

**BRUNSWICK PLANNING BOARD
APRIL 8, 2014**

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

MEMBERS ABSENT: Dann Lewis

STAFF PRESENT: Town Planner Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, April 8, 2014 in Council Chambers, 1ST Floor, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

Case # 14-010 – Churchill Woods Condominiums: The Planning Board will review and take action on a combined Sketch/Final Major Development Site Plan Reapproval application submitted by Churchill LLC, for phased construction of 16 residential units; located off of McKeen Street (Assessor's Map U28, Lot 196), in the R4 Meredith Drive –West McKeen Street Zoning District.

Jeremy Doxsee stated that the application before the Board is a combined Sketch/Final Major Development Site Plan reapproval application submitted by Churchill LLC. Jeremy stated that the application submitted is identical from the originally approved September 5, 2006 application for 16 condominium units in the R4 District and noted that the R4 District does permit up to five units per acre but that the applicant has decided to go with single-family units. Jeremy pointed out that the original application came through around the time that DEP changed Stormwater requirement and that this application was reviewed under the new laws; DEP is currently reviewing the application again. Jeremy said that there were no comments per staff review and that the Town Engineer and Town Arborist are comfortable with what has been submitted.

Curt Neufeld with Sitelines, reviewed that in the original 2006 application there was some talk at the time of increasing the density and impervious coverage to promote these infill developments but the idea that there would be a lollipop loop that would go to McKeen street and designed internally with a dedicated easement that would provide for pedestrians and a bike lane sat well with neighbors. Curt pointed out that there was an easement that was prepared between the owner of the land and the Town ensuring public access to trails. Curt said that this was a nice residential area and a good opportunity to bring in mid-level residents. Curt pointed out again that this was a nice infill with the proposed density and compatible to neighborhood. Curt noted that there would be one access off of McKeen Street with the first of the next two units taking entrance off of Country Lane. Curt said that the next phase would be to build an entrance road to the split which would create an immediate turnaround and provide for the first four or five units there to be constructed; the remaining loop would be constructed in the final phase. Curt said that the units are intended to have a tree and a poled carriage light in lieu of any street lights and that a buffer to McKeen Woods has been planted. Each unit will have water and sewer available and the housing would have a little built in park in the circle. Curt noted that they are going back to DEP with the same plan.

Bill Dana asked that in the event that the Zoning Ordinance does change, in terms of impermeable surfaces, will that be an amendment to this application or will there be another application? Charlie Frizzle replied that the applicant would have the choice to either amend this development or separate out the center and submit a new application but that this would be their choice.

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

Chairman Charlie Frizzle opened the meeting to public hearing.

Mark Patrick, resident of 79 Hennessy Ave., noted that the first three lots on Country Lane had some of the biggest trees in the area and when those were prepared the applicant clear cut those three lots, constructed one house and the tree stumps and slash from the three lots sat in a pile for almost two years and asked if as development progress, will the rest of the lot be clear cut? Charlie Frizzle replied that he believes the lots will be clear cut as the project progresses, but subsequent to construction the plantings per the design and approved by the Town Arborist will be put into place. Mark recommended, if possible, to save a few of the trees. Curt Neufeld replied that he believes that the limits per the Conditions of Approval, would be flagged and thought this was to save some of the trees and noted that the trees will be somewhat at the mercy of facilities. Soxna Dice asked if the timing of clearing is phase by phase or lot by lot. Curt replied that lots are cleared by phase but for that phase only. Richard Visser replied that he believes this is covered in condition 8.

Richard Harrison of Country Lane, asked to clarify that the next two houses will be on Country Lane? Curtis Neufeld replied that he was correct. Richard asked where water and services will come from and Curt replied that services are already stumped in. Richard stated that there is a lot between his condo and the one down towards Baribeau Drive owned by the Bouchard family though it may be owned by the Town and wondered if they would need to dig that up to get water and sewer? Curt replied that this would not be necessary for those houses on McKeen Street.

Nicole Werner of 8 Country Lane, stated that she received a letter from a lawyer telling her that they have the right to come through property for Stormwater but does not know if it is coming through on her property. Curt Neufeld replied that the letter is a notice that says that the applicant is going to file with the DEP to get approvals for that Stormwater plan and stated that there is no intention of going through her property. Curt reviewed Stormwater layout. Nicole asked if she can request a natural row of trees along the vacant lots. Curt reviewed the setback and clearing lines and noted that the area is densely wooded and it is hoped that many trees will be maintained.

