



**TOWN OF BRUNSWICK**

**PLANNING BOARD**

85 UNION STREET  
BRUNSWICK, ME 04011

**PLANNING BOARD**

**--REVISED AGENDA--**

**BRUNSWICK TOWN HALL**

**85 UNION STREET**

**COUNCIL CHAMBERS**

**TUESDAY, JANUARY 12, 2016, 7:00 P.M.**

1. ~~**Case # 15-050, Miller Point Plan Amendment:** The Planning Board will review and take action on a **Final Plan Major Development Review** application (originally approved March 9, 1999, submitted by Nancy P. and Robert C. King, Jr.), to revise setback and consolidate development areas in the **Coastal Protection 1 (CP1) Zoning District and the Natural Resource Protection Overlay Zone (NRPZ) (Map 31, Lot 29).**\*~~
2. **Case #15-051, Wildberry Lane (Nadeau) Subdivision Amendment:** The Planning Board will review and take action on a **Final Plan Major Development Review** application to revise the Declaration of Restrictions For Wildberry Lane Subdivision to allow five (5) horses on Lot #2 and Common Area #2 rather than two (2) horses as currently allowed. The project site is located in the **Coastal Protection 1 (CP1) Zoning District and the Natural Resource Protection Overlay Zone (NRPZ) (Map 27, Lot 42 and Lot 46).**
3. **Case # 07-105, Request for Site Plan Approval Extension, The Ledges Congregate Care Facility:** Pursuant to Section 407.4.B of the Zoning Ordinance, Briarwood Partners is requesting a site plan approval extension from the Planning Board, for the development of a congregate care facility at 349 Bath Road (**Assessor's Map 45, Lot 40**) in the Business and **Industry 3 (I3) Zoning District and the Natural Resource Protection Overlay Zone (NRPZ).**
4. **Zoning Ordinance Rewrite Committee (ZORC) Update**
5. **Approval of Minutes**
6. **Other Business**
7. **Adjourn**

*\*Item #1 removed on 1.6.16*

This agenda is mailed to owners of property within 200 feet of the above referenced development proposals as well as others upon request. It is the practice of the Planning Board to allow public comment on development review applications and all are invited to attend and participate.

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 TTY 725-5521. This meeting will be televised.

**DRAFT Findings of Fact  
Major Development Review  
Final Subdivision Plan Amendment  
Tuesday, January 12, 2015**

**Project Name:** Major Development Review Amendment, Case 98-083  
Wildberry Lane Subdivision

**Case Number:** 15-053

**Tax Map:** Map 27, Lots 42 and Lot 46 (former Lot 3)

**Zoning District:** Coastal Protection 1 (CP1), Natural Resource Protection Zone (NRPZ)

**Applicant:** Danny and Rachel Nadeau  
340 Woodside Road  
Brunswick, ME

**Authorized Representative:** Lauren Ballback  
Julias Way  
Brunswick, ME

*Staff reviewed the application and has made a determination of completeness.*

## **CASE HISTORY**

The Major Development Review for Wildberry Lane Subdivision (Case #98-083) was approved by the Planning Board on July 14, 1998. The approved subdivision includes a residential access road, Wildberry Lane, five (5) residential lots, and an additional two (2) lots designated for open space. Each residential lot is numbered as Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5. The designated open space is known as Common Lot 1, and Common Lot 2. The approved subdivision is shown on a plan prepared by Sitelines, P.A. entitled, "Plan of Subdivision of Land of Danny and Rachel Nadeau" ("Subdivision Plan"), dated June 23, 1998. As a condition of approval, the applicant is required to execute deed restrictions, satisfactory to the Director of Planning and Development, that reflect the same rights and restrictions on the lot owners as are contained in the conservation easement proposed at the time of the approval. Each lot within the approved subdivision reflects deed restrictions stated in the, "Declaration of Restrictions for Wildberry Lane" ("Declaration") as recorded at the Cumberland County Registry of Deeds on Book #14448, on Page #18, with the exception of Lot 2.

## **PROJECT SUMMARY**

Staff review is based on the attachments included in the Major Development Review application. Additionally, staff review considered the original Findings of Fact for Case #98-083, and the memo to the Planning Board included as Attachment 1, and Attachment 2, respectively. The application includes

the approved Subdivision Plan that is referenced in the Declaration. The Declaration provides for the activity associated with augmentation and replacement of plant materials, and landscaping harmonious with the natural environment at Section B(B-8). For the purposes of the existing field on Common Lot

2, the applicant proposes to clarify Section B(B-8) to specifically allow the maintenance of the field. Further, the Declaration allows two (2) horses on Lot 2, and by association Common Lot 2 as stated at Section B(B-9). The applicant proposes to expand the Declaration allowance from two (2) horses to five (5) horses on Lot 2, and provide clarity regarding the allowance of five (5) horses on Common Lot 2. The proposed Amendment to the Declaration is entitled, "Amendment to Declaration of Restrictions for Wildberry Lane". The applicant included signature endorsements from all of the lot owners in support of the proposed Amendment.

The proposal was reviewed by the Staff Review Committee on January 6, 2016. No objections were raised for the extension request; however, staff noted that the deed restrictions must be executed for Lot 2, and for the proposed Amendment. The proposal was further review by the Conservation Commission on January 6, 2016. No objections were raised, and a unanimous vote in support of the application was carried forward.

**DRAFT MOTIONS**  
**MAJOR DEVELOPMENT REVIEW AMENDMENT, (CASE #98-83)**  
**WILDBERRY LANE SUBDIVISION**  
**CASE NUMBER**  
**15-053**

**Motion 1:** That the Major Development Review Amendment is deemed complete.

**Motion 2:** That the Major Development Review Amendment is approved with the following conditions:

1. That the Board's review and approval does hereby refer to the 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 within 60 days of executing the Amendment to Declaration of Restrictions for Wildberry Lane, a copy of the recorded Amendment to Declaration of Restrictions for Wildberry Lane with Book, and Page numbers assigned at the Cumberland County Registry of Deeds shall be provided to the Director of Planning and Development;
3. That prior to the sale of "Lot 2" of the Wildberry Lane Subdivision, the applicant shall execute deed restrictions for Lot 2, satisfactory to the Director of Planning and Development, that reflect the same rights and restrictions as are contained in the Declaration of Restrictions for Wildberry Lane and recorded at the Cumberland County Registry of Deeds in Book #14448, on Page 18; and the Amendment to Declaration of Restrictions for Wildberry Lane.

