TOWN OF BRUNSWICK

PLANNING BOARD

85 UNION STREET
BRUNSWICK, ME 04011

TOWN OF BRUNSWICK PLANNING BOARD
AGENDA
BRUNSWICK TOWN HALL
COUNCIL CHAMBERS
85 UNION STREET

TUESDAY, MAY 13, 2014, 7 P.M.

1. **Request for Site Plan Approval Extension. Case No. 08-021, Maine Street Station,** JHR Development of Maine is requesting the Board extend its Site Plan approval per Section 407.4.A of the Zoning Ordinance for the development of multiple buildings on Station Avenue **(Assessor's Map U16, Lots 1, 1A, 15, 19 and 21)** in the **Town Center 1 (TC1) District.**

2. **Workshops:**

   a. The Board will review and set a public hearing date for a proposed amendment to §604.7 of the Zoning Ordinance entitled "Political Campaign Signs".

   b. The Board will review and set a public hearing date to consider a rezoning request to change the existing MU1 / Rural Mixed Use (Lower Old Bath Road Area) Zoning District to the CC / Commercial (Cook's Corner Center) Zoning District.

3. **Other Business**

4. **Approval of Minutes**

5. **Adjourn**

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 will be televised.

March 5, 2014

1751.08-7

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

Re: Request for Site Plan Approval Extension
Major Development Review Approval
Maine Street Station, Brunswick, ME
Tax Map U16, Lots 1, 1A, 15, 19, and 21

Dear Jeremy:

On behalf of JHR Development of Maine, this letter serves as a request for site plan approval extension for Maine Street Station project in Brunswick, ME. This project was a joint effort with the Town of Brunswick for the redevelopment of the Maine Street Station parcel with multiple buildings and uses. This project previously received final approval from the Planning Board on June 24, 2008 and two-year extension of the approvals on April 27, 2010 and on May 22, 2012, which would expire on June 24, 2014. Per Section 407.4, A, a two-year extension is allowed and is respectfully requested.

This project approval involved the construction of six buildings with a total of approximately 120,650 sq. ft. To date, four of the buildings have been constructed and an amendment was granted to allow a parking lot expansion on Lot 6 to provide parking for Building 4. JHR Development fully intends to complete build out of the project. However, additional time is necessary to complete the remaining buildings and another two-year extension to the approval is necessary to pursue these efforts.

We trust that this information is adequate to warrant granting the site plan approval extension as requested. This request is forwarded with the intention of being heard at the March 25, 2014 Planning Board meeting and we look forward to the opportunity to meet with the Board. With your initial review of this request, we will forward 18 copies for Planning Board purposes.

If you have any questions or require aditional information, please do not hesitate to call. Thank you for your assistance with this project.

Very truly yours,

Curtis Y. Neufeld, P.E.
Vice President

Enclosure

SITELINES P.A. ENGINEERS - PLANNERS - SURVEYORS - LANDSCAPE ARCHITECTS
8 CUMBERLAND STREET, BRUNSWICK, MAINE 04011 PHONE: 207-725-1200 FAX: 207-725-1114

TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
85 UNION STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

May 9, 2014

To: Brunswick Planning Board
From: Anna Breinich, FAICP
Subject: Request for Site Plan Approval Extension: Maine Street Station (formerly Map U16, Lots 1, 1A, 15, 19, and 21)

A request has been made by the applicant, JHR Development of Maine, Inc., for a site plan approval extension for Maine Street Station, now known as Brunswick Station. The final plan was originally approved by the Planning Board on June 24, 2008, further amended by a minor modification approved by staff on June 15, 2011.

By Section 407.4.B. of the Brunswick Zoning Ordinance, a site plan approval extension may be requested of the Planning Board for a additional two years. Two previous site plan extensions were granted by Planning Board on April 27, 2010 and May 22, 2012. The last extension approval will expire on June 24, 2014, unless extended a third time by the Board. As you may know, six new structures were approved for construction for a total of approximately 120, 650 square feet. To date, four buildings have been constructed, and the amendment mentioned above allowed a temporary parking lot expansion on Lot 6 to provide additional parking for Building 4. As market conditions improve, it is the intent of the developer to complete the project and respectfully requests the two-year extension for that purpose.

Staff supports the request for the site plan extension and will be available for questions at your meeting.

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Approved Findings of Fact
Maine Street Station
Planning Board Review Date: June 24, 2008

Project Name: Maine Street Station

Case Number: 08-021

Tax Map: Map U16 Lots 1, 1A, 15, 19 and 21

Applicant: JHR Development of Maine, LLC
8 Noble Street
Brunswick, Maine 04011

PROJECT SUMMARY

Case No. 08-021, Maine Street Station. The Board will hold a **Public Hearing** and review and take action on a **Final Plan (Subdivision and Site Plan)** application submitted by JHR Development of Maine, LLC, for the development of Maine Street Station, Maine Street, Brunswick.**(Assessor's Map U16 Lots 1, 1A, 15, 19, 21)**, in the **Town Center 1 (TC1) Zone**.

Maine Street Station is a joint development project between the Town of Brunswick and JHR Development of Maine, LLC. Per a signed Joint Development Agreement, dated January 31, 2007, the Town is responsible for site remediation and public infrastructure improvements, including construction of the street, public/common utilities, public green and street landscaping, all of which will become public property. The developer will construct the buildings and their related utilities, site development, parking lots and related site landscaping. The rights and responsibilities of each party are discussed in the Joint Development Agreement and is provided in the application packet.

The proposed project will have six separate buildings with a mix of uses:

1. Inn with up to (no more than) 60 guest rooms, (32,000 sq. ft. – 3 stories)
2. Retail space (26,850 sq. ft.)
3. Office space (39,400 sq. ft.)
4. Restaurant spaces (potential for a total of 290 seats for the entire project)
5. Residential (16 condominium units)

The application is for subdivision and site plan approval for the project in its entirety. The new development will have a total of six new buildings and one existing building, which is the Midcoast Federal Credit Union.

The proposed new buildings shown on the plan are:

1. Building 01 – 3,050 sq. ft. single-story retail
2. Building 02 – 32,100 sq. ft. Inn (10,700 sq. ft. footprint)

3. Building 03 – 18,100 sq. ft. two-story mixed office/retail
4. Building 04 – 18,100 sq. ft. two-story mixed office/retail, with 1,200 sq. ft. reserved for a train station
5. Building 05 – 31,300 sq. ft. two-story mixed retail/residential (16 residential condominiums with underground parking)
6. Building 06 – 18,000 sq. ft. two-story mixed office/retail

Site plan approval includes approvals for site layout, building elevations (excluding those for buildings 02 and 05), utility layout, landscaping and all infrastructure improvements such as stormwater management, street and sidewalk construction. Although buildings 02 and 05 are included in all aspects of the site plan, the building elevations and more specific landscaping will be subject to further planning board approval prior to construction of those buildings.

Public Hearing: The development proposal includes six new buildings totaling 130,000 sq. ft. (2 of which are greater than 30,000 sq. ft. each). Projects that involve more than 30,000 sq. ft. of new development require a public hearing with the Town Planning Board (per Section 405.5C).

Notification: Staff notified property owners within 200 feet of the project site, as well as the College Neighborhood Association, Northwest Neighborhood Association, and others who expressed interest in the project and asked to be added to the notification list.

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

411.1 Ordinance Provisions

The site plan is for the development of a 5-acre site at the south end of Brunswick's downtown. The development site is in the **Town Center 1 (TC1) Zoning District**, where all of the proposed uses in this mixed use project are permitted. Based on the plans submitted by the applicant, the project will meet all of the dimensional standards for the TC1 zone, per Section 201.2 of the Brunswick Zoning Ordinance. The TC1 zoning district has no minimum building setbacks and allows up to 100% impervious surface coverage. The regulating dimensional standards include a 40-foot maximum building height and 30,000 sq. ft. footprint per building. The new buildings and parking areas comply with minimum standards.

Parking for the development will be accommodated on site, with both on street and off-street parking. Based on the proposed uses, a strict application of the Ordinance would require 391 parking spaces for all of the proposed uses. Due to the mixed use nature of the development, the applicant has used the provisional standards under Section 512.2B of the Ordinance. The applicant submitted a parking analysis that includes a shared use analysis based on the standards in the Urban Land Institute publication Shared Parking - Second Edition, 2005. Staff has reviewed the parking analysis and concurs with the applicants approach.

The Board finds that the provisions of Section 411.1 are satisfied.

411.2 Preservation of Natural Features
The project is located in an area suitable for development with shallow slopes and no identified outstanding natural features or habitat. There are no wetlands associated with the project site and it is not in a Natural Resource Protection Zone. The site has recently undergone environmental remediation to clean up coal ash from previous activities on the site. The project will include street trees along the proposed internal right-of-way, Station Avenue, landscaping within the parking lots and extensive landscaping in the public park. Additional landscaping will be added around buildings and other site features to soften the site which is primarily intended to be an urban landscape. The landscaping plan has been approved by the Town Arborist. Minor technical changes will need to be made based on specific needs and circumstances during construction. Further changes to the landscaping plan will be approved by the Director of Planning and Development. *The Board finds that the provisions of Section 411.2 are satisfied.*

411.3 Surface Waters, Wetlands and Marine Resources
The development is not located in a marine resource area or shoreland zone. There are no surface waters, wetlands, or marine resources on or adjacent to the site, which is a remediated vacant site, previously used for a train station and railroad yard. The project site is located within the urban impaired stream area associated with the Water Street Tributary. Mitigation measures, or fees-in–lieu-of, are discussed under stormwater management in Section 411.5. The plan submitted by the applicant will not adversely affect any water body or its shoreline and 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
The development activity will not occur within a flood hazard area. *The Board finds that the provisions of Section 411.4 are satisfied.*

411.5 Stormwater Management
The applicant has submitted a stormwater management plan for the project showing that the stormwater runoff from the buildings, parking lots, roadway and other impervious areas will receive water quality treatment in several underground stormwater treatment chambers located in three separate areas around the site. Other measures will include vegetation to stabilize and minimize soil erosion and maintain stormwater quality and good housekeeping and maintenance of stormwater facilities and features. Per Section 06-096 CMR Chapter 500 Section 4(C) the Urban Impaired Stream Standard must be met. The applicant is working with the Town of Brunswick and Maine D.E.P. on options to offset impacts. A preliminary estimate of impacts are part of the Maine D.E.P. stormwater permit application, which also identifies options to offset project impacts, including compensation fees and mitigation credits. The stormwater management plan has been submitted to the Maine D.E.P. for approval. *The Board finds that the provisions of Section 411.5 are satisfied; with the condition that the stormwater management plan receive approval from the Maine D.E.P.*

411.6 Groundwater
The project does not involve the use, discharge or extraction of groundwater. Municipal sewer and water services are available and will be utilized per Sections 411.8 and 411.9. Plans related to stormwater management (surface runoff) and erosion control are addressed in sections 411.5 and 411.7, and by the applicant's stormwater management permit application with the Maine D.E.P. Groundwater occurs at the project site at five to six feet below existing ground levels and is not anticipated to rise above proposed foundation footings. Basements will be placed at or above the seasonal high water table and, per Maine D.E.P. requirements, stormwater treatment will occur above the high water table to prevent the introduction of contaminants into groundwater. The Voluntary Action Response Program (VRAP) for the coal ash remediation prohibits drawing groundwater via a well system. Foundation perimeter drains will protect the structures from groundwater seepage. *The Board finds that the provisions of Section 411.6 are satisfied.*

411.7 Erosion and Sedimentation Control
The project includes an erosion and sedimentation control plan meeting the requirements of Town Ordinances and which is part of the D.E.P. stormwater permit application. The erosion control plan has been approved by the Town Engineer. The new development will maintain temporary and permanent erosion control measures in accordance with the Maine Erosion and Sedimentation Control BMP's, and will not cause unreasonable soil erosion or reduction in the land's capacity to hold water. *The Board finds that the provisions of Section 411.7 are satisfied.*