Rudi Smith, resident of 75 Hennessey Ave, asked as far as future owners are concerned, where does roof drainage end up? Curt Neufeld replied that it will fall to lawn areas around the roof and run back into the shallow soils and into the ground; what doesn't go all the way down will

go into the drains. Rudi asked if they could connect into the other drains in the Town and Curt replied that the units will but not the surface drains. Rudi expressed his concern that the water will not drain during cold and wet weather and clarified that the lowest point of swail is on north end. Curt replied that there really is not any pitch on any one end and noted that this is great soil; the science says that there should be no problems. Rudi asked if there will be drainage at each unit at footing and Curt replied "yes". Rudi asked where that will go and Curt replied that it will tie into a perimeter pipe; footie drain that goes all the way out. Rudi said that some of the houses built to the west of the entrance (McKeen Street) now have water in their basements and believe that it was caused by the development of the units on Country Lane. Rudi stated that he lives at 75 Hennessey Ave and wants to caution the people going to buy these units to be prepared for that and requests that the applicant bring the basement floor up high enough. Curt replied that the idea is that the footer would be 4-5 below grade and that the pipe would be lower and bring water out to the street. Rudi stated that he had DEP come out and nothing has happened. Jeremy Doxsee clarified that Rudi is saying that the development along Country Lane impacted the water table and Rudi replied that it has during different times of the year.

Mellen Patrick, resident of 79 Hennessey Ave, asked for clarification on a map dated 4/1/2012 that she received with a road going through instead of the original plan. Curt Neufeld replied that there is no intent to do that. Charlie Frizzle replied that there is no intent to do this and assure her that if approved, the applicant will have no right to put a road going through.

Barbara Taylor, resident of 15 Country Lane, and owner of the one house that was built 6-7 years ago stated that at that time, the houses were built by Oxford Homes who no longer exist and asked about the design of the homes. Charlie Frizzle replied that the Board does not usually look at who the developer wishes to contract for their homes or offering for selection. Barbara asked, as a condominium owner, what rights she has and Charlie replied that she has the rights that were built into her contract. Referring back to drainage, Barbara said that there are two man hole covers next to her house that are raised; one says drain and one says sewer, and when it melts there is always a big pool of water that does not drain right away. Barbara asked what assurance does she have of her basement not getting wet and who does she contact if the debris left next to her house in the vacant lot is not cleaned up? Charlie replied that she go to Codes Enforcement. Jeremy Doxsee replied that as far as he knew, the developer has not identified a new construction company and stated that he would be willing to assist in facilitating a nuisance complaint for the construction debris left next to her house. Margaret Wilson replied that this issue has been brought up before and just as recently as the reapproval of Botany Place and the problem is that there is nothing in the ordinance that protects neighbors from that unsightly situation while it is still in construction. Barbara asked if the trees would be left and Margaret replied that they would leave the ones that they could. Curt Neufeld replied that unfortunately between the roads and the setback, much if not all would be disturbed, but if there is a nice tree where a proposed tree would be it would make sense to try and save it. Barbara asked why this was not done on Country Lane and Curt replied that he could not speak to that. Curt discussed the stormwater and drains and stated that in terms of this site, once everything is installed, it should work as intended. Margaret suggested a condition that once house one is built, the landscaping be placed. Jeremy replied that he wouldn't want to act prematurely and have a new seedling be adversely effected by the ongoing construction while working on an adjacent lot. Soxna Dice pointed out that when they discussed the construction debris and Botany Place, they

were addressing dirt pile, and pointed out that Barbara is not talking about construction debris and that a deck being dumped on an empty lot is not construction debris and maybe is something that Codes Enforcement can address. Jeremy stated that in terms of stormwater, he knows that many neighbors would like to see catch basins on site, but that the ordinance does ask that developers use low impact management practices for stormwater. Soxna Dice replied that another reason why it is important to keep stormwater on site is because natural filtration is one of the best pollution abatements and also for aquifer recharge.