Final Findings of Fact  
Final Plan Review  
Date: July 14, 1998

Project Name:

Nadeau Subdivision

Case Number

98-083

Tax Map 27 / Lot 3

Applicant:

Dan Nadeau  
1 Howland Hill Road  
Brunswick, ME 04011  
Ph.#442-4423

Authorized Representative:

Charlie Wiercinski -Sitelines P.A.  
8 Cumberland Street  
Brunswick, ME 04011  
Ph.# 725-1200

Project Summary

**Case No. 98-083, Nadeau Subdivision.** Dan Nadeau has requested **final approval** for a **five-lot open space subdivision** of approximately 24 acres on **Woodside Road** (Assessor's Map 27, Lot 3) in the CP1 Zone and partially within the NRPZ Zone.

**Review Standards from Section 411 of Brunswick Zoning Ordinance**

**411.1 Ordinance Provisions**

The proposed use - Dwelling, Single-Family - is permitted within the applicable zoning districts. The plan reflects the Open Space Development options contained in Section 308 of the Ordinance. In approving this plan the Board grants a waiver of maximum allowable density in accordance with Section 308.2. Density calculations for the 21.05-acre parcel at one unit per five acres with a 15% density bonus yields a figure of 4.84 units. The Board interprets the section 308.2 so that the density figure is rounded up to 5 units. The Board takes this action in recognition of the applicant's willingness to bring forward an open-space development plan. The plan satisfies the applicable dimensional standards of the zone as modified by section 308. See 411.2, below, for issues relating to the conservation areas. The Board finds the provisions of section 411.1 are satisfied.

#### **411.2 Preservation of Natural Features**

The subject parcel is located partially within the Natural Resource Protection Zone. The entirety of that portion of the parcel located within the NRPZ is within the designated conservation area.

During the Sketch Plan review process and at the ensuing site walk, Staff and the Board encouraged the applicant to come forward with a plan based on the Open Space Development provisions. At the time, the method for protection of required open space was expected to be a conservation easement held by the Town. On 7/8/98 the Conservation Commission voted to recommend that the proposed conservation easement not be accepted by the Town Council. Section 523.4 stipulates that in the event that a conservation easement is not accepted by the Town, a deed restriction shall be required of the applicant which authorizes only those uses which the Board, in the course of the review process, found to be appropriate. The proposed conservation easement has been reviewed by the Planning Staff and the Town Attorney and the restrictions contained therein are found by the Board to be appropriate. The Board finds the provisions of section 411.2 are satisfied with the condition that the proposed conservation easement be accepted by the Town Council subsequent to reconsideration by the Conservation Commission and that should the proposed conservation easement not be accepted by the Town Council, the applicant shall execute deed restrictions, satisfactory to the Director of Planning and Development, that reflect the same rights and restrictions on the various lot owners as are contained in the proposed conservation easement. Also, that any proposed amendments to those deed restrictions shall require approval as an amendment to the approved plan in accordance with the Brunswick Zoning Ordinance.

#### **411.3 Surface Waters, Wetlands and Marine**

The parcel includes an existing artificial pond which empties into a mapped intermittent stream. As noted above, the entirety of that portion of the parcel located within the NRPZ is within the designated conservation area. The applicant has submitted a wetlands report prepared by Woodlot Alternatives. The wetlands identified in the report are represented on the plan. The proposed road will cross wetlands at two points; one small isolated wetland and the wetlands associated with the stream. Road construction is expected to impact no more than 7000 square feet of wetland area. Army Corp and DEP permits are required for the wetland and stream crossings. The application package includes a description of proposed stormwater quality control measures. These measures consist largely of the preservation of existing vegetative buffers and the use of vegetated swales with check dams and a level lip spreader, as needed. These measures are designed to satisfy the Stormwater Management standards of section 209.4 of the Coastal Protection Zone provisions. The Board finds the provisions of section 411.3 are satisfied.

#### **411.4 Flood Hazard Area**

The project site is not located within a Special Flood Hazard Area. The Board finds the provisions of section 411.4 are satisfied.

#### **411.5 Stormwater Management**

The applicant has submitted stormwater management calculations prepared by Charles Wiercinski, P.E. The report anticipates no increase in the peak volumes of stormwater runoff due to the detention of stormwater in wetlands and the existing farm pond. In his memo dated 7/14/98 the Town Engineer indicated his satisfaction with the stormwater management plan.

The Board finds the provisions of section 411.5 are satisfied.

#### **411.6 Ground Water**

The project is not located over a mapped sand and gravel aquifer. No apparent threats to groundwater are associated with the project. The Board finds the provisions of section 411.6 are satisfied.

#### **411.7 Erosion and Sedimentation Control**

The applicant has submitted an Erosion and Sedimentation Control Plan prepared by Charles Wiercinski, P.E. In his memo dated 7/14/98 the Town Engineer indicated his satisfaction with the erosion and sedimentation control plan. The Board finds the provisions of section 411.7 are satisfied.

#### **411.8 Sewage Disposal**

Each lot in the subdivision is to be served by individual on-site wastewater systems. Test pits logs have been submitted showing two passing test pits for each lot, with the exception of lot #1 where a septic system currently exists. The Board finds the provisions of section 411.8 are satisfied.

#### **411.9 Water**

Each lot is to be served by an individual well. The Board finds the provisions of section 411.9 are satisfied.

#### **Cultural and Natural Values**

The existing 19th century farm house on Lot 1 is to be retained. The Board finds the provisions of section 411.9 are satisfied.

#### **411.11 Community Impact**

The project is subject to an impact fee for Solid Waste. In his memo dated 7/14/98 the Town Engineer recommended a Solid Waste

Impact Fee of \$1,034.24 be assessed for the project. The Board finds the provisions of section 411.11 are satisfied with the condition that the Solid Waste Impact fee of \$1,034.24 shall be paid.