411.8 Sewage Disposal
The project will be served by the municipal sewer. The Brunswick Sewer District has indicated its ability to serve the project and has approved the project in accordance with a letter dated May 5, 2008. *The Board finds that the provisions of Section 411.8 are satisfied, with the condition that the applicant comply with the conditions set forth by the Brunswick Sewer District.*

411.9 Water Supply
The project will be served by the municipal water. The Brunswick-Topsham Water District has indicated its ability to serve the project and has approved it in accordance with a letter dated May 5, 2008. *The Board finds that the provisions of Section 411.9 are satisfied, with the condition that the applicant comply with the conditions set forth by the Brunswick-Topsham Water District.*

411.10 Aesthetic, Cultural and Natural Values
The development will be located in a previously developed, brownfield site located in the downtown. The site has been vacant for many years and the Town received EPA funding for clean up (completed March 2008). There are areas of special cultural and aesthetic areas adjacent to the project site, such as the Village Review Zone and the Federal Street Historic District which is on the National Register for Historic Places. The Board received a letter (dated June 4, 2008) from the Town Attorney explaining the applicability of this Section. Given the high visibility of the site and its location at the

southern gateway to downtown, the applicant has sought input on the design of the buildings and site from the Maine Street Station Implementation Committee, the Brunswick Village Review Board and others. JHR Development of Maine is willing to seek input and comments from the Brunswick Village Review Board, the Maine Historic Preservation Commission and the Pejepscot Historical Society on the final design for building 02 (the Inn), at the corner of Maine and Noble Streets. The plan has also undergone significant public review during the design phase. The project location will not impact areas of significant scenic character and there are no significant wildlife habitats or rare natural areas located on or near the project site. A landscaping plan has been submitted to show areas where landscaping will be added throughout the site, including street trees, park landscaping, and landscaping around the buildings and parking areas. Further details will be needed on the parking lot lighting to show that it is compatible with the street lighting installed by the Town. Based on information submitted by the applicant, the development will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitat identified by the Maine Department of Environmental Protection or 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, with the condition that the applicant submit additional detail on the site lighting for parking lots.*

411.11 Community Impact

The Brunswick Sewer District and the Brunswick-Topsham Water District have indicated having adequate capacity to serve the project and have approved it, as discussed in Sections 411.8, 411. 9. Much of the community impact will be related to traffic and pedestrian circulation as discussed under Section 411.12. The Brunswick Police Department, Fire Department and Public Works (Town Engineer) have approved the plan, as discussed in 411.12, 411.16 and 411.17. Municipal resources are available to service the project, and any off-site impacts associated with the development of the project will be mitigated. *The Board finds that the provisions of Section 411.11 are satisfied.*

411.12 Traffic

The applicant completed a traffic impact study that was submitted to the Maine DOT for a Traffic Movement Permit. Town Staff and the applicant have discussed the necessary mitigation measures with Maine DOT. Four mitigation measures have been recommended and will be conditions of approval for the Maine DOT traffic movement permit; these are listed below in this section (411.12) of these findings. Based on making the improvements recommended in these findings, which are part of the Maine DOT Traffic Movement permit, the development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed, and the traffic associated with the development shall maintain an acceptable level of service within 200 feet of any existing or proposed curb-cut. The applicant has asked for two waivers relative to construction of Station Avenue and the right-of-way width. As a commercial street, Station Avenue would be required to be a 30-foot wide paved street with a 66-foot wide right-of-way, in accordance with Appendix A-II.I (Street Standards for Town Dedication). The applicant is requesting a

waiver to allow for the construction of a 24-foot wide paved street in a right-of-way that ranges from 48 feet in width to 66 feet. Both the Town Engineer and Fire Chief recommend approval of the waiver request.

There are four traffic mitigation measures to be addressed for this project.

> **Interim left-turn lane:** The initial stage of the project will require a left turn-lane from Maine Street on to Station Avenue. The left-turn lane will require some temporary reconfiguring of the intersection of so called "no name" street, Maine Street and Park Row. Since this will be temporary, the changes will be minimal and will try to be accomplished using striping and reusing existing granite or asphalt curbs. The temporary turning lane will only be required if Maine DOT, per the signed agreement with the Town, has not completed the agreed to changes to the traffic intersections at Maine Street and Bath Road by the time certificates of occupancy are issued for buildings 3 and 4.
>
> **McKeen/Maine Street traffic signal:** The proposed traffic signal at McKeen and Maine Streets is not warranted at this time. It is expected that incremental increases in traffic volumes from the development will trigger signal warrants. The traffic signal at this intersection can not be installed until such time a signal is warranted. The developer will be required by MDOT to conduct traffic counts at the intersection when site development reaches 25%, 50%, 75% and full build-out. The signal shall be installed by the State when the traffic volumes warrant it.
>
> **Maine Street/Bath Road improvements:** Maine Street and Bath Road is presently listed by Maine DOT as having high crash locations/intersections and will need to be mitigated as part of the Maine Street Station project. The traffic movement permit issued by the Maine DOT will include a condition that the Town of Brunswick/DOT will be responsible for designing and implementing a solution to the high crash intersections at Maine Street and Bath Road around the First Parish Church. The solution will be subject to a design and public review process before implementing any changes. As an interim solution, if the intersection improvements are not implemented or under construction prior to issuing certificates of occupancy for buildings 3 and 4, the JHR of Maine, LLC shall be required to install the interim left-turn lane as stated above.
>
> **Pleasant Street/Stanwood Street intersection:** The applicant shall be required to pay an impact fee in an amount determined by the Maine DOT to be used for future improvements to this intersection, per next section below.

Impact Fee: As part of the Maine DOT Traffic Movement permit, JHR of Maine, LLC shall be required to pay an impact fee in an amount to be determined by the Maine DOT for road and traffic movement improvements discussed in this section, except for the interim left-turn lane, which shall be the responsibility of JHR of Maine to install and finance.

The Board finds that the provisions of Section 411.12 are satisfied; with the condition that the applicant pay an impact fee to the Maine D.O.T., in an amount to be determined by the Maine D.O.T.

411.13 Pedestrian and Bicycle Access and Safety
The plan meets several objectives of the Brunswick Bicycle and Pedestrian Improvement Plan. Design decisions have incorporated traffic calming measures that enhance both pedestrian and bicycle safety. The road plan includes a narrower paved travel way with curb extensions that frame parking areas and reduce pedestrian crossing distance. The new road includes a raised speed table configured as a central plaza with clearly delineated crosswalks at both edges. The speed table and adjacent crosswalks will be constructed with modular pavers to provide a visual contrast for motorists. Street tree plantings combined with bollards, benches and bike racks along the street edge provide additional amenities for pedestrian and bicycle safety. The plan features connecting pedestrian walkways, a small park, tree and shrub plantings, street trees and buffer plantings. The plan has been developed with a diverse and sustainable plant palate which provides scale, structure, shade and seasonal interest. *The Board finds that the provisions of Section 411.13 are satisfied,*

411.14 Development Patterns
The new development will be on a vacant 5-acre lot on the southern edge of the downtown which was used historically as a train station and railroad yard. The project is located on an EPA-designated brownfield site in the Town's growth zone and forms a border between the downtown business area to the north and residential areas to the south. The concept of Maine Street Station is to provide a transit-oriented focus for the upper Maine Street area and tie together a variety of unique neighborhoods adjacent to the project site. An appropriate transition in scale, created through the architecture and open space network, defines the pedestrian-friendly character of the project. The development is a high density commercial and mixed-use development with modestly scaled buildings served by public sewer and water. Most of the parking will be provided as off-street parking within the development and on-street parking on the new street, Station Avenue. The development will be respectful of Brunswick's historic development patterns and will not have any adverse impact on adjacent areas, which are primarily residential to the south and larger scale non-residential and mixed uses to the north and east. *The Board finds that the provisions of Section 411.14 are satisfied.*

411.15 Architectural Compatibility
The concept of Maine Street Station is to provide a focus for the upper Maine Street area and tie together a variety of unique neighborhoods adjacent to the project site. An appropriate transition in scale, created through the architecture and open space network, defines the pedestrian-friendly character of the project. The applicant has submitted elevation drawings for buildings 01, 03, 04 and 06. The buildings have been designed to be compatible with the scale of other buildings located in downtown Brunswick and at Bowdoin College, as a transition between these two areas and the adjacent smaller scale residential neighborhoods. The placement of buildings on the site is consistent with the goals stated in the Brunswick Zoning Ordinance, in that they are oriented toward public

streets and are well within the maximum dimensional standards allowed in the Town Center 1 Zone. The buildings on Station Avenue define the edge of the new street and play an important role in defining the public open space, creating a pedestrian friendly environment that is shielded from the railroad tracks on the north side of the property. The buildings on Maine and Union Streets reinforce existing streets and serve to frame the entrances into the development. Two additional proposed buildings (buildings 02 and 05) abut Noble Street. Although footprints and general description of massing is represented on the site plan and are intended to be part of the current site plan approval, the elevations and architectural details of theses buildings will be subject to further planning board approval prior to obtaining building permits for each. Although there is no specific legal or jurisdictional requirement to do so, JHR Development of Maine is willing to seek input and comments from the Brunswick Village Review Board, the Maine Historic Preservation Commission and the Pejepscot Historical Society on the final design for building 02 (the Inn), at the corner of Maine and Noble Streets. With this advice, the new development will be designed to be compatible and respectful of the historic architectural integrity of buildings in Brunswick and the existing mix of residential, institutional and commercial buildings in the area surrounding the site. *The Board finds that the provisions of Section 411.15 are satisfied, with the condition that the applicant submit final elevations and landscaping plan for buildings 02 and 05, to be approved by the Planning Board.*

411.16 Municipal Solid Waste Disposal

JHR Development of Maine, LLC submitted estimates for solid waste impacts. The estimates are based on the intended use for each individual building to be constructed in the development. The Town Engineer concurs with the estimates and has determined an appropriate fee amount for each building. Due to the nature of the development and the phased construction schedule, the solid waste impact fees can be paid when the applicant applies for the individual building permits:

Bldg. #1 – estimated 7.9 tons/ yr @ 258.56/ton = $2,037
Bldg. #2 – estimated 14.34 tons/yr @ $258.56/ton = $3,708
Bldg. #3 – estimated 33.95 tons/yr @258.56/ton = $8,778
Bldg. #4 – estimated 33.95 tons/yr @ 258.56/ton = $8,778
Bldg. #5 – estimated 29.38 tons/yr. @ 258.56/ton = $7,596
Bldg. #6 – estimated 11.95 tons/yr. @ 258.56/ton = $3,090

Solid waste impact fees include credit for the People's Plus building and for residences at 8 and 16 Noble Street. The development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste. *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 for each of the buildings.*

411.17 Recreation Needs

Most of the development will be office, retail and services, which are non-residential and not subject to the recreation impact requirements. The development includes a sixteen-unit residential condominium development, which triggers the recreational requirements

for residential developments in Section 519. This section authorizes the Planning Board to require the reservation of land for parks, playgrounds, or conservation areas to benefit the residents of the development. Section 519.3 provides that upon the recommendation of the Recreation Commission, the Planning Board may require the applicant to play a fee to the Town in lieu of a donation of land for recreational purposes. Per a letter from the Town Attorney, dated June 2, 2008, the recreational requirements for residential developments may be met by public improvements provided as part of the Joint Development Agreement between the applicant and the Town, such as the proposed park and other improvements acceptable to the Director of Parks and Recreation. In its determination (letter dated June 19, 2008), the Parks and Recreation Commission determined that a recreation impact fee is not warranted based on the type and value of the public improvements for open space or recreational land, subject to approval by the Planning Board. The Planning Board finds that the project satisfies the requirements of Section 519.1 (Reservation of Land) and that a recreation impact fee is not warranted based on the type and value of public improvements associated with pocket park, as determined by the Parks and Recreation Commission. *The Board finds that the provisions of Section 411.17 are satisfied.*