Richard Papetti, resident of 8 Scott Ave, how does he know that the developer is good again. Charlie Frizzle replied that it is relevant but the Board has no leverage with respect to developers who do not behave and this would have to be brought up in a legal context. Jeremy Doxsee replied that in this instance the performance guarantee for services for phases 2 and 3 will be required, but in terms of construction of houses themselves, that is different. Richard asked if there is there an inspection phase and Charlie replied that all infrastructure are inspected before the applicant moves forward. Richard clarified that upon completion, there will be 16 condominiums and that as of now, one has been built. Rudi clarified that the process could be fast or slow depending on the economy and asked how long the developer has before they have to seek reapproval. Charlie Frizzle replied that the Board would be approving a 16 unit condominium project and that this approval would lapse in five years if the applicant hasn't completed the project. Rudi stated that he was under the impression that one contractor would be building the units and clarified that this is not the case. Curt Neufeld replied that the original intent was to offer four floor plans; the units were designed so that the design could work and be fluid and fit throughout. Curt stated that he does not know if the developer will be moving forward with a modular or a stick built contractor, but that he believes that there will be another offering of three or four floor plans. Curt stated that he also believes that all the units will be single floor though he cannot say that for sure, but will be comparable to what has already been built. Richard stated that he believes that the average cost per unit will be roughly \$400,000 and Curt said that he did not know what the cost will be. Charlie replied that that cost per unit is not in Planning Board purview. Curt stated that in economic terms, there is a definite swing in interest in this project and other similar projects. Margaret Wilson clarified that she did not see anything in the packets that talked about configuration of houses and asked Curt if this was intended. Curt replied that he believes that there is language that they request the ability to make changes with the intent that these units might be able to substitute one for the other. Charlie replied that if the developer should experience another situation where a builder goes under then he would have to hire another builder, but the design would still have to fit the basic footprint; the Board does not dictate how they build the houses. Jeremy Doxsee replied that the Town has made a point not to set guidelines over single-family homes and even if the applicant were to submit architectural renderings, the Board would only be speaking on their personal opinions.

Rudi Smith asked if the Town inspects grading according to plan before an occupancy permit is issued. Charlie Frizzle replied that it is inspected only if the grading effects the Stormwater management plan; the site has to be graded per the management plan submitted to the State. Rudi replied that he was told by someone in Town Hall that back when his house was built, it was so busy that permits were just signed off and he does not want to see that happen here; he would like to see this addressed correctly.

Chairman Charlie Frizzle closed the public hearing.

Richard Visser pointed out that Condition number 5 may give some comfort as it does address the Stormwater management plan. Margaret Wilson stated that she would appreciate it if Curt Neufeld could talk to applicant about how he has left the site for some years but would appreciate more effort. Curt agreed. Dale King asked how wide the buffer was and Curt replied that by deed it is 25 feet and the setback is typically 20 feet. Dale asked if they were going to do landscaping or benches in the middle where there is going to be a park. Charlie replied that the written commitment at this point is to leave it in its natural state.

MOTION BY MARGARET WILSON THAT THE BOARD WAIVES THE FOLLOWING REQUIREMENTS:

1. Section 412.2.B.17: Waiver for the requirement to show all trees over 10 inches in diameter.
2. Section 412.2.B.8: Waiver for the requirement to show cross section and profiles of existing roads.

SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY.

Discussion on rewording of condition number 8 so that the developer does a better job in sequencing the landscaping once the lots have been completed and the houses have been built.

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

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, 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 review and approval in accordance with the Brunswick Zoning Ordinance.
2. That, prior to issuance of Building Permits for Phases 2 & 3, the developer shall provide the Town with a performance guarantee, as required under Section 411.19, to be approved by the Town Engineer.
3. That, prior to issuance of Building Permits, the developer shall provide a public access easement to allow access between Country Lane and the internal loop road.
4. That, prior to issuance of Building Permits, the final plan shall provide a detail of the proposed pedestrian/bicycle path.
5. That, prior to issuance of Building Permits, the stormwater management plan is approved by the Town Engineer and that the Maine D.E.P. Chapter 500 Stormwater Permit is reapproved.

6. That, prior to issuance of Building Permits, an updated Solid Waste Impact Fee is approved by the Director of Public Works, and proof of payment per unit is provided by the applicant.

7. That, prior to issuance of Building Permits, an updated Recreation Impact Fee is approved by the Director of Parks & Recreation and/or Recreation Commission, and proof of payment per unit is provided by the applicant.

8. That, prior to issuance of Building Permits, a revised landscaping plan shall be submitted to the satisfaction of the Director of Planning and Development. This plan shall show site clearing for the development limited to the specific areas required for individual phases of the project; areas for future development are to be left in a natural state until such time as the site work for individual phases commences, which shall not occur until building permits have been issued for the individual phases. No new phase shall begin until landscaping and construction cleanup from the previous phase has been completed, to the satisfaction of the Director of Planning and Development.

9. That, prior to issuance of a Building Permit, the final plan shall include a phasing schedule on the cover sheet to include projected start dates for Phases 2 & 3.

SECONDED BY BILL DANA. APPROVED UNANIMOUSLY.

Zoning Ordinance Rewrite Update

- Next meeting on April 9, 2014 in Council Chambers at 4:45 PM. Jeremy Doxsee reviewed the agenda.

Other Business

- Anna Breinich is expecting a letter from the Town Attorney asking the Board to address the issue on the sign ordinance and perhaps make an ordinance change.
- April 22, 2014 agenda to possibly include an application for the Plaza at Cooks corner and a four lot subdivision off Harpswell Road.

Approval of Minutes

No minutes were reviewed at this meeting.

Adjourned

This meeting was adjourned at 8:44 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary