

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
JUNE 23, 2015**

**MEMBERS PRESENT:** Chair Charlie Frizzle, Vice Chair Margaret Wilson, Soxna Dice, Jeremy Evans, Dale King and Richard Visser

**STAFF PRESENT:** Director of Planning and Development, Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday, June 23, 2015, in Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**1. Case # 15-026: 31 Bath Road - Special Permit:** The Planning Board will hold a Public Hearing and then review and take action on a Special Permit application submitted by Greg & Peter Leonard, for the conversion of a vacant building into a mixed use building, including the creation of an apartment unit, which requires a special permit in the HC2 Zoning District. Located at 31 Bath Road in the Highway Commercial 2 / Inner Bath Road (HC2). Assessor's Map U03, Lot 3.

Anna Breinich introduced the application for a new apartment and medical office building, mixed use project, which requires a Special Permit. Anna stated that both of the uses are permitted, but require a Special Permit when placed together. Anna reviewed the requirements for a special Permit for members of the Planning Board who have not yet encountered a Special Permit application.

The applicant, Peter Leonard, stated that part of his business plan is to take the current vacant building and create three medical use rooms and an open basement efficiency apartment.

With regards to the parking line, Charlie Frizzle pointed out that the GIS map and the photos provided are very different. Anna Breinich replied that the line is correct in the photos provided to the Board on 6/22/15. Margaret Wilson asked if the applicant had any plans for the back buildings and Peter Leonard replied that at the moment they are focusing on the front building. Anna noted that the applicant will need to come back before the Board if they decide to do something other than storage in the back buildings as parking would be an issue. Peter Leonard said that in the past, the back buildings had been used for woodworking and asked if this would be an acceptable use. Anna replied that if it is an accessory use, it should be ok, but that she would need to confirm this. Charlie replied that he is ok with the accessory use and advised the applicant to touch base with the Codes Enforcement Officer for approval. Greg Leonard, applicant, clarified that he provided the parking photos and said that he used the lot pins. Margaret clarified that the traffic will be pull in parking and to leave the patrons will need to back out. Richard Visser asked if the applicant will be providing a bike rack and pointed out the Board has been fairly consistent with requiring them. Anna replied that staff did not require a bike rack given that there is no bike lane or sidewalk. Decision among members to require a bike rack as a Condition of Approval. Greg replied that they can place the bike rack in the back.

Chair Charlie Frizzle opened the meeting to public hearing. No comments made and the public hearing was closed.

**MOTION BY DALE KING THAT THE SPECIAL PERMIT APPLICATION IS DEEMED COMPLETE. MOTION SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY.**

**MOTION BY RICHARD VISSER THAT THE SPECIAL PERMIT 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. In the event the rear building, which is currently vacant, is occupied and used for anything other than storage, the applicant shall return to the Planning Board for an amended special permit.
3. The applicant shall locate a bike rack to the rear of the structure.

**MOTION SECONDED BY JEREMY EVANS, APPROVED UNANIMOUSLY.**

**2. Case # 14-034: 10 Round Hill Lane – Special Permit:** The Planning Board will hold a Public Hearing and then review and take action on a Special Permit application submitted by Ian Talmage, for proposed seasonal weekend rentals of their property for weddings. Located at 10 Round Hill Lane (off of Casco Road), in the Coastal Protection 1 (CP1) Zoning District. Assessor's Map 21, Lot 20.

Anna Breinich introduced the Special Permit application for seasonal weekend rentals of the property owned by Ian Talmage and Jennifer Banis for weddings. Anna stated that a site walk was conducted and music was provided while members were meeting as an opportunity to hear the music within this district. Anna pointed out that this use is an omitted use and requires a Special Permit and stated that there are no permanent structures being proposed for this site.

Applicant, Ian Talmage, stated that he and his wife Jennifer Banis are proposing to hold weekend weddings at this site throughout the summer. Ian stated that some of the concerns were noise and parking, Ian said that he did go around the property with a sound meter and has included in the application noise levels. Ian said that they would require a contract with the bride and groom to keep the sound within the ambient level. With regards to parking, Ian said that guests will be

shuttled into the location with 10 parking spaces for the caterers and special needs; this would also be part of the contract with the bride and groom. Richard Visser asked about lighting. Ian replied that the guests will need to rent a tent and that most tents have lighting. Richard asked about cooking facilities and Ian replied that nothing would be cooked on site. Soxna Dice pointed out that in the application materials it was stated that the applicant may do some of the catering and asked if they have a septic field. Ian replied that they do have a septic field and have included in the packet materials their septic test which states the septic is working. Ian noted that the caterers will not be using their kitchen for clean-up and that there will only be light water usage. Dale King asked if there would be any live entertainment. Ian replied that most guests lean towards more ambient over loud music in this setting, but noted that there is an end of music at 10:00 P.M. Margaret asked what the sound levels are in the ordinance and Charlie replied that it is 50 decibels daytime and 40 decibels after 8:00P.M. in the rural areas. Margaret asked Ian if he agreed that the decibel information that he provided was over the allowable limit. Charlie noted that the decibel level was taken from a phone application and the decibel information provided should not be a decision making factor. Richard stated that he had a hard time with the parking, shuttle and coordination. Ian replied that there are a number of ways that the couple can handle the shuttle information and they would have staff at the farm to direct parking. Dale King asked about day weddings. Ian replied that there are definitely weddings that could occur during the day.

Chair Charlie Frizzle opened the meeting to public hearing.

**Pembroke Schaeffer, resident of 90Crestview Lane**, said that he is concerned with the parking given the condition of the driveway and cannot imagine where the parking would be especially if you allow a tent and field kitchen. In addition, having to back out onto Casco Road can create a pretty hazardous condition for those being directed to park in-town. Mr. Schaefer reviewed economic projections provided by the applicant as well as the economic projections for the Downeaster and stated that the problem with formulaic equations is that they don't take into consideration everyday life; does not believe that this forecasted income is enough justification for the permit. Mr. Schaefer stated that he looks at this use as a service business not entertainment as directed by Planning staff. Mr. Schaefer asked who would enforce and achieve the conditions set forth. Mr. Schaefer said that sound is hard to understand, and carries in very different ways in this area and feels that this needs to be taken into consideration. With respect to having made a significant investment into this idea, this should also not be a decision factor. Mr. Schaefer said that "this is an inappropriate use, this is entirely inconsistent with coastal protection zoning and the rural agricultural residential uses" that are around this area.

**Robert Elder, resident of 82 Casco Road**, said that he is opposed to this because of the noise issue and the confusion surrounding noise levels. Mr. Elder is concerned with the transportation issue between shuttling and backing out of the driveway. Mr. Elder is concerned with the wetlands and the Coastal protection Zone green belt.

**Bruce Cohern, resident of Granite Farm**, agrees with Mr. Schaefer and Mr. Elder and stated that weddings are supposed to be fun, but he too is concerned with the noise. Mr. Cohern stated that there were weddings last summer where the noise was very loud and there were people

piking in the road. Mr. Cohern stated another big issue is parking and speed on Casco Road. Mr. Cohern asked how they would control the noise from the people staying at the house and with respects to economic impact, this could impact property values in the surrounding area.

**Dave Collins, owner of adjacent property**, said that he agrees with what has been discussed and pointed out that music is one thing, but with several hundred people, just the conversation will be loud. Mr. Collins hopes that the Board denies this application.

**Mike Samson, resident of 46 Casco Road**, supports the previous comments and stated that his particular concern is the noise. Mr. Samson said that last year there were two events at this location and thinks that the noise after the party will be more difficult to control. Mr. Samson said that allowing this permit will decrease the value of the lives of the neighboring residents who live in this area. Mr. Samson said that he does not see the financial benefit of having weddings at this location.

**Debbie Scott, owner of 93 Casco Road**, agrees with the previous statements and believes that the language and noise of the afterhours guests will be a big concern.

**Beth Yealder, resident**, stated that her main concern is noise and control of the noise. Beth said she lives in this area for a reason and likes her peace and quiet.

Jennifer Banis, applicant, apologized for the two events last summer and stated that in hindsight, having gone through this process, she would have made sure to do the right thing and be onsite to prevent issues. Jennifer said that when they bought the property they believed that they could build on the source to table idea as Crystal Spring Farms is a quarter of a mile away, has live music, no outhouses and hundreds of people every Saturday, but in a more controlled environment. Jennifer said that they respect the neighbors and quality of life and appreciates this opportunity.

Mr. Schaefer stated that from the concerns voiced, it is clear that it is not just the noise issue, but the parking, driving after the party, noise from casual conversation and the safety of backing out of the driveway.

Chair Charlie Frizzle closed the public hearing.

**MOTION BY SOXNA DICE THAT THE SPECIAL PERMIT APPLICATION IS DEEMED COMPLETE. MOTION SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

**MOTION BY DALE KING THAT THE SPECIAL PERMIT IS DENIED BASED ON OBJECTIVE ANALYSIS OF THE CRITERIA LISTED FOR THE RURAL COASTAL PROTECTION AREA AND SECTION 701.2 OF THE ZONING ORDINANCE. MOTION SECONDED BY SOXNA DICE AND DENIED UNANIMOUSLY.**

**3. Case # 15-025 Request for Subdivision Approval Extension - Moody Road Subdivision Section 1:** Harold & Barbara Sandelin, in partnership with property owner Joseph Klocek are

requesting the Board extend its Subdivision Approval per Section 407.4.A of the Zoning Ordinance for the development of 8 lots on a new road in the Farm and Forest 1 (FF1) District.

Anna Breinich stated that this subdivision has been around for a while and that the first approval was granted in July, 2005. This subdivision has gone through one plan approval extension in 2010. Anna said that the plan is not changing and that the applicant is looking forward to moving forward with this project.

Curt Neufeld, the applicant representative, reiterated that this is for a reapproval of the subdivision. Richard Visser asked if any of the previous conditions have been met. Anna Breinich replied that they have listed the conditions again to reassure that everything is met.

Chair Charlie Frizzle opened the meeting to public comment. Hearing none, the public comment period was closed.

**MOTION BY MARGARET WILSON THAT THE MAJOR DEVELOPMENT REVIEW SUBDIVISION PLAN IS EXTENDED WITH THE FOLLOWING CONDITIONS:**

1. All conditions of approval from the July 26, 2005 approval remain in effect, as follows:

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, their 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 shall require review and approval in accordance with the Brunswick Zoning Ordinance.

2) That, prior to issuance of a building permit, the Solid Waste Impact fee of \$2,068.48 shall be paid.

3) That the recommendations of the Recreation Commission shall be implemented and that any impact fee recommended by the Commission is hereby assessed and shall be paid prior to issuance of a building permit.

4) That, prior to start of construction, five paper copies of a revised subdivision plan, satisfactory to the Director of Planning and Development, shall be submitted that: 1) complies with the maximum dead-end road length standard, 2) depicts all jurisdictional streams and their associated NRPZ setbacks, 3) shows a note stipulating that any additional clearing, filling, grading or building within any wetland area shall constitute an amendment to the subdivision plan and shall require prior local, state and Federal review and approval and, 4) shows a property boundary between the land retained by the applicant and the land to be conveyed to the homeowners association.

5) That, prior to the start of construction, the applicant shall provide an executed conservation easement, satisfactory to the Conservation Commission and Town Attorney,

for the proposed open space areas. Should the Town Council not accept the conservation easement, the open space in question shall otherwise be protected with deed covenants satisfactory to the Town Attorney in accordance with Section 523.4 of the Brunswick Zoning Ordinance.

6) That the written recommendations of the Town Engineer shall be implemented and that, should those recommendations require plan revisions, three paper copies of those revised plans, satisfactory to the Town Engineer, shall be submitted.

7) That, prior to issuance of a building permit, a landscape plan, satisfactory to the Director of Planning and Development, shall be submitted, to provide screening of the new road from abutting properties along its first 350 feet.

8) That, prior to the sale of Lot 8, the applicant shall provide evidence, satisfactory to the Codes Enforcement Officer, of two passing test pits on that lot.

**SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY.**

**4. Zoning Ordinance Rewrite Committee (ZORC) Update**

Anna Breinich updated that Board and reviewed the upcoming meeting schedule.

**5. Approval of Minutes**

**MOTION BY DALE KING TO APPROVE THE MINUTES OF MAY 5, 2015. MOTION SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

**6. Other**

- Site walk for Spruce Meadows; Anna to schedule.

**Adjourn**

This meeting was adjourned at 8:26 P.M.

Respectfully Submitted,



Tonya Jenusaitis

Recording Secretary