#### **411.12 Traffic**

The project involves the construction of a private gravel dead-end road extending approximately 800 feet into the site. The applicant has submitted a revised plan dated 7/9/98 which realigns the roadway in order to realize required minimum site distances at its intersection with Woodside Road. In addition, the revised plan includes a "T" turnaround at the end of the road to accommodate emergency vehicles as requested by the Town Engineer and the Fire Chief. In his memo dated 7/14/98 the Town Engineer indicated his satisfaction with the road design. Review and approval of the Town Assessor for the road name is pending at this time. The Board finds the provisions of section 411.12 are satisfied with the condition that the road name be approved by the Town Assessor.

#### **411.13 Pedestrian and Bicycle Access and Safety**

The project site is in the rural area. No sidewalks or other specific bicycle or pedestrian facilities are required. The Board finds the provisions of section 411.13 are satisfied.

#### **411.14 Development Patterns**

The project is located in the Rural Area of Town. The Open Space development pattern employed in this project reduces the impacts of the development to the rural character of the area. The Board finds that the provisions of section 411.14 are satisfied.

#### **411.15 Architectural Compatibility**

The existing farm house on Lot #1 is a Greek Revival Cape Cod style house. Draft covenants submitted by the applicant call for review of house designs by the applicant prior to construction. The covenants go on to state that no structure is to be permitted, "which is markedly conspicuous and not compatible with the development of the lots and their natural surroundings." The Board finds the provisions of section 411.15 are satisfied.

#### **411.16 Municipal Solid Waste Disposal**

In his memo dated 7/14/98 the Town Engineer recommended that a Solid Waste Impact fee of \$,034.24 be assessed for the project. The Board finds the provisions of section 411.16 are satisfied with the condition that the Solid Waste impact fee of \$1,034.24 shall be paid.

#### **411.17 Recreation Needs**

The Recreation Commission is scheduled to meet on this application at its meeting on 7/15/98. The Board finds the provisions of section 411.17 are satisfied with the condition that the recommendations of the Recreation Commission shall be implemented and that any impact fee included in those recommendation shall be paid.

**411.18 Access for Persons with Disabilities**

The proposed development does not include structure that are to be open to the public. Plans for the proposed road do not call for curbing. The Board finds the provisions of section 411.18 are satisfied.

**411.19 Financial Capacity**

The applicant and his wife own the property, with the exception of Lot #1, which was recently sold. Estimated cost of the new roadway is \$12-15,000. The road is to remain private. Staff does not anticipate the need for a financial guarantee. The Board finds the provisions of section 411.19 are satisfied.

**411.20 Noise and Dust**

The Ordinance requires construction activities be limited to the hours between 7:00 A.M. and 7:00 P.M. unless prior written approval has been obtained from the Codes Enforcement Officer. The Ordinance also requires water or calcium chloride be used to control the level of airborne dust and other particles.

After completion of construction, levels of noise and dust generated on the site are not expected to exceed levels normally associated with this permitted use. The Board finds the provisions of section 411.20 are satisfied.

DRAFT MOTIONS

That requirements for submission of the following information be waived: High Intensity Soils Map, Location of All Trees 10" and Greater.

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 is based on the plans and other materials submitted by the applicant as well as the written and oral comments of the applicant, his representatives, reviewing officials and members of the public as reflected in the public record. Any change to the approved plan or materials not included 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 the proposed conservation easement be accepted by the Town Council subsequent to reconsideration by the Conservation Commission and that should the proposed conservation easement not be accepted by the Town Council, the applicant shall execute deed restrictions, satisfactory to the Director of Planning and Development, that reflect the same rights and restrictions on the various lot owners as are contained in the proposed conservation easement. Also, that any proposed amendments to those deed restrictions shall require approval as an amendment to the approved plan in accordance with the Brunswick Zoning Ordinance.
- 3) That the written recommendations of the Recreation Commission concerning this project shall be implemented and that any recreation impact fee included in those recommendation shall be paid.
- 4) That the Solid Waste Impact Fee of \$1034.24 shall be paid.
- 5) That the applicant submit four paper copies of a revised plan, satisfactory to the Planning Department, with the following changes:
  - a) Corrected approval date.
  - b) Street name satisfactory to the Town Assessor.



TOWN OF BRUNSWICK, MAINE  
INCORPORATED 1739

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

THEO H.B.M. HOLTWIJK, DIRECTOR

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

**To:** Dan Nadeau  
**From:** Phil Carey, Planner  
**Date:** 7/15/98  
**Re:** Nadeau Subdivision, Case No. 98-083

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Last night the Planning Board voted unanimously to approve the final plan for your subdivision with the following conditions:

- 1) That the Board's review and approval is based on the plans and other materials submitted by the applicant as well as the written and oral comments of the applicant, his representatives, reviewing officials and members of the public as reflected in the public record. Any change to the approved plan or materials not included 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 the proposed conservation easement be accepted by the Town Council subsequent to reconsideration by the Conservation Commission and that should the proposed conservation easement not be accepted by the Town Council, the applicant shall execute deed restrictions, satisfactory to the Director of Planning and Development, that reflect the same rights and restrictions on the various lot owners as are contained in the proposed conservation easement. Also, that any proposed amendments to those deed restrictions shall require approval as an amendment to the approved plan in accordance with the Brunswick Zoning Ordinance.
- 3) That the written recommendations of the Recreation Commission concerning this project shall be implemented and that any recreation impact fee included in those recommendation shall be paid.
- 4) That the Solid Waste Impact Fee of \$1034.24 shall be paid.
- 5) That the applicant submit four paper copies of a revised plan, satisfactory to the Planning Department, with the following changes:
  - a) Corrected approval date.
  - b) Street name satisfactory to the Town Assessor.

We look forward to working with you to develop deed restrictions that will protect the conservation area in the future. I will be happy to meet with you or your representative at any time to discuss this issue or any of the other conditions.

PER JAG. L. H. S. 1. 2000



# Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6660

FAX 207-725-6663

**BRUNSWICK PLANNING BOARD  
DEVELOPMENT REVIEW PACKET  
MAJOR REVIEW**

**This Packet Includes:**

- I. Summary of the Review Process
- II. Sketch Plan Application Form and Submission Checklist
- III. Final Plan Application Form and Submission Checklist

Note that this review process summary and the submission checklist are provided only as a ready reference for your convenience. For a complete reading of the provisions governing development review in Brunswick, the applicant must refer to the Brunswick Zoning Ordinance, copies of, which are available for a fee from the Codes Enforcement Office.

The purpose of Development Review is to ensure that the development of land occurs in a manner that conforms to the Brunswick Zoning Ordinance and reasonably protects public facilities, the natural environment and neighboring uses. Development review includes subdivision and site plan reviews. In order to expedite smaller projects, review is classified into "Major" and "Minor" review. Major review is conducted by the Planning Board, and Minor review is conducted by the Staff Review Committee. Applicants are advised that even if Development Review is not required for your particular project, a building, electrical or plumbing permit may be. For further information, contact the Codes Enforcement Office.

#### **APPLICABILITY/MAJOR REVIEW**

Major Review is conducted by the Planning Board, and involves two phases: sketch plan and final. During both phases, a recommendation by the Staff Review Committee is required. The following activities are subject to Major Development Review.

- A. The creation of a subdivision, as defined by 30-A M.R.S.A. Section 4401, as amended.
- B. Development activity, or combination of activities that, within any five year period results construction that falls within the following thresholds:
  - In the MU4 (Fox Run), CC (Cooks Corner), I2 (Church Road Industrial Park), I3 (Bath Road Industrial Park), I4 (Exit 22), HC2 (Inner Bath Road):
    - 10,000 square feet or more of new gross floor area;
    - 10,000 square feet or more of new impervious surface; OR
    - Cumulative Total of 15,000 square feet or more of gross floor area and Impervious surface combined.
  - In ALL OTHER ZONING DISTRICTS:
    - 5,000 square feet or more of new gross floor area;
    - 5,000 square feet or more of new impervious surface; OR
    - Cumulative Total of 7,500 square feet or more of gross floor area and Impervious surface combined.
- C. Construction of 2 or more drive-up windows.
- D. Changes of Use that affect 10,000 square feet or more of gross floor area
- E. Changes of Use that involves the conversion of a single or two-family home to any other use in Town Residential and Residential Districts.
- F. The development or expansion of a Mobile Home Park
- G. Development Subject to a Special Permit that involves the creation of 5,000 square feet or more of new impervious surface.
- H. All construction in the Brunswick Naval Air Station Flight Path Overlay, pursuant to Section 214 of the Zoning Ordinance.
- I. Construction within the Aquifer Protection Overlay, pursuant to Section 209.
- J. Mineral Extraction, pursuant to Section 306.6.
- K. The addition or expansion of a canopy for gasoline sales stations, pursuant to Section 306.14.

Note that these Development Review Thresholds shall be based upon cumulative development over a five-year period. If any threshold is exceeded during that period, all development that has occurred within that time frame shall be subject to major review.

### **Restrictions on Activities During Review:**

Applications are considered to be "pending" from the date of the submission of a Sketch Plan until the plan is either approved, approved with conditions or denied by the Planning Board. Demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation are prohibited on any portion of a property that has a pending application. Such activities may cause the application to be denied, and the application process shall be terminated. If an applicant is refiled on that property, a detailed plan for the remediation of any adverse impacts associated with the restricted activity will be required.

If you have a pending application, you may legally conduct certain activities. This includes the development of a lot not included in a subdivision or proposed subdivision unless such lot is subject to a pending site plan application; activities required for the routine maintenance of existing structures or uses or to remedy a fire hazard; non-disruptive activities associated with information gathering needed for the pending application; and activities that are unrelated to the pending application as determined by the Codes Enforcement Officer.

### **REVIEW PROCESS**

#### **Pre-Application Meetings**

Pre-Application Meetings prior to sketch plan approval are optional, but strongly recommended prior to the expenditure of funds toward the design of a development plan. The applicant is encouraged to present information relevant to the property that may assist the Planning Board and Town Staff in providing input for the application. Such information may include a portion of a USGS topographic map showing the properties boundaries and the surrounding area, tax assessor's maps of the proposed application, a plot plan or survey showing the property's area, shape, and existing features, and the purpose and proposed configuration of the development. It is also strongly recommended that an informal meeting be scheduled with the Department of Planning and Development to Provide Guidance.

#### **Sketch Plan**

When an application is submitted to the Planning Board, that application will have formal standing. The Planning Board will then consider the sketch plan and will provide planning direction to the applicant in accordance with all pertinent provisions of the ordinance. After completing its review of the application, the Planning Board shall vote to deny, approve, or approve with conditions.

#### **Final Plan**

Once the Planning Board votes to deem a Final Plan application to be complete, the Board shall undertake its review. The Planning Board may vote to approve, approve with conditions, or deny the final application. For subdivisions, the application is deemed to be approved when a quorum of the Planning Board signs the final plan.

#### **Required Notification**

All owners of property within a 200-foot radius of the boundaries of the proposed development shall be notified about the application and the time of the Planning Board meeting. The Planning Office is responsible for identifying and notifying these property owners.

#### **Public Hearings**

Public Hearings are required for any project that results in the new development of 30,000 or more square feet; or for any subdivision resulting in the creation of 20 or more lots. The Planning Department will prepare a notice of the date, time and place of the hearing with a brief description of the application and its location. This notice shall be distributed to the applicant and the owners of all property located within a 200 foot radius of the subject property.

### **Determination of Completeness of an Application**

An application is considered to be complete when an application form and all plan requirements or waiver requests have been submitted to the Director of Planning & Development. Within five working days of receiving an application, the Director of planning and Development shall determine whether the application is complete. If an item is missing from the application and not waiver has been requested for it, the Director of Planning and Development shall notify the applicant in writing that the application is not complete and request the additional information. The applicant shall submit the additional information as soon as possible and the procedure shall be repeated until the application is complete. With the exception of a pre-application meeting, no item will be placed on the Planning Board's agenda until the application is complete. Complete means that all submission requirements or waiver requests have been submitted; any additional information requested from the Planning Board at a previous meeting has been provided and all conditions of any relevant prior approval for the property have been fulfilled, unless the application describes the manner in which unfilled applications will be addressed.

### **Time Frames for Major Project Review**

The table on the following page outlines the time frames for major development review.

### **Review Criteria**

The Planning Board may not approve a final plan unless it finds that all provisions of Section 411 have been satisfied. Section 411 has been included in this packet.

### **Waivers**

Requests for Waivers must be identified when an application is submitted. The applicant must provide the reasons for the waiver, in accordance with Section 410 of the Zoning Ordinance, which is included in this packet.

### **Impact Fees**

The Town of Brunswick has several impact fees, which must be paid prior to the issuance of a building permit for an approved project. The fee formulae currently in effect are provided upon request.

### **Application Fees**

The following application fees shall be paid for any project undergoing development review. For all projects a \$20.00 fee is assessed to cover the cost of abutter mailings. For projects that require a public hearing or projects for which the Planning Board schedules a public hearing an additional \$200.00 fee will be assessed to cover the costs of advertising the public hearing.

**Subdivision:** SKETCH PLAN: \$100 per lot proposed  
FINAL PLAN: \$150 per lot proposed

**Other:** SKETCH PLAN fee:

- For projects with new building construction of more than 2,500 square feet the cost equals the total amount of square footage for all buildings multiplied by \$0.03.
- For all other developments the fee is \$150.00.

FINAL PLAN fee:

- For projects with new building construction of more than 2,500 square feet the cost equals the total amount of square footage for all buildings multiplied by \$0.10.
- For all other developments the fee is \$150.00.

<p>1. Three (3) Weeks Prior to Scheduled Planning Board Meeting</p>	<p>a) Deadline for filing application to Planning Board for that meeting.</p> <p>b) Applicant must submit one substantially complete set of application materials to the Director of Planning and Development. Director of Planning and Development shall date stamp the application and shall review the application for completeness.</p>
<p>2. Two (2) Weeks Prior to Scheduled Planning Board Meeting</p>	<p>a) Director of Planning and Development issues a finding of preliminary completeness of application. Completeness indicates that all required application materials have either been submitted or a waiver has been requested. If the application is found to be incomplete, the applicant shall be notified in writing, and the application shall not be placed on the Planning Board's agenda. The applicant may resubmit the application when complete.</p> <p>b) If the Director of Planning and Development finds that the application is complete, indicating that all required application materials have either been submitted or a waiver has been requested, the applicant shall submit 18 copies of all plans and materials required for review, one copy of which shall be distributed by the Director of Planning and Development to the Curtis Memorial Library. For any plan that is greater in size than 11" x 17", the applicant may chose to submit five full sized copies and one copy reduced to 11" x 17" to the Planning Department.</p> <p>c) The Town shall submit notification to persons entitled to notification pursuant to Section 405.2B.</p>
<p>3. Between Two (2) Weeks and Five (5) Days Prior to Scheduled Planning Board Meeting</p>	<p>a) Application shall be brought before the Staff Review Committee for comments and recommendations to assist the Planning Board in its review.</p> <p>b) If the project is subject to a public hearing, the first of two hearing notices shall appear in a paper of general circulation within this time frame. The first notice shall appear in the newspaper no less than 7 days prior to the hearing.</p>
<p>4. Four (4) Days Prior to Scheduled Planning Board Meeting</p>	<p>a) The Director of Planning and Development shall issue preliminary findings which shall review the application based on Section 411, and shall issue a draft set of conditions of approval, if any. This material must be mailed, faxed or hand delivered to the Planning Board and the Applicant.</p>

**MAJOR DEVELOPMENT REVIEW  
SKETCH PLAN APPLICATION**

1. Project Name: Wildberry Lane Subdivision

2. Project Applicant  
Name: DAN & Rachel NADEAU  
Address: 340 WOODSIDE ROAD  
BRUNSWICK, ME  
Phone Number: 207-725-5261

3. Authorized Representative  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

3. List of Design Consultants. Indicate the registration number, address and phone number of any engineer, surveyor, architect, landscape architect or planner used:  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

5. Physical location of property being affected: 340 WOODSIDE ROAD, BRUNSWICK, ME

6. Lot Size: \_\_\_\_\_

7. Zoning District: \_\_\_\_\_

8. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application? WE ARE THE OWNERS OF LOT #2 AND THE COMMON LAND OF WILDBERRY SUBDIVISION

9. Assessor's Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_ of subject property.

10. Brief description of proposed use: See Attachment

11. Describe specific physical improvements to be done: See Attachment

Owner Signature: Danny Nadeau

Applicant Signature (if different): \_\_\_\_\_

**Required Attachments (by Applicant):**

- Sketch Plan Check List
- Sketch Plan Requirements for Open Space Developments (if applicable)
- Request for Waivers (if applicable)
- Required Copies of Sketch Plan

**Required Attachment (by Planning and Development Department):**

**MAJOR DEVELOPMENT REVIEW  
FINAL PLAN APPLICATION**

1. Project Name: Wildberry Lane Subdivision

2. Project Applicant

Name: Dan & Rachel Nadeau  
Address: 340 Woodside Rd  
Brunswick, ME  
Phone Number: 207-725-5261

3. Authorized Representative

Name: Lauren Ballback John Vothues  
Address: Julias Way  
Phone Number: \_\_\_\_\_

4. List of Design Consultants. Indicate the registration number, address and phone number Of any engineer, surveyor, architect, landscape architect or planner used:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

5. Physical location of property being affected: 340 Woodside Rd, Brunswick, ME

6. Lot Size: Lot #2 - 2.05AC / common area #2 - 7.6DAC

7. Zoning District: CP 1

8. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application? We are the owners of Lot #2 and common land of Wildberry subdivision.

9. Assessor's Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_ of subject property.

10. Brief Description of proposed: See Attachment

11. Describe Specific Physical Improvements to be Done: See Attachment

Owner Signature: Rachel Nadeau

Applicant Signature (if different): \_\_\_\_\_

**Required Attachments (by Applicant):**

- Final Plan Check List
- Final Plan Requirements for Open Space Developments (if applicable)
- Request for Waivers (if applicable)

- Listing of all owners of property within 200-foot radius of property under review.

### SKETCH PLAN REQUIREMENTS

Key: "O"= omit; "S"=submit; "NA"=not applicable; "W" = waiver; "P"=pending

Item	O	S	NA	W	P	Comments
Indicate Variances Granted						
Indicate Special Permits			X			
Indicate Special Exceptions			X			
Date, north point, scale						
Land area, existing use of the property, location of proposed development, locations reserved for future development			X			
Tentative rights-of-way locations, lot lines, lot numbers, lot areas			X			
Estimated soil boundary locations from the Soil Conservation Service Medium Intensity Soil Survey noting areas of severe and very severe soil limitations			X			
Existing natural, topographical, and cultural features including areas of steep slopes, bedrock outcrops, ponds, streams, aquifers, and other water bodies, wetlands, groundwater recharge areas, slumps, flood hazard areas, trees, and other vegetation, excavation sites, stone walls, net site area, historic and archeological sites, structures, or districts, and any other pertinent features.			X			
Tentative locations of proposed structures, owners of existing structures, and neighboring land uses			X			
Special conservation and recreation areas		X				
Location map		X				
Zoning information, including the zoning district(s) in which the property is located and the location of any overlay zones depicted on the plan.						
Any conditions imposed by previous development on the site.		X				
Other information Planning Board/Staff Review Committee deems necessary to conduct an informed review.						
Letter of consent signed by property owner authorizing the development review application in cases where applicant is not the owner of the property.			X			
Application Fee						
For Open Space Developments, sketch plan design review requirements indicated in Section 308.1			X			
Open Space Development: Request for Bonus Density			X			

- Required Copies of Final Plan

**Required Attachment (by Planning and Development Department):**

- Listing of all owners of property within 200-foot radius of property under review.

**FINAL PLAN REQUIREMENTS**

Key: "O" = omit; "S"=submit; "NA"=not applicable; "W" = waiver P=pending

Item	O	S	NA	W	P	Comments
Name of Development		X				
Scale, date, north point, area, number of lots (if subdivision)		X				NOT TO SCALE
Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed.		X				IRON MARKER SHOWING FOUND MONUMENTS
Certification by a professional land surveyor that the land has been surveyed and the boundaries established in accordance with the State of Maine Board of Licensure for Professional Surveyors standards for Category 1 (Standard Boundary Survey), conditions 1, 2, or 3.		X				
Existing zoning district and overlay designation.		X				CP1
Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.		X				
Names of current owner(s) of subject parcel and abutting parcels.		X				
Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.			X			
A general road plan noting circulation, direction, traffic control devices, street lighting and type of lighting proposed.			X			
Existing and proposed easements associated with the development.			X			
Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning Department.			X			
Location of features, natural and artificial, such as water bodies, wetlands, streams, vegetation, railroads, ditches and buildings.		X				

Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of any private wells.			X			
Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.			X			
Topography with counter intervals of not more than 2 feet.			X			
A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.			X			
Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing all trees to be removed as a result of the development proposal.			X			
Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.			X			
Existing locations and proposed locations, widths and profiles of sidewalks.			X			
Location map.	X					
Approximate locations and dimensions of proposed parking areas.			X			
Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.	X					
Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization.			X			
Reference to special conditions stipulated by the Planning Board, with conditions either set forth in full or on the plan or identified as specific documents filed with the Board.	X					DECLARATIONS BK 14448, PG 018 ON FILE W/ DEPT. TD.
A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the US Army Corps of Engineers.	X					
Dedicated public open spaces, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.	X					



An erosion and sedimentation control checklist prepared by the Cumberland County Soil and Water Conservation District.			X			
A statement from the Brunswick-Topsham Water District of conditions under which water will be provided.			X			
A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.			X			
A Statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.			X			
A statement from the Superintendent of the Brunswick Sewer District of the conditions under which the Sewer District will provide sewerage disposal service and approval of the sanitary sewers proposed within the development.			X			
Where a septic system is to be used, evidence of soil suitability.			X			
All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of Section 411.	X					
A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.			X			
An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.			X			
A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems.			X			
The size and proposed location of water supply and sewage disposal systems.			X			
A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, location and purpose and type of vegetation.			X			

December 20, 2015

Town of Brunswick  
Planning and Development

Members of the Planning Board:

The Wildberry Subdivision was created in 1998 on Woodside Road in Brunswick. Rachel and I had purchased the farm land with the intent to develop the property . The land was located and protected by the 5 acre density zone ordinance. Having developed the land with these constraints would have impacted the visual appearance of the farmland and changed its historical use for years to come.

We presented the Town of Brunswick an alternative approach: an open space development plan that would minimize the impact of the property while still allowing maximum segregation of vie 2-acre lots. The remaining 10 acres of land was offered in conservation but rejected by the Conservation Commission based on the fact that the tract of land was too small and it contained no endangered plant species. The Planning Board, however, approved the open space subdivision subject to the declaration restrictions that Rachel and I wrote in order to protect the future lot owners in the subdivision. Our interest was, and still is, to preserve this beautiful tract of land and minimize the physical impact of the land development while still allowing recreation access to the lot owners of the subdivision. We also wanted to preserve the right to have horses on Lot 2, which is the lot we own adjacent to an open field, referred to as Common Area #2 of the subdivision.

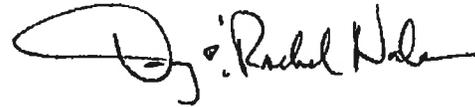
The purpose of request today is amend and clarify the Declaration of Restrictions for Wildberry Lane, while still maintaining the original intent and use of our subdivision development. The request is limited to Common Area #2, which is an open hay field adjacent to lot 2. Our request is to allow up to five(5) horses to graze in the field. Additionally, we would like to allow the use of farm equipment to support animal husbandry on Common Area #2. For many years, this parcel was used as farmland for cultivating vegetables and raising farm animals. We believe our request is in concert with the our original intent of preserving the land as it had historically been used and would not in any way alter the beauty and appearance of its current state.

Enclosed in our package is the original restrictive covenant's language that is highlighted as well as a copy of the proposed amended language for your consideration. We have also included photos and a site plan depiction of the parcel discussed here.

We have: consulted all the lot owners of Wildberry Land Subdivision and received positive responses, and signature of agreement to the proposed Amendment Declaration of Restrictions for Wildberry Lane. We appreciate your consideration and look forward to working with the Planning Board towards a successful approval of this Amendment.

Respectfully,

Dan and Rachel Nadeau

A handwritten signature in black ink, appearing to read "D. Rachel Nadeau". The signature is written in a cursive style with a large, looping initial "D" and a small heart-like symbol between the first and last names.

MAINE REAL ESTATE TAX PAID

KNOW ALL MEN BY THESE PRESENTS, THAT I, Valmore L. Lavigne of Brunswick, State of Maine in consideration of One Dollar and other good and valuable consideration, paid by Danny Nadeau and Rachel M. Nadeau of Brunswick, Maine the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Danny Nadeau and Rachel M. Nadeau as joint tenants and not as tenants in common, their heirs and assigns forever,

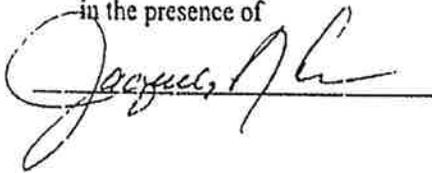
SEE EXHIBIT A. ATTACHED HERETO

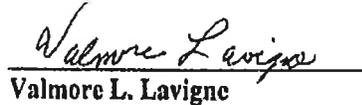
To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Danny Nadeau and Rachel M. Nadeau, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivors of them, to them and their use and behoof forever.

And I do COVENANT with the said Grantees, as aforesaid, that I am lawfully seized in fee of the premises, that they are free of all encumbrances, that I have good right to sell and convey the same to the said Grantees to hold as aforesaid, and that I shall and will WARRANT and DEFEND the same to the said Grantees, their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, Valmore L. Lavigne has hereonto set his hand and seal this 20th day of January, 1998.

SIGNED, SEALED and DELIVERED  
in the presence of

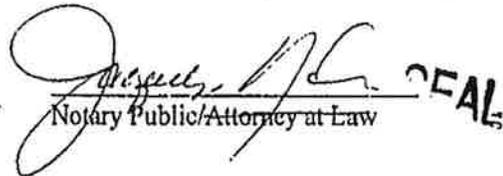


  
Valmore L. Lavigne

STATE OF Maine  
County of Cumberland

January 20, 1998

Personally appeared the above named Valmore L. Lavigne and acknowledged the foregoing instrument to be his free act and deed.

  
Notary Public/Attorney at Law

JACQUELYN A. SMITH  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES APRIL 2, 2001

EXHIBIT A

A certain lot or parcel of land together with the buildings thereon situated in Brunswick, County of Cumberland and State of Maine and bounded and described as follows, viz:

Beginning at an Oak Tree at the northeast corner of land owned by Joseph Graffam; thence westerly by land of said Graffam to the easterly line of land formerly of Owen Woodside; thence southwesterly by land of said Woodside to the southeast corner of land now or formerly of J. W. Prout; thence northerly by land of the said Prout; to land formerly of Benjamin Woodside; thence easterly by the northerly line of land of said Woodside to the westerly side of the road leading from the old county road to the Maquoit Landing; thence southeasterly by the old road to a point in the gully in line of the north side of the house formerly owned by George Haskell; thence by the middle of said gully northwesterly by land of said Griffin to the place of beginning.

ALSO, a certain lot or parcel of land situated in said Brunswick, County of Cumberland and State of Maine and bounded on the north by land of Clarence B. Larrabee; on the east by the Woodside Road, so-called; on the south by Bunganuc Road, so-called; and on the west by the Great Gully Brook, containing two acres, more or less, and being the same premises conveyed to C. R. Kincaid by Goward and others by deed of September 23rd, A. D. 1929, recorded in Cumberland County Registry of Deeds, Book 1333, Page 117, to which deed and record reference is hereby made for further description of said premises.

Being the same premises conveyed by Quit-Claim Deed of Edith M. Hill, Mary B. Dick, and Barbara A. Hammond to Helen A. Lavigne dated December 10, 1982 and recorded in Cumberland County Registry of Deeds in Book 5083, Page 56.

For source of title, reference may be made to a deed from Helen A. Lavigne to Valmore J. Lavigne dated January 23, 1985 recorded in the Cumberland County Registry of Deeds in Book 6671, Page 194.

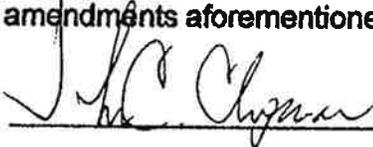
RECEIVED  
RECORDED REGISTRY OF DEEDS

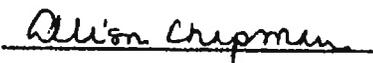
1998 FEB 25 PH 12: 02

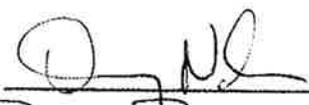
CUMBERLAND COUNTY

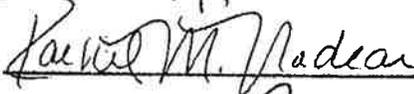
*John B. O'Brien*

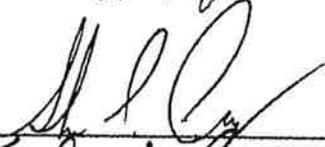
We, the lot owners of Wildberry Subdivision, agree to augment the Declaration of Restrictions to include the amendments aforementioned.

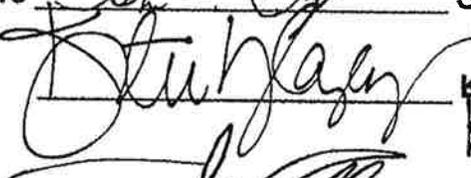
Lot #1  John Chapman

 Allison Chapman

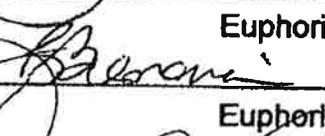
Lot #2  Danny Nadeau

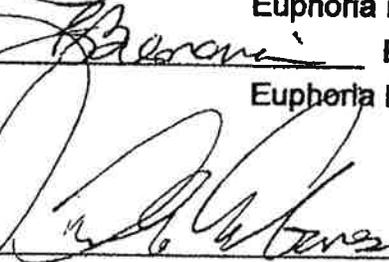
 Rachel Nadeau

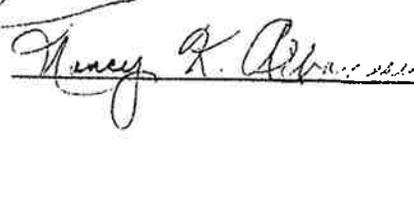
Lot #3  Shawn Casey

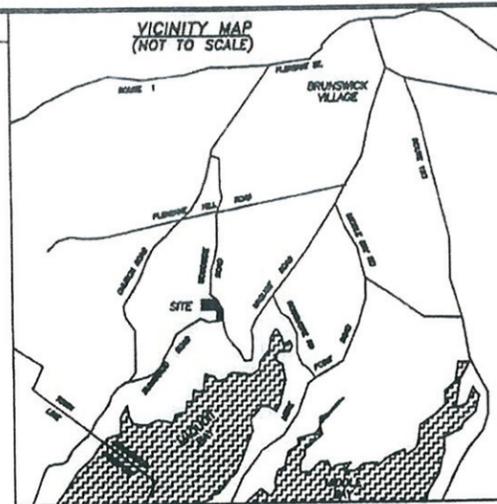
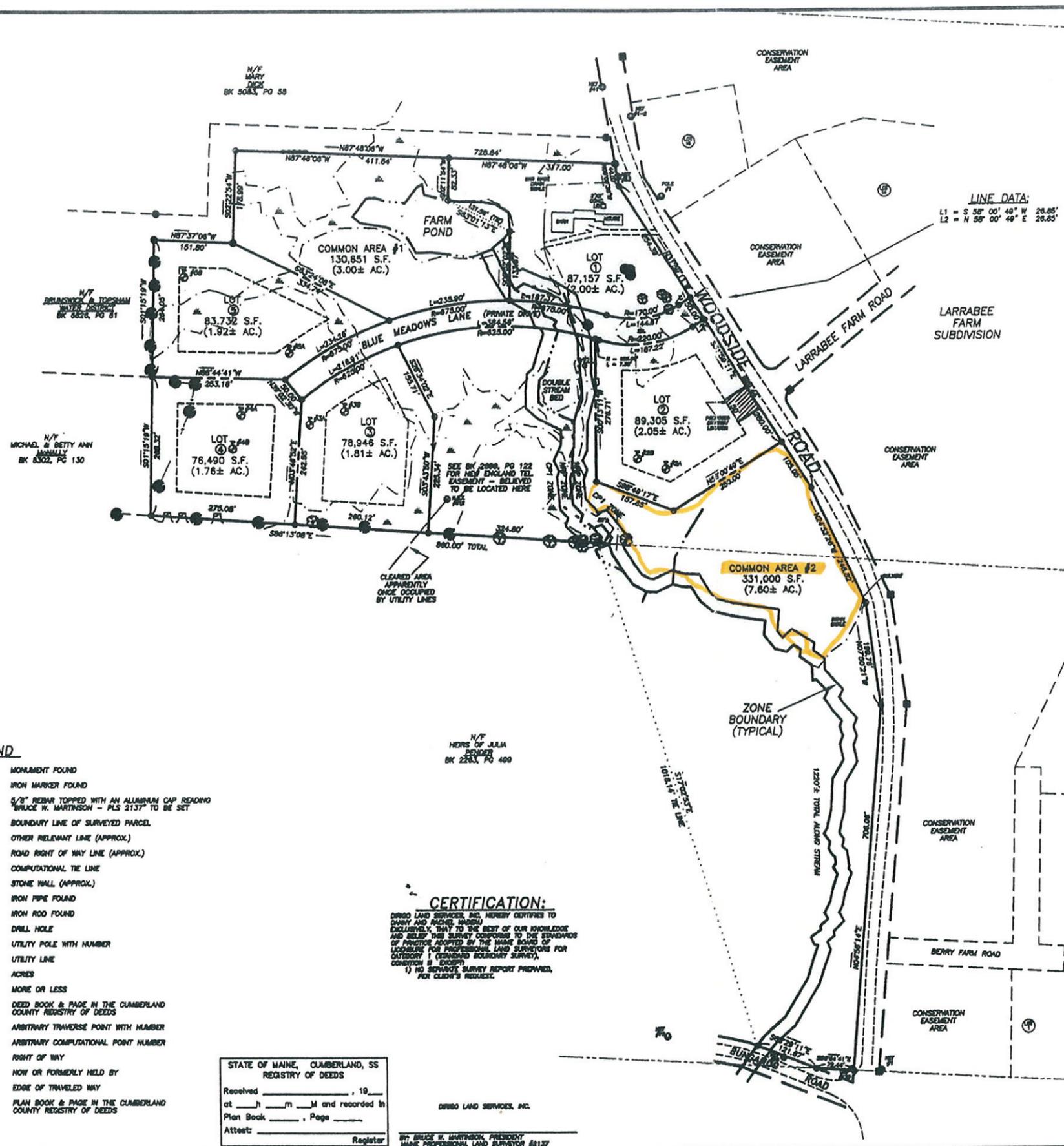
 Kristen Casey  
KRISTIN Y.

Lot #4  Sean Callahan, Trustee

Euphoria Revocable Trust  
 Betsy Callahan, Trustee  
Euphoria Revocable Trust

Lot #5  Duke Albanese

 Sally Albanese  
NANCY



LINE DATA:  
L1 = S 55° 00' 48" W 28.85'  
L2 = N 58° 00' 44" E 28.85'

- GENERAL NOTES:**
- THE SITE IS OWNED BY DANNY AND RACHEL NADEAU (328 WOODSIDE ROAD BRUNSWICK, ME 04011) MAP 27 LOT 3.
  - AREA OF DOTTING LOT# 818,080 S.F. (18.08 AC±)
  - THE LAND IS CURRENTLY UNDEVELOPED FIELD AND WOODED AREA. A SMALL FARM HOUSE AND POND EXIST ON THE PROPERTY.
  - THE SURFACE SOILