

**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. Jeremy said that as the applicant has pointed out, 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 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 path 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 meets or exceeds what is required by the Brunswick Zoning Ordinance for the density of the lots. Curt stated that there is 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 the 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, referring to the letter to the Planning Board dated March 2, 2014 submitted by Lisa Fink and others, 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 for 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, referencing 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 Conners, 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 Board's 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 extended 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 was \$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, said 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 Son's. 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 back yards 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 they 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:

1. That the Board's review and approval does hereby refer to the plans and materials submitted by the applicant and the written and oral comments of the applicant's representatives, reviewing officials and members of the public as reflected in the public record and that any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require review and approval in accordance with the Brunswick Zoning Ordinance.
2. Prior to issuance of a building permit for Phase 7, the Recreation Commission shall issue a Finding of Value, with respect to changes to the recreation and open space amenities.
3. Prior to issuance of the building permit for the first unit of each phase, the applicant shall submit utility, grading, and stormwater plan for Phases 7-10, to the satisfaction of the Town Engineer.
4. Prior to issuance of the building permit for the first unit of each phase, the applicant shall submit a landscaping plan for Phases 7-10, to the satisfaction of the Director of Planning.
5. Prior to issuance of the building permit for the first unit of each phase, the applicant shall submit a street construction phasing plan for Phases 7-10, to the satisfaction of the Director of Public Works, the Police Chief, and the Fire Chief.

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