisa Fink and Kevin Cassidy

Kathy Martin

Deborah and Bill Conners

Jane and Steve Hauptman

Angelo Ferro

Cc: Jeremy Doxsee  
Thomas Farrell