411.18 Access for Persons with Disabilities

All sidewalk and other public areas throughout the project area will be handicap accessible. The building permitting process will ensure that the buildings will be in full compliance with ADA requirements. The parking and pedestrian areas will also be handicap accessible to the extent required by law. Based on this finding, the development will comply with the *Americans with Disabilities Act. The Board finds that the provisions of Section 411.18 are satisfied.*

411.19 Financial Capacity and Maintenance

JHR Development of Maine, LLC and the Town of Brunswick have committed sufficient funds to complete the construction of the project. Per the Joint Development Agreement between the Town and JHR Development, dated January 31. 2007, JHR Development of Maine, LLC will be responsible for completing the construction of buildings, parking areas, related infrastructure and landscaping on private lots within the development. The Town of Brunswick is responsible for completing all public infrastructure improvements, including roads, sidewalks, and all utilities within the dedicated public right of way. The Town of Brunswick is also responsible for completing the public park, including all landscaping, infrastructure and amenities associated with it. The Town will be responsible for the street tree planting within the dedicated right-of-way for Station Avenue. The portions of the project that are the responsibility of the Town (i.e. public improvements and environmental remediation costs) will be financed with a grant from the Environmental Protection Agency (EPA) and other sources. JHR will obtain private financing for its portions of the project. *The Board finds that the provisions of Section 411.19 are satisfied.*

411.20 Noise and Dust

The site has undergone environmental remediation for coal ash removal. With the exception of a small area near Maine Street, the site of the future Inn (building 02) and

the area for building 05, the environmental remediation is complete and the parcel has been loamed and seeded for soil stabilization. During the development phase, appropriate measures will be taken to control noise and dust during construction and the contractor will comply with the standard hours of construction per Section 524 of the Brunswick Zoning Ordinance. *The Board finds that the provisions of Section 411.20 are satisfied.*

411.21 Right, Title and Interest
The applicant has submitted warranty deeds, purchase and sales agreements and letters of intent to demonstrate sufficient right, title and interest in the subject properties. Right, title and interest documents were submitted as follows:

1. Letter of intent from Midcoast Federal Credit Union
2. Warranty deed for 8 Noble Street
3. Purchase and sales agreement for 16 Noble Street
4. Shared parking agreement with Bowdoin College
5. Joint Development Agreement with the Town of Brunswick
    a. Transfer of People's Plus parcel (Saint Charles Church)
    b. Transfer of main development parcel following environmental remediation and approval of a site plan

The Board finds that the provisions of Section 411.21 are satisfied.

411.22 Payment of Application Fees
The applicant, JHR Development of Maine, LLC, has paid all applicable development review and application fees, totaling $13,785.00. *The Board finds that the provisions of Section 411.22 are satisfied.*

PLANNING BOARD FINAL PLAN
CONDITIONS OF APPROVAL
MAINE STREET STATION
CASE NUMBER 08-021

June 24, 2008

That the Board waives the following submission requirements:
511.2 Street design and dedication standards.

That the Final Plan be deemed complete.

That the Final Plan be approved with the following conditions:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the

Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

2. That prior to issuance of building permits for the project, the stormwater management plan shall receive approval from the Maine D.E.P.

3. That prior to the issuance of a certificate of occupancy, the applicant shall comply with the conditions set forth by the Brunswick Sewer District in its letter dated May 5, 2008.

4. That prior to the issuance of a certificate of occupancy, the applicant shall comply with the conditions set forth by the Brunswick-Topsham Water District in its letter dated May 5, 2008.

5. That prior to issuance of any building permits for the project, the applicant shall submit additional detail on the site lighting for parking lots, to show that it is compatible with the dark sky lighting installed by the Town on Station Avenue and in the public park, subject to approval by the Director of Planning and Development.

6. That prior to issuance of any building permits for the project, the applicant shall pay an impact fee to the Maine D.O.T., as part of the D.O.T. Traffic Movement Permit, in an amount to be determined by the Maine D.O.T. for required traffic permits.

7. That prior to issuance of building permits for buildings 02 and 05, the applicant shall submit final plans, elevations and landscaping plans for these buildings, to be approved by the Brunswick Planning Board.

8. That prior to issuance of building permits for each building, the applicant shall pay a solid waste impact fees as follows:

    a. Bldg. #1 – estimated 7.9 tons/ yr @ 258.56/ton = $2,037
    b. Bldg. #2 – estimated 14.34 tons/yr @ $258.56/ton = $3,708
    c. Bldg. #3 – estimated 33.95 tons/yr @258.56/ton = $8,778
    d. Bldg. #4 – estimated 33.95 tons/yr @ 258.56/ton = $8,778
    e. Bldg. #5 – estimated 29.38 tons/yr. @ 258.56/ton = $7,596
    f. Bldg. #6 – estimated 11.95 tons/yr. @ 258.56/ton = $3,090

    Fees may be paid for each building at the time a building permit application is submitted for that building.

9. That at least 1,200 sq. ft. shall be reserved for a train station within the footprints of buildings 3 or 4, at such time that Amtrak service is available in Brunswick.

TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

May 6, 2010

To: Jeff Aceto, P.E.
From: Kris Hultgren, Town Planner
Subject: Planning Board Extension Decision: Maine Street Station Site Plan

At the April 27, 2010, Planning Board meeting, the Board approved a request by JHR Development to extend the site plan approval for Maine Street Station (08-021) for two years. The project was first approved by the Board on June 24, 2008. The extension granted by the Board makes the Maine Street Station site plan valid until June 24, 2012. Please note that all construction must be completed by this date or an extension request be submitted to the Planning Board prior to plan expiration as noted in Section 407.4.B of the Zoning Ordinance.

Please also not that:

1. Any changes to the approved Site Plan require approval from the Planning & Development Department, the Staff Review Committee or Planning Board as applicable.
2. The developer is encouraged to use the Village Review Board guidelines on signs when proposing signage for the Maine Street Station development.

Please contact the Brunswick Planning & Development Department with questions.

Thanks.

Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

28 FEDERAL STREET | TELEPHONE 207-725-6660

BRUNSWICK, MAINE 04011-1583 | FAX 207-725-6663

Mike Lyne
Brunswick Station
Onsite Project Manager
16 Station Avenue, Suite 103a
Brunswick, Maine 04011

June 15, 2011

Re: 11-010 – Maine Street Station Lot 6

Dear Mr. Lyne,

This letter is in response to your request for a minor modification to the Maine Street Station Site Plan (08-021) to create additional parking on Lot 6. The project area is within the Town Center 1 (TC1) Zoning District.

Staff reviewed the application and found it to be consistent with the standards of the Zoning Ordinance. The proposed changes are approved under the authority of the Planning & Development Director per Section 403.3.B of the Zoning Ordinance.

Please contact the Planning & Development Department with questions or concerns regarding this approval.

Thank you,

Anna M. Breinich

Anna M. Breinich, AICP

Director

TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

June 7, 2012

To: Kevin Clark, P.L.S.
From: Kris Hultgren, Town Planner
Subject: Planning Board Extension Decision: Brunswick Station Site Plan and Subdivision Plan

At the May 22, 2012 Planning Board meeting, the Board approved a request by JHR Development to extend the site plan approval and the subdivision approval for Brunswick Station (08-021). The site plan extension is for two years and the subdivision approval extension is for five years. The project was first approved by the Board on June 24, 2008. The site plan extension granted by the Board makes the Brunswick Station site plan valid until June 24, 2014. The subdivision plan extension makes the Brunswick Station subdivision plan valid until June 24, 2018. Please note that all construction must be completed by these dates or an extension request be submitted to the Planning Board prior to plan expiration as noted in Section 407.4.B of the Zoning Ordinance.

Please contact the Brunswick Planning & Development Department with questions.

PretiFlaherty

Portland, ME
Augusta, ME
Concord, NH
Boston, MA
Washington, DC
Bedminster, NJ
Salem, MA

Stephen E.F. Langsdorf
slangsdorf@preti.com
Direct Dial:

April 28, 2014

Benet Pols, Chair
Brunswick Town Council
28 Federal Street
Brunswick, ME 04011

RE: Constitutionality of Political Campaign Sign Ordinance

Dear Benet:

You have asked me to provide an opinion as Town Attorney as to whether the Political Campaign Signs Ordinance, Zoning Ordinance Section 604.7, is constitutional.

The Ordinance reads as follows:

> Political Campaign Signs are temporary signs bearing messages relating to an election, primary or referendum. Political Campaign Signs are permitted on private property no sooner than 60 days before an election, primary or referendum and must be removed no later than five days after the same election, primary or referendum. Size shall be limited to 8 s.f.

A political sign which relates to a general election, primary election or referendum would be considered "core political speech" because it would like include "discussions of candidates, structures and forms of government, the manner in which government is operated or should be operated and all such matters relating to political processes". *Cent. Me. Power Co. v. Pub. Utils. Comm'n*, 734 A.2d 1120, 1126 (*Quoting Mills v. Alabama*, 384 U.S. 214, 218-19 (1966)). An ordinance regulating core political speech is subject to the standard of strict constitutional scrutiny. *See, Cent. Me. Power Co.*, 734 A.2d 1128, 1126; *see also Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 222-23 (1989) *McIntyre v. Ohio Elections Comm'n,* 514 U.S. 334, 345-46 (1995). *See also, City of Ladue v. Gilleo*, 512 U.S. 43 (1994).

A number of federal courts have held that temporal restrictions for the display of political signs such as those imposed by the Brunswick Ordinance violate the First Amendment to the United States Constitution. *McFadden v. City of Bridgeport*, 422 F. Supp.2d 659; *City of Painesville Bldg. Dept. v. Dworkin & Bernstein*, 733 N.E.2d 1152 (Ohio 2000). In that case the court wrote:

> [a]lthough the Supreme Court has not considered the issue, the overwhelming majority of courts that have reviewed sign ordinances imposing durational limits for temporary political signs tied to a specific election date have found them to be unconstitutional. (citations omitted)

Based on the foregoing, it is my opinion that section 604.7 of the Zoning Ordinance, Political Campaign Signs, is unconstitutional. Please let me know if you have any additional questions.

Very truly yours,

Stephen E.F. Langsdorf

SEFL:ryp

TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
85 UNION STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

May 9, 2014

To: Brunswick Planning Board
From: Anna Breinich, FAICP
Subject: Zoning Amendment Request: Rezone MU1 (Rural Mixed Use 1 - Lower Bath Road) District Parcels Map 45, Lots 1A, 2F, 2A, 2, 2E to CC (Cooks Corner Center) District

The attached zoning amendment request was submitted by Mr. Theodore Crooker and adjacent property owners for the rezoning of all MU1 District lands located within the Town's designated Growth Area, east of Old Bath Road, to the abutting CC District. The landowner has a potential development proposal which would require a higher percentage of impervious coverage as is present in the Cooks Corner Center District standards.

As part of the Town's Comprehensive Zoning Ordinance Rewrite and further contained in the "Annotated Outline for a New Zoning Ordinance for the Town of Brunswick," prepared by the Town's zoning ordinance consultant, Clarion Associates (January 2014), many smaller separate zoning districts are being contemplated for consolidation, MU1 being one of those districts. It would be appropriate and consistent with the 2008 Comprehensive Plan Land Use Map to extend the Cooks Corner Center District northward per this request. It is further recommended by staff that the remaining MU1 lands located outside the Growth Area, west of Old Bath Road, be added to the abutting CR2 (Country Residential 2 – Old Bath Road) District. By doing so, MU1 would be eliminated consistent with what is being contemplated as part of the rewrite.

Staff respectfully requests the Planning Board set a public hearing for consideration of the submitted Zoning Ordinance amendment, with the staff-recommended addition to rezone the remaining MU1 District lands to CR2 District. I will be available for questions at your meeting.

14-013

Town of Brunswick, Maine

INCORPORATED 1739
DEPARTMENT OF PLANNING AND DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, MAINE 04011-1583
TELEPHONE 207-725-6660
FAX 207-725-6663

TOWN OF BRUNSWICK
ZONING AMENDMENT REQUEST

A request to amend the Zoning Ordinance may be made to the Department of Planning and Development. Once the application is received and the fee is paid, staff shall include the request on a Planning Board agenda for a workshop. The Planning Board may schedule a public hearing on the zoning amendment request. After a public hearing, the Planning Board may choose to forward a recommendation to the Town Council for consideration. The Town Council is the decision making authority with rezoning requests.

The application and any supporting documentation shall be submitted to the Department of Planning and Development and the fee paid at least two (2) weeks prior to it being scheduled on a Planning Board agenda.

Application Fee

A $200.00 application fees shall be paid for requests to amend the Zoning Ordinance.

1. Applicant
   Name: Theodore D. Crooker (45-1A), (45-2F)
   Address: 44 Stover Road, Brunswick, Maine,
   Phone Number: (207) 720-0576

2. Authorized Representative
   Name: Chuck & Rachel Lounder, (45-2A) 84 old Bath Road
   Address: Pong Son Korhonen (45-2) 94 " " "
   Time Davis (45-2E) P.O. Box 503 / Brunswick Maine 04011
   ~~Phone Number~~:

3. Physical location of applicant's property being affected: 45-1A, 45-2F, 45-2A, 45-2, 45-2E

4. Lot Size: total for all 5 pieces of Property = 15.± AC.

5. Zoning District: MU1 / change to CC Zone

6. Assessor's Tax Map 45 Lot Number Same #3 question of subject property.

7. Summarize the reason for the zoning amendment request:
   Looking to Develope Property for High End Storage units Need to increase to Impervious Soil to 80% as found in the CC Zone.

Owner Signature: Theodore D. Grodin

Applicant Signature (*if different*):

Brunswick Maine

0 125 250 500

Feet

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Map generated on: 4/16/2014

205 GROWTH DISTRICTS/COMMERCIAL DISTRICTS

District Name	Geographic Reference
CC	Cook's Corner Center
HC1	Outer Pleasant Street
HC2	Inner Bath Road

Table 205.1 USE TABLE

Use/District	CC	HC1	HC2	
Bank	P	P	P	
Bed and Breakfast	P	P	P	(Amended 5/20/02 R)
Boarding House	-	-	-	
Business Office	P	P	P	
Car Wash	-	P	P	(Amended 5/20/02 R)
Congregate/Assisted Living	-	-	-	(Amended 9/4/01 R)
Convenience Store	-	P	P	(Amended 7/5/05 R)
Club or Lodge	-	-	-	
Community Center	P	-	P	
Contractor's Space	X	-	X	
Drive Through	P	P	P	(Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	(Amended 5/20/02 R)
Dwelling, More Than Three Units	P	P	P	
Dwelling as Part of a Mixed Use Building or Project	P	-	-	(Amended 5/20/02 R)
Gasoline Service Station	-	P	P	(Amended 5/20/02 R)
Golf Course	-	X	X	
Greenhouse or Florist	P	P	P	
Educational Facility	P	P	P	
Farm	X	X	X	
Hotel	P	P	P	
Industry Class I	-	-	X	
Industry Class II	-	X	X	
Kennel	X	-	-	
Library or Museum	P	-	P	(Amended 5/20/02 R)
Media Studio	P	P	P	
Motor Vehicle Sales	P	P	P	(Amended 5/20/02 R)
Motor Vehicle Repair/Service	-	P	P	
Parking Facility	P	P	-	
Photographers/Artists Studio	P	P	P	
Professional Office	P	P	P	
Recreation Facility	P	P	P	
Religious Institution	P	-	-	(Amended 5/20/02 R)
Restaurant	P	P	P	
Retail Class I	P	P	P	
Retail Class II	P	P	P	
Service Business Class I	P	P	P	
Service Business Class II	P	P	P	
Veterinary Office	P	P	P	
Warehousing and Storage	-	-	-	
Theater	P	P	P	

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701.

See Section 306, Supplementary Use Regulations

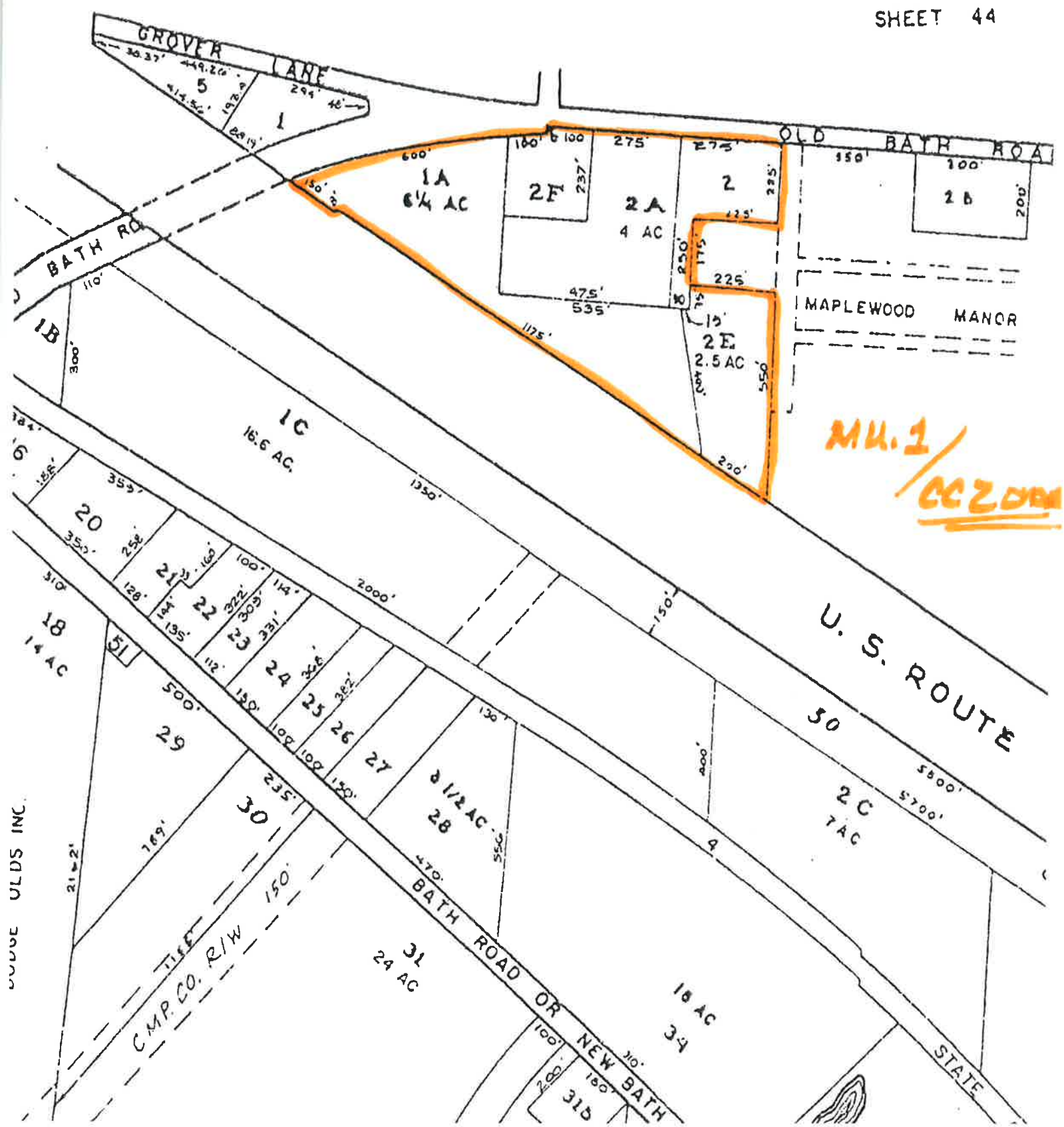
District Name	Geographic Reference – (Amended 5/21/01)
FF1	Durham - Hacker Road Area
FF3	New Meadows River Area
CR1	Northwest Brunswick
CR2	Old Bath Road Area
MU1	Lower Old Bath Road Area
MU5	Portland Road Area

Table 208.1 USE TABLE

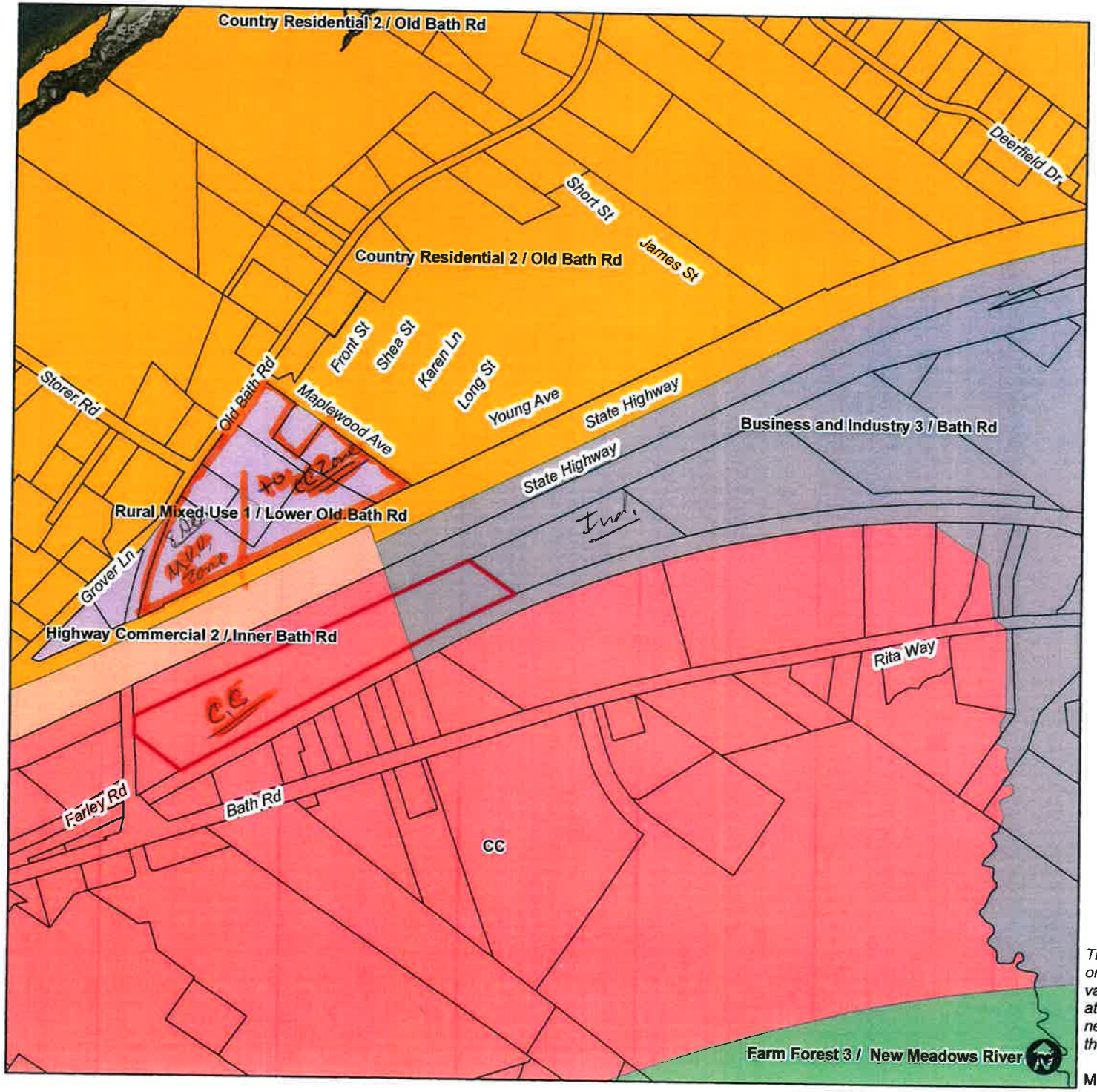
Use/District	FF1	FF3	CR1	CR2	MU1	MU5
Bank	X	X	X	X	-	-
Bed and Breakfast	P	P	P	P	P	P
Boarding House	-	-	-	-	P	-
Business Office	-	P	-	-	P	P
Car Wash	X	X	X	X	X	P
Congregate/Assisted Living	-	-	-	-	-	- (Amended 9/4/01 R)
Convenience Store	X	X	X	X	X	X (Amended 7/5/05 R)
Club or Lodge	-	-	-	X	P	P
Community Center	-	-	-	-	P	P
Contractor's Space	-	-	-	-	-	P
Drive-Through	X	X	X	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P	P	P
Gasoline Sales	X	X	X	X	X	X
Golf Course	-	-	-	-	X	-
Greenhouse or Florist	P	P	P	P	P	P
Educational Facility	P	P	P	P	P	P
Farm	P	P	P	P	P	P
Hotel	X	X	X	X	-	-
Industry Class I	X	X	X	X	-	P
Industry Class II	X	X	X	X	-	-
Kennel	-	-	-	-	-	P
Library or Museum	P	-	-	P	P	P
Media Studio	-	X	X	X	-	P
Motor Vehicle Sales	X	X	X	X	X	X
Motor Vehicle Service/Repair	X	X	X	X	-	-
Parking Facility	X	-	X	X	X	-
Photographers/Artists Studio	P	P	P	P	P	P
Professional Office	-	P	X	X	P	P
Recreation Facility	-	-	X	X	P	P
Religious Institution	-	-	-	-	P	P
Restaurant	-	X	X	X	-	P
Retail Class I	X	X	X	P	P	P
Retail Class II	X	X	X	X	X	X
Service Business Class I	P	-	-	X	P	P
Service Business Class II	-	-	-	X	P	P
Veterinary Office	P	P	P	P	P	P
Warehousing and Storage	-	X	X	X	-	-
Theater	-	X	-	X	-	X

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701.
See Section 306, Supplementary Use Regulations

6 1/4 Ac
1 Ac
4 Ac
1.5 Ac.
~~2.5~~ Ac.
Total, 15.25 Ac.



Brunswick Maine



Legend

- Selected Parcels
- Parcels
- Town Boundary
- Town Center 1 / Maine Street
- BNAS Conservation District
- Town Center 2 / Fort Andross
- Town Center 3 / Lower Park Row
- Town Residential 1 / Inner Pleasant St
- Town Residential 2 / Federal St
- Town Residential 3 / Water St
- Town Residential 4 / Jordan Acres
- Town Residential 5 / Columbia Ave - Spring St
- Residential 1 / Longfellow St
- Residential 2 / Meadowbrook - Parkview
- Residential 3 / Maquoit Rd
- Residential 4 / Meredith Dr - West McKeen St
- Residential 5 / River Rd
- Residential 6 / Cook's Corner
- Residential 7 / McLellan-Garrison St
- Residential 8 / College Park
- College Use/Town Conservation District
- College Use 1 / Campus Center
- College Use 2 / Pickard Field
- College Use 3 / College St
- College Use 4 / Bowdoin Pines
- College Use 5 / Brunswick Apartments
- College Use 6 / Cleveland St - Bath Rd
- College Use 7 / Longfellow Ave - South St
- Commercial / Cook's Corner
- Highway Commercial 1 / Outer Pleasant
- Highway Commercial 2 / Inner Bath Rd
- Mixed Use 2 / Intown Railroad Corridor
- Mixed Use 3 / Upper Harpswell Rd
- Mixed Use 4 / Fox Run
- Mixed Use 6 / Lower Harpswell Rd
- BNAS Reuse District
- Business and Industry 1 / Industry Rd
- Business and Industry 2 / Church Rd
- Business and Industry 3 / Bath Rd
- Business and Industry 4 / Exit 22
- Farm Forest 1 / Durham-Hacker Road Area
- Farm Forest 3 / New Meadows River Area
- Country Residential 1 / Northwest Brunswick
- Country Residential 2 / Old Bath Rd
- Rural Mixed Use 1 / Lower Old Bath Rd
- Rural Mixed Use 5 / Portland Road Area
- Coastal Protection 1
- Coastal Protection 2

0 375 750 1,500

Feet

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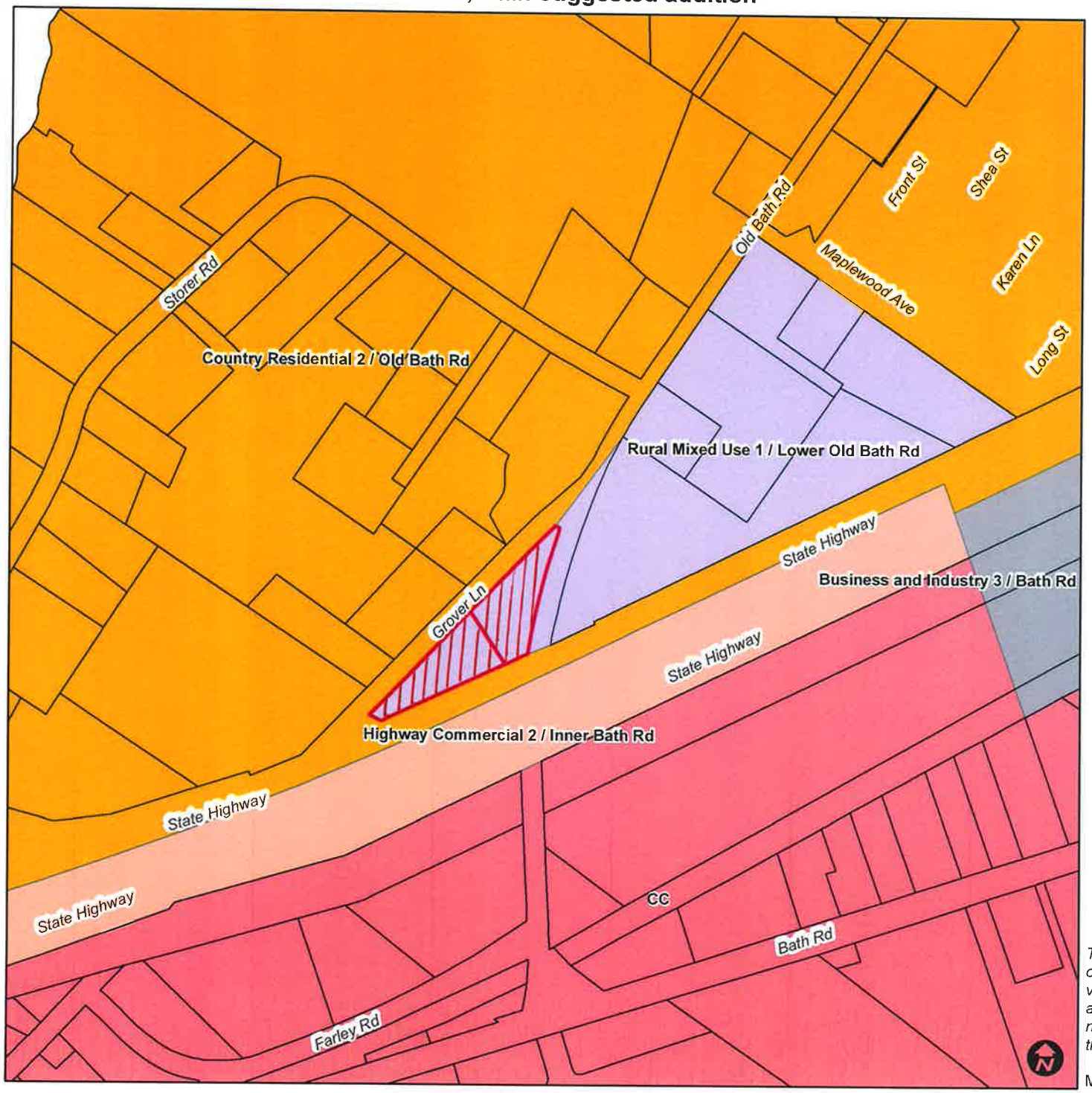
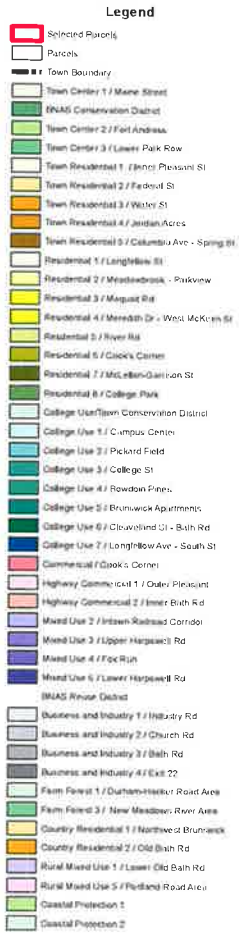
Map generated on: 12/27/2013

Brunswick Maine

MU1 To CC, Staff suggested addition





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Feet

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Map generated on: 5/9/2014

BRUNSWICK PLANNING BOARD
JANUARY 28, 2014

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

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, January 28, 2014 at the Morrell Meeting Room in Curtis Memorial Library, 23 Pleasant Street. Chair Charlie Frizzle called the meeting to order at 7:05 P.M.

Public Hearing: The Planning Board will hold a public hearing to consider an amendment to the Town Zoning Ordinance, Chapter 2, Section 216, Village Overlay Zone and offer recommendation to Town Council. The amendment would provide for the Planning Board to conduct the business of the Village Review Board in the absence of meeting their quorum requirements.

Charlie Frizzle began by clarifying that that Times Record had indicated that the Planning Board would be reviewing polices regarding Board vacancies. Charlie stated that this process was completed a few weeks ago by the Appointments Committee of the Town Council, but that the amendments created issues regarding Board vacancies, in particular, to the Village Review Board. Charlie stated that at this meeting they will be considering an amendment to Section 216.5B to address this issue. Anna Breinich reviewed her Memo to the Planning Board dated 1/24/2014 regarding the Zoning Ordinance Amendment and staff recommendation that the Planning Board act on behalf of the Village Review Board for Certificates of Appropriateness if the Village Review Board is unable to meet a quorum. Anna stated that as of now, the Village Review Board is up to five members, but that staff still recommends this amendment to prevent this from happening again in the future. Charlie read aloud the proposed language changes.

Chairman Charlie Frizzle opened the public hearing.

Marybeth Burbank, resident of 11 Cumberland St., commended those who volunteer to help and assist the Town in running efficiently. Marybeth asked how individuals interested in joining the Board go about doing so and how they learn about Board and Committee vacancies. Marybeth stated that she hopes the discussion to reduce membership from seven to five is never discussed as this is an important job and role and that the efforts should be focused on maintaining seven members. Marybeth stated that she believes that the proposed amendment is premature and noted that there are two pending applications, she suggested that this amendment be postponed as she is concerned that if the Planning Board is able to act on behalf of the VRB then a potential member may not think that he/she is needed.

Cory Theberge, 13 Federal Street, asked if there had been any serious issues with the vacancies and Charlie Frizzle replied that if the vacancies persisted then it would have caused issues. Cory asked if members of the Planning Board are familiar with the Village Review Board and Charlie replied that the Planning Board had amended Section 216 this past summer

per Town Council request. Jeremy Doxsee added that the VRB has had a bare quorum much of the time and that low membership has been an ongoing concern. Cory Theberge mirrored what Marybeth Burbank had stated.

Laura Liner, Village Review Zone resident, asked if there is a standard protocol for Board vacancy notification. Charlie Frizzle replied that there is a standard protocol. Anna Breinich added that the Town Clerk handles the advertising and stated that vacancies are posted in the Times Record as well as on the web page. Laura asked if this vacancy was posted and Anna replied that the vacancy was posted in the Times Record as well as on the Town website.

Chairman Charlie Frizzle closed the public hearing.

Charlie Frizzle stated that he agreed with some of what had been said but that he still believes that this amendment was necessary to avoid this issue in the future. Soxna Dice added that obtaining an amendment is a long process and that if this was needed in the future, the process can take a long time possibly delaying applications.

MOTION BY MARGARET WILSON TO FORWARD ZONING ORDINANCE AMENDMENT TO CHAPTER 2, SECTION 216 TO TOWN COUNCIL FOR CONSIDERATION. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

Margaret Wilson agreed with Charlie Frizzle and Soxna Dice and stated that she does not believe that this amendment will be a disincentive to potential citizens joining the Board. Margaret stated that they now have a strong VRB and that hopefully the Planning Board will not need to utilize this amendment. Charlie pointed out that the vacancy notices are in tiny print and that the article in the Forecaster was front page; need to rethink how vacancies are advertised.

Case # 14-003 – Coastal Enterprises Institute, Inc., Professional Office Building:
The Planning Board will review and take action on a Sketch Plan application submitted by Coastal Enterprises Institute, Inc., regarding their proposal to redevelop the lots located at 28-30 Federal Street, including construction of a two-story 10,800 s.f. footprint (net 21,780 s.f.) professional office building with associated site improvements.
(Assessor's Map U13, Lots 149 & 150, in the Town Center 1 (TC1) Zoning District.)

Jeremy Doxsee introduced the project and stated that this application was for a Major Development Review because it entails over 5,000 s.f. of new floor space and the proposed building is to be a two-story. 10,800 s.f. for a total net s.f. of 21,780 s.f. Jeremy reviewed the Major Development process and reviewed some of the Staff Review Committee comments which have been incorporated into the application and included in the packet.

David Latulippe of Priority Real Estate introduced John Egan of CEI Director of Housing. Mr. Egan stated that CEI is a non-profit, Community Development financial institution who act and function much like a bank. The primary mission of CEI is to support capital investment and making loans to the small business industry in Maine with a wide range which includes focus on sustainable business practices and industries leading to job growth and job creation. Mr. Egan stated that CEI has offices currently in Wiscasset and Portland with a satellite office in Bangor

and smaller one-two person offices around that State. Mr. Egan said that the process of creating one satellite office began in the fall of 2012 and project is to consolidate 60-65 employees under one roof. Mr. Egan stated that after several months of searching, CEI was able to hone in on Brunswick. He said that CEI is familiar with Brunswick and helped fund the Inn at Brunswick Station. Mr. Egan said their process is to bring their headquarters to the Brunswick community and that they are excited about the location and the opportunity to be downtown and under one roof.

David Latulippe provided an overview of the site plan which is oriented toward the intersection of Center and Federal Street with the main building faced along Federal Street. Mr. Latulippe stated that there will be no sea of parking in the front and CEI will be trying to preserve many of the trees along Federal Street. Mr. Latulippe stated that entrances will be on Bank Street and Center Street and will be interconnected. He said that there will be 65 parking spaces, which meets the ordinance and need and noted that the lot will be available to the public after hours. Mr. Latulippe stated that on the Final Site Plan there will be a landscaped area which will allow for a walkway and 360 degrees of access. There will be no bright lights in the parking lot and the proposed use of the site is less intensive; the project meets all dimension requirements and they are not looking for waivers or TIFFS. Mr. Latulippe stated that the front conference room has been designed so that it could be available for community space and hold up to 120 people. Mr. Latulippe closed by saying that the next step is to go to the Village Review Board and noted that they have been working with the State of Maine Historic Preservation Office and are waiting feedback.

Will Conway of Sebago Technics clarified that the columns along the building will be extended down along Federal Street in the form of a low fence to make physical barrier to the parking area; possibly a wrought iron fence with masonry columns. Mr. Conway stated that with respect to Stormwater management, they will be using infrastructure currently in place; CEI will be granting an easement to the Town for the storm drain running across the property to Federal Street. Mr. Conway pointed out that they plan to construct a sidewalk along Center Street which currently does not exist and will be granting the Town an easement to maintain the sidewalk. Mr. Conway stated that in the final plan they will be proposing a crosswalk at the corner of Center and Federal Street going across Federal Street. Regarding landscaping, Mr. Conway said that they plan to have a simple approach and have been working with the Town Arborist regarding the trees and will be planting new vegetation along Center Street and the building itself. Mr. Conway noted that all utilities will connect to Center Street.

Charlie Frizzle reminded all those present that this was a Sketch Plan only and that the project will still need to go before the Village Review Board. Richard Visser clarified that the new building would replace the Recreation Center and Town Hall. Margaret Wilson stated that her initial concern is that there is no apparent entrance on Federal Street and asked for more description about the door to the patio area on Federal Street. David Latulippe replied that this is still in the design phase but that they were thinking of leaving the connection close to the corner of the building and that they are not sure of how the operations of the building will lie yet but will address this at Village Review; Mr. Latulippe clarified that there are exiting doors to the patio.

Chairman Charlie Frizzle opened the meeting to public comment.

Helen Nicita, who manages a portfolio of apartments in Brunswick, read and provided to the Board a prepared statement by one of her clients, Johnathan Shepherd who was unable to attend the meeting.

Cory Theberge, resident of 13 Federal Street, asked if there would be smoking allowed on the patio. David Latulippe replied that it will be non-smoking. Charlie Frizzle reminded the public what the Planning Board needs to determine at the Sketch Plan level.

Margaret Wilson stated that she likes that the employee parking will be separate from the municipal parking.

George Glover, abutter, stated that it is unlawful to allow smoking within 20 feet of a public access to a building during working hours. Mr. Glover stated that he has spoken to a number of people with respect to the footprint and the comments he has heard is that the building is disharmonious to other buildings on Federal Street; it is monolithic and in-your-face. Mr. Glover suggested breaking the building into two buildings with a common entry way.

Bill Dana noted that the proposed building footprint is almost the same size as the Recreation Center.

Marybeth Burbank, resident of 11 Cumberland Street, stated that she is very familiar with CEI as her husband worked there for a number of years and that she is very familiar with their mission which is to encourage business that don't meet the big banks and offices. Marybeth stated that CEI's mission continues to bring meaning to small businesses, individuals and communities, but pointed out that Bank and Center Street are both small in size; she would think that CEI would want to have a very welcoming presence on Federal Street which is used in two directions. Marybeth pointed out that every house on Federal Street has a doorway and path to their house and would encourage CEI to put out the same welcome mat along Federal Street.

Betty Linard, stated that she is concerned about the direction that the Town has taken the last 50 years and in trying to envision this building, without seeing the lines, roofline and actual façade, it is hard to imagine what the building will look like. Betty stated that all the houses along Federal Street not only have welcoming doors, but that they also have symmetry which is very important in colonial homes. Betty reviewed the history of the recreation center which was the Red Cross and the construction of the Town Hall which she believes did a further disservice to Federal Street. Betty noted that the roofline is important and asked what it will do to Federal Street. Betty asked why the citizens would want such an irregular façade along Federal Street and asked about the setbacks to the abutting house at the corner of Federal and Center Street.

Louise Rosen, resident of 16 High Street, read aloud CEI's mission statement and noted that it is very admirable and one that she supports, but that it does not jive with the placement, design, or the function of this space in the heart of Brunswick. Louise stated that she welcomed CEI into the community and suggested the Cooper Wiring Site. Louise stated that there is no way to make this building compatible to the neighborhood with parking and considerations and believes

that this is a tragic mistake. Louise noted that the first mistake was moving the Recreation out of the center of town in a city with limited public transportation to a section of town which the Gateway One study showed that our population has fewer automobile owners then other Gateway One Communities. Louise expressed her concern over the way that the Town has been running and stated that this is a major change that needs more consideration.

Art Boulay, resident of 32 Federal Street, (house opposite of the proposed CEI building), welcomed CEI and agreed that it was a shame that the original houses that stood in the Recreation Building and Town Hall sites were torn down, but that they are gone and no one will rebuild them and certainly not three historic homes. Art stated that although that was a mistake, he is looking forward to looking out his window and seeing a well-designed building with plantings and windows instead of what he now looks at currently which is a two-story brick wall capped with an ugly roof. Art stated that although this building is not the historic homes that once stood, it is a huge improvement and noted that knowing it is being built by CEI gives him confidence that it will be well built and maintained. Art agreed that there needs to be an entrance along Federal Street.

James Trusiani, 6 Pleasant Street, stated that the application needs to be moved forward based on the Town's Comprehensive Plan and Zoning Ordinance.

Chairman Charlie Frizzle closed the public comment period.

MOTION BY DALE KING THAT THE BOARD DEEMS THE SKETCH PLAN COMPLETE. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY BILL DANA THAT THE BOARD APPROVES THE SKETCH PLAN. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Dann Lewis was excused from the meeting at 8:30 PM.

Zoning Ordinance Rewrite Update.

- The Committee has received great participation and comments, please keep forwarding them along.
- 2/4, ZORC workshop with Bowdoin College abutting property owners
- 2/18, next ZORC meeting
- Anna recommended that Planning Board members review and provide feedback on the annotated outline.

Minutes

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF JANUARY 7, 2014. SECONDED BY DALE KING, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

Other Business

No other business.

Adjourned
This meeting was adjourned at 8:35 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

BRUNSWICK PLANNING BOARD
MARCH 18, 2014

MEMBERS PRESENT: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Dale King and Richard Visser

MEMBERS ABSENT: Bill Dana and Dann Lewis

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, March 18, 2014 in Council Chambers, 1ST Floor, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

Case # 14-008 – The Plaza at Cook's Corner: The Board will review and take action on a Major Review Sketch Plan application submitted by Just Because, LLC, to redevelop the former Atrium Hotel property, located at 21 Gurnet Road, for potential retail, banking, and restaurant uses. Assessor's Map CC1, Lots 30 & 43, in the Commercial / Cook's Corner (CC) Zoning District.

Jeremy Doxsee began by reviewing his Memo to the Board dated March 18, 2014 and stated that the applicant is looking to develop 6.2 acres out of 9.5 acres formerly the Atrium Hotel into a mix of retail and restaurant use. Jeremy stated that the project is proposed in two phases. Phase 1 of the development would be for an approximately 14,700 s.f. Goodwill store and Phase 2 will include three additional building pad sites with tenants who have not yet been identified. Jeremy stated that Staff Review Committee reviewed this application on March 6, 2014 and their comments are part of the packet.

Michael Gotto of Stoneybrook Consultants, Inc., reiterated that they plan to develop 6.2 acres of the land which does not include the common drive or the parking that some of the neighboring buildings use in the back. Michael presented a PowerPoint presentation and reviewed the site location and location of the proposed Goodwill Industries building along with a drive-thru restaurant, bank and retail site. Michael stated that as proposed on the plan, they have 170 parking spaces which meets the zoning requirements. Michael stated that they have provided a drainage plan which depicts how they plan to drain into the filtration systems with the idea that they are going to reduce pavement on the site and that the only water that will discharge from the site when complete will be from the three roof drains.

Margaret Wilson asked for clarification to the Goodwill entrance and Michael replied that the entrances are geared towards the front of the facility and that they have attempted to make the bulk of parking located in the back. Anna Breinich noted that they have the advantage to viewing the layout of the design of the Goodwill as it is also along Route 1 in Rockalnd. Margaret asked how far back the building was and Michael replied that it is 46 feet to the drop off. Margaret asked why they have two lane activity to Gurnet Road and Michael replied that it is to allow access into and out of pad 4. Michael stated that they hope to make connectivity to the abutting fitness center. Margaret asked that they define the entrance way a little better.

Richard Visser asked about John Foster's comment in Staff Review referring the addition of another road so close to the turn signals on Gurnet Road as it is a high accident area. Michael Gotto replied that they are going through a traffic movement process and have submitted the permit and believe that the way the road is designed now with turning lanes will operate safely. Michael state that they are working on the issue with John and DOT. Richard asked for clarification on the reciprocal parking agreement and Michael replied that it is lengthy and will be included in the final application and reviewed some of the reciprocal agreements that the neighboring sites share back and forth.

Chairman Charlie Frizzle opened the meeting to public comment.

Peggy McGehee of the Law Firm of Perkins / Thompson, representing Developers Diversified of Cook's Corner, stated that one reason she was retained is because of the traffic, and asked that the Board not rely only on the analysis of DOT but that they conduct their own traffic impact investigation. Peggy stated that another concern that they have is the drainage around Regal Cinemas and stated that although she does not represent Regal Cinemas, Developers Diversified just wants to make sure that there is adequate drainage for the proposed site and that drainage issues do not become worse. Peggy said that her last concern is the proposed street through Regal Cinemas parking spaces along with a filtration system where parking spaces are located per rendering from Sitelines not included in the Planning Board packet. Peggy stated that parking spaces matter and that her office has been contacted by representatives of Just Because, LLC who have informed her that this is not part of their proposal, but in her opinion it is still connected because this issue arose after the proposal by Just Because was created. Peggy said that their concern is that whatever road may or may not be built is the result of an agreement and not any other means. Peggy said that when you have land that is taken to support private development in Maine, you have to have a public purpose and that they would maintain that this is for a private purpose. Charlie Frizzle replied that in terms of the traffic and Stormwater, they are issues reviewed at the final plan application hearing and that they have been informed that there are documents are already being prepared by DEP and DOT for review at final. Charlie stated that in reference to the road, it is under consideration by the Town, is not anything that has come before the Planning Board and other then knowing that it might go through there is all that they can take at this point. Anna Breinich added that Town Council had previously set a workshop on the connector road that was postponed and has not been rescheduled at this time. Anna noted that the proposed alignment does follow what they had in 1997 as part of the Cook's Corner Master Plan and also shows that the funding for the road should come from the Town.

Kevin King with Prompto Inc, discussed that once they have a drive off of Regal Cinemas it will create the potential for people to take shortcuts to Thomas Point Road to get to Wal-Mart and Bath Road creating the potential for flooded traffic. Kevin stated that he believes that any plan for Thomas Point Road should be shown in the developments proposal. Kevin stated that Gurnet Road is basically a three lane Road with a left turn and that this is a good opportunity for the developers to create a 4 lane road. Charlie Frizzle reiterated that any concerns or thoughts on a road going to Thomas Pont Road need to be heard by the Town Council.

Chairman Charlie Frizzle closed the public comment period.

MOTION BY DALE KING TO DEEM THE SKETCH PLAN COMPLETE. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY MARGARET WILSON TO APPROVE THE SKETCH PLAN. SECONDED BY DALE KING, APPROVED UNANIMOUSLY.

Zoning Ordinance Rewrite Committee Update

- The next meeting on 4/2/14 at 3:00 P.M. and will be reviewing another set of questions prepared by Don Elliot in Council Chambers.

Other Business

- Tentative date for moving Town Hall is 4/4 – 4/8.

Minutes

No minutes were reviewed at this meeting.

Adjourned

This meeting was adjourned at 7:44 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

BRUNSWICK PLANNING BOARD
MARCH 25, 2014

MEMBERS PRESENT: Chair Charlie Frizzle, Bill Dana, Soxna Dice, Dale King, and Richard Visser

MEMBERS ABSENT: Dann Lewis and Margaret Wilson

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, March 25, 2014 in Council Chambers, 1ST Floor, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

Case # 14-006 – Bowdoin College Administrative Office Building: The Board will review and take action on a Major Review Final Plan application submitted by Bowdoin College, regarding their proposal to redevelop the lots located at 216 & 218 Maine Street, including construction of a three-story, 3,440 s.f. footprint (10,320 net s.f.) administrative office building with associated site improvements. Assessor's Map U16, Lots 23 & 41, in the Town Center 1 (TC1) Zoning District.

Bill Dana stated that he had been approached by a Town Councilor who wanted to discuss the Town shared parking with Bowdoin College. Bill expressed that this conversation was not to pressure him in any way, but said that he would be happy to recuse himself if anyone felt that he may be impartial. Charlie Frizzle asked the Board, applicant and public if there were any objections; no objections were made and Bill remained as a voting member for the application.

Jeremy Doxsee reviewed the Final Plan procedure and stated that the applicant had reviewed comments made at the last meeting of 2/25/14 such as a request that Bowdoin College provide more detail on parking plan; Bowdoin has provided detailed parking layouts and the different lots as well as a letter to students with pending changes. Jeremy Stated that some direction was given by the Sewer District to make minor adjustment to the plan and a Condition of Approval has been added to this effect. Jeremy stated that the applicant has attempted to address and incorporate any of the concerns that were previously made.

Berton (Bert) Bremer, Architect at Cambridge Seven Associates, stated that they plan to demolish the existing two-story vacant building and construct at three-story administrative office with parking, landscaping and site improvements. The proposed building will have a full basement for file storage and mechanical space with 30 employees being consolidated into this facility. The building will be closer to the street and parallel to the curb. Bert stated that Bowdoin College asked for flexibility in the wood framed building for future use and that the building will be Federalist in style, very simple and rectangular with double hung windows with real working shutters.

Catherine Longley, Treasurer of Bowdoin College, reviewed the parking arrangements as provided in the packet and explained the parking for visitors, employees and public parking

spaces. Catherine stated that for this project, they are required to have 51 spaces and that they will have 55 spaces. Richard Visser asked about handicapped spaces and if they could be located closer to the building; Catherine replied that they are happy to make two of the parking spaces in the back of the building handicapped. Dale King asked if there is any on street parking and Catherine replied that it has all been removed.

Bert Bremer, stated that there was some concern about the height of the building and noted they did conduct a study relative to the Inn at Brunswick Station with a roof height of 48 feet and the Chamberlain House with a roof height of 36 feet and noted that the roof on the proposed building will be 40 feet. Bert stated that sun studies were also conducted and found that they are not casting any shadows from March 15th to September 15th; on October 15th the buildings shadow will graze the Inn at Brunswick Station in late afternoon. Bert stated that there were a couple of proposed conditions and comments and they have added a notes to this effect in the plan such as a picture and detail showing what the bike rack looks like.

Charlie Frizzle opened the meeting to public hearing.

James Trusiani, resident of 6 Pleasant Street, stated that he hopes this project moves forward but stated that his concern is parking and how many spaces should be on site versus off site. Charlie Frizzle replied that the ordinance, as written, allows for flexibility in shared parking which Bowdoin College has addressed.

Charlie Frizzle closed the meeting to public hearing.

MOTION BY BILL DANA THAT THE MAJOR DEVELOPMENT FINAL SITE PLAN APPLICATION IS DEEMED COMPLETE. SECONDED BY DALE KING, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER THAT THE BOARD WAIVES THE FOLLOWING REQUIREMENTS:

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

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

MOTION BY DALE KING THAT THE MAJOR DEVELOPMENT REVIEW FINAL SITE PLAN IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, its 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 issuance of a building permit, a note shall be added to the plan stating that the new sidewalk on Noble Street must be constructed in accordance with Town specifications

3. Prior to issuance of a building permit, the two notes on Drawing C1.3 stating "Install Detectable Warning Field" will be removed. According to the Director of Public Works, Detectable Warning Fields were already installed in 2011.

4. Prior to issuance of a building permit, a detail shall be added to the Drawings for the Dero Swerve bicycle racks.

5. Prior to issuance of a building permit, all sanitary sewer disposal details and notes must be approved by the Brunswick Sewer District.

SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY.

Zoning Ordinance Rewrite Committee Update

- Next meeting on April 2, 2014 at 3:00 P.M. in Council Chambers
- Agenda will be focused on:
  - Rural Districts and discussion on potential Open Space incentives within the Rural District
  - Residential protection standards
  - College Use Districts if time is allowed
  - Building Form controls in the Downtown area (GMU6)

Other Business

- Two applications forthcoming; Churchill Woods coming back scheduled for April 8th and the Plaza at Cooks Corner Final Site Plan review scheduled for April 22nd.
- Anna Breinich reminded the Board that Town Hall will be closed 4/4, 4/7 and 4/8 for the move into the new office space.

Minutes
MOTION BY BILL DANA TO APPROVE THE MINUTES OF FEBRUARY 25, 2014. SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

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

Attest

Tonya D. Jenusaitis
Recording Secretary

BRUNSWICK PLANNING BOARD
MARCH 4, 2014

MEMBERS PRESENT: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Soxna Dice, Dale King, Richard Visser

MEMBERS ABSENT: Dann Lewis

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, March 4, 2014 in Council Chambers, 1ST Floor, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

Case # 14-007 – Botany Place Subdivision Amendment: The Planning Board will review and take action on a Subdivision Amendment application, regarding proposed revisions to the phasing (Phases 7-10), condominium layout, utility, stormwater, and recreational space plans. Assessor's Map U19, Lot 2, in the Residential 4 (R4) Meredith Dr. – West McKeen St. Zoning District.

Dale King recused himself as he has conducted business dealings with the applicant in the past.

Margaret Wilson stated that she is a resident of 13 Dionne Circle and direct abutter of Phases 7A & 7B. Margaret stated that she does not see any conflict of interest, but asked if anyone had any objections and if they would prefer she recuse herself; no objections public or on the Board were made.

Jeremy Doxsee reviewed his Memo to the Planning Board dated 3/4/14 and stated that the original application was approved 4/13/04 and has since received several amendments and has sought re-approval for the plan. Jeremey said that as the applicant has pointed put, market preferences have changed so they have had to make amendments. Jeremy stated that the Staff Review Committee reviewed the application on 2/20/14 and that the Town Engineer has been working with the applicant on re-approval. Jeremy said that the project is nearing completion on Phase 6 and with 5 units and upon approval will commence with Phases 7-10 for 45 units. Jeremy pointed out that changes include the footprint of the units, the road, stormwater and the Open Space amenities. The Town Engineer has reviewed these plans and has indicated that the amended plan appears to remain in compliance as originally approved, but that final approval will be required prior to issuance of a building permit. Jeremy stated that several abutting neighbors did attend the Staff Review Committee meeting and expressed concern over tree and vegetative clearing 30 foot buffer discrepancy but noted that there was no condition and clearing was part of the approval. Jeremy stated that stormwater and wetlands impact were also a concern as are the proposed changes to the open space and recreational amenities; the applicant has tried to address many of these concerns to the best of their ability.

Curtis Neufeld, with Sitelines PA, began by stating that the road alignment has not changed since the beginning of the project which is roughly 10 years old but stated that the pond area which

was labeled as a park in the original concepts has changed over time and that in 2005, the pond was moved and became bigger. Curt noted that in 2009, Botany Place purchased a piece of land on the southern side which belonged to Ralph Perry, that added about ½ an acre to the parcel and allowed Botany Place to expand some trails that go through the wooded area and increase the pass of recreation. Curt reviewed the quad layout of Phases 7A, 7B and 7C and stated that the roads flow smoother with the houses facing into the side streets in Phases 7, 8, 9 and 10. Curt stated that the unit previously displaced in Phase 5 is now part of Phase 7 and noted that one of the owners in Phase 5 is a master gardener and has taken the opportunity to improve the area. Curt said that the residents of Botany Place have decided that the area referred to as the park/gazebo does not fit what they need/want (area located around unit 56, 57 and 58) and have moved the area to the east, removed the gazebo, and added some benches; this area is still accessible to the walking paths and has an open area. Curt stated that he has met with the Director of Parks and Recreation, and with the additional piece from the Perry parcel, the overall recreational areas in Botany Place meet or exceeds what is required by the Brunswick Zoning Ordinance for the density of the lots. Curt stated that there are the same number of units as originally proposed and pointed out that the public road will still be constructed to standard offered for acceptance as it progresses per the road phasing plan. Jeremy Doxsee added that staff has reviewed the Open Space Amenities Plan and proposed changes and in terms of what is required per the ordinance, the applicant has provided the amount of space required. Jeremy said that when the amenities go before the Parks and Recreation Commission, the Parks and Recreation Commission will be reviewing the quality of the amenities swap. Margaret Wilson asked if they should refer the comments about the gazebo/garden to the Recreation Commission. Charlie Frizzle replied that he is willing to hear comments but noted that the Recreation Commission approval is part of the Planning Board conditions. Jeff Ward, Chair of the Recreation Commission, clarified that it will be value that the Commission will be reviewing and noted that that gazebo had a defined value. Jeff stated that where the space is and the design of the space is up to the Planning Board to decide, but the value relative to how it impacts the impact fee is what the Recreation Commission will review.

Soxna Dice, referred to the letter to the Planning Board dated March 2, 2014 submitted by Lisa Fink and other, asked if the Board had jurisdiction to push for something more publicly inviting and useable. Charlie Frizzle replied that they do; what they have to weigh is whether the place is for public use or private residence. Scott Howard, developer of Botany Place, replied that Jeff Ward stated it correctly in that they have to replace the former Gazebo area with something of equivalent value that also meets the ordinance. Scott stated that the community of Botany Place has made it clear about what they want and pointed out that the residents of Botany Place own this land; it is private land with public access to all the recreation facilities in Botany Place. Scott stated that the residents maintain and pay the taxes of these facilities and added that it is his belief that the purchase of a part of the Perry land far exceeds the gazebo. Scott reviewed the reasoning why there were changes to Phase 5 and Phase 6 per market trends and buyer requests and stated that they have had to adjust to a different market place. Scott stated that at this point in time they cannot reduce or add the number of units within Botany Place. Soxna suggested signage or hedging; something simple and inexpensive to make the area appear more open to the public. Soxna stated that when she walked the area for the first time, she felt as though she were trespassing and that she is not arguing for a gazebo, but simply thinks that there must be a way to make the area more inviting to the public and less of a front lawn. Scott replied that he was

open to suggestions but noted that they are the only condominium in Brunswick and possibly the State to construct roads to standard and turn those roads over to the town; this is as public as you can get. Soxna asked about hedging behind the lawn area and Scott replied that they have an event tent that they place there and he is not sure that the homeowners want to see a lot of hedge area. Scott noted that they have never had a complaint that anyone has felt unwelcome and pointed out that this area assists with snow removal and hedging or fencing will interfere with what the homeowners want with this area for their events. Margaret Wilson clarified that these suggestions would interfere with what the homeowners want for their events and stated that this doesn't sound public. Scott asked if this was not what the ordinance states and read Section 519. Margaret replied that what the discussion is really about is a place for the homeowners not the public; Soxna agreed. Scott added that the condominium development has been assessed a $74,000 recreation fee to be used wherever they want in Brunswick or public purposes. Anna Breinich replied that the recreation open space is not just about a community park/gazebo being moved 300 feet away and being labeled as a community garden with benches, but that there was also a significant increase in pedestrian paths that abut the south side of Botany Place and for connectivity purposes have gone as far as they could and even tried to get the connection beyond Botany Place, but it is there. Jeff replied that much of the impact fee that Botany Place was charged with has gone into the general fund and will have great value for the resident of Botany Place and the rest of the community.

Chairman Charlie Frizzle opened the meeting to public comment.

Lisa Fink, 33 MacMillan Drive, speaking on her behalf and that of her husband, Kevin Cassidy, and some of the neighbors on MacMillan Drive and Dionne Circle, refereeing to her letter to the Planning Board dated 3/2/14, stated that she welcomed Botany Place as her neighbors. Lisa stated that what they would like to do is to hold the developer to the promise to create a park for the community that was supposed to be accessible to all the citizens of Brunswick and noted that the new park is much smaller and can hardly be called a community park as it is labeled in the plan. Lisa stated that it is the promise that this was going to be the center piece place, the Great American Neighborhood that Botany Place used to integrate the surrounding neighborhoods. Lisa referred to her letter to the Board and asked that the Planning Board hold the developer to their promise.

Bill Connors, abutter to Botany Place, echoed the sentiment of Lisa Fink and added that upon completion, the development will assist the Town and the abutting property values. Bill stated that in general it looks as though development is going well but that he has concerns with execution. Bill stated that the community garden sounds as though it will be very nice for the residents of Botany Place and that it is easy to understand why abutting neighbors would not have a vote as to how it is used. Bill said that as development moves forward he would like the developer to execute cleanly and that he does not believe that the dirt piles in the Phase 10 area were ever meant to be as big and messy as they are, but that he fully expects Scott Howard to be attentive to the requirements. Bill stated that he views it as the Planning Boards job to put requirements in place that define what is acceptable so that both the neighbors and the developer will know what to abide by. Bill stated that a number of the neighbors on the south side of the development, along the property border with Dionne Circle, have low lying areas of sitting water

and suggested that that the buffer zone be tended to so that rainwater is properly drained toward the Botany Place drainage system rather than back towards the neighbors.

Kevin Crawford, Morton Real Estate and abutter, stated that while the loss of trees has been a big change in the neighborhood, Botany Place has done a substantial job in installing landscaping and buffering to benefit the development of the neighboring properties. Kevin reviewed the real estate and pointed out that Brunswick has a significant demand for in-town condominiums and that Botany Place is fulfilling this need while also increasing the overall property value.

Scott Howard replied that they have been very sensitive to the neighbors in the high density / Smart Growth area, but it is very difficult to build as a fill-in. Scott said that he wished that there was a way that they could have kept some of the trees that were cleared and pointed out that the cost to put in evergreen trees along Phase 7A and 7B cost $14,000. Scott stated that a very expensive and extensive Stormwater drainage study was conducted to ensure that both the abutters and the development were drained properly and noted that after completion of 6 phases they have had no complaints. Scott said that a wetland delineation was conducted and is on the plan. Scott stated that he would not accept a 15 or 12 foot buffer condition, but only what the engineers are requiring for storm drainage as it has been reviewed extensively and pointed out that they have added water quality rain gardens. In reference to the dirt piles. Scott said that they just finished removing trees and grubbing; all of the piles will be spread for Phases 7-10 and will disappear. Scott said that there will be piles for a while as this is done in a phase by phase process. Margaret Wilson replied that in 2007 she had asked if he was going to remove the piles and he said that they would be removed. Scott replied that he didn't meant that they would be removed from the site. Margaret clarified that the last phase was not going to be complete until 2022 and asked for a timetable of when he can knock the piles down. Scott replied that as they continue to build, they will be adding to the piles and that it would be cost prohibitive to take the piles off site. Scott said that the spreading of a good portion of the piles should happen this year. Soxna clarified that as they continue to develop, there will be some fluctuation in the piles and Scott replied yes to some extent and pointed out that they are building 8-10 houses per year. Scott stated that he will do what he can to spread as much as he can spread as soon as he can do this, but cannot give an exact time. Soxna asked when the piles would be screened and Scott replied as they were spread. Margaret replied that this could be quite a while and asked that at least the hazardous materials be removed. Scott replied that he would speak to his subcontractor about removing anything that is showing, but pointed out that the pipes came from roadwork that the Town had done which he was generous enough to allow it to be dumped in his piles. Anna Breinich replied that this discussion has been great, but pointed out that they do not have a specific Finding of Fact associated to and noted that this is a construction process which is why it was not noted as a Condition of Approval. Soxna asked if there was anything in the original approval that specified the amount and Anna replied that there was not.

Lisa Fink, 33 MacMillan Drive, ssaid that it is disheartening to hear that the piles will remain until 2022 and does not think that this is good developer practice. Lisa urged the Planning Board to do more than allow the developer to do more than just speak to the subcontractor about the piles as it is open ended. Lisa stated that there needs to be a requirement and a Condition of Approval.

Chairman Charlie Frizzle closed the public comment period.

Richard Visser, referring to the Planning Board meeting minutes of 1/4/2011 reviewed Margaret Wilson's comments regarding the dirt piles and removal by Crooker and Sons. Scott Howard replied that at that time they had not conducted the storm drainage or engineering for Phases 7-10. Scott said that this has been done for Phase 7 with a topical scan for the remaining phases and he know knows that the remaining piles will almost all be used on site. Scott replied that at the time he did not know this.

Soxna Dice asked Bill Connors about the Stormwater issues he referred to. Bill replied that neither himself nor his neighbors at 7 & 9 Dionne Circle have had any particular problems but that there is just a concern that if a higher level of development goes in and the property line is not appropriately graded at the same level that what has been wet backgrounds could become much worse. Charlie Frizzle replied that the Board has to depend on State and locally approved Stormwater Management Plans and that those plans have been submitted, reviewed and approved. Bill Connors replied that on one hand he agrees, but asks if the plans were specifically looked at for runoff at the boundaries. Charlie replied that they were and that there is a provision that the Town Engineer has to write off his final approval before construction begins.

Margaret Wilson replied that they have not talked about the connection road and noted that in the original plan, it was to be built three sections but that per the amended Master Plan, B and C were broken down further. Margaret is concerned that the road will not be built until the construction is complete. Margaret stated that an earlier concern was that they did not want the traffic for 96 units spilling into Maine Street and this was why decided to bring it down to Baribeau. Margaret asked if staff has approved the new phasing plan of the roads and if not suggested further discussion. Scott Howard replied that the reason why the phasing of the roads has changed is due to economics and stated that he has reviewed this with the engineers and John Foster. Scott stated that they have provided turn-around and noted that they do have a construction road. Margaret asked if they plan to wait until the last unit is constructed to complete the road and Scott replied that they will place the infrastructure down as they approach Phase 10. Curtis Neufeld, Sitelines, replied that the demographic going into this community is typically older and that the trip generation for this type of development tends to be low with peak trip hours during off peak hours.

Charlie Frizzle reviewed the Conditions of Approval and chages.

MOTIN BY SOXNA DICE THAT THE AMENDED SUBDIVISION / SITE PLAN APPLICATION IS DEEMED COMPLETE. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY AMONG THOSE VOTING.

MOTION BY BILL DANA THAT THE AMENDED SUBDIVISION / SITE PLAN APPLICATION IS APPROVED WITH THE FOLLOWING CONDITIONS ADDED TO PRIOR CONDITIONS CURRENTLY IN PLACE:

Xxxx

SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY AMONG THOSE VOTING.

Zoning Ordinance Rewrite Committee Update

- Next meeting tentatively set for 3/24/14.
- Note that the last ZORC meeting of 3/4/14 will not be televised but that they are working on uploading the audio copy for those who wish to listen to it.

Other Business

Minutes
MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF JANUARY 14, 2014. SECONDED BY DALE KING, APPROVED UNANIMOUSLY.

Adjourned
This meeting was adjourned at 8:55 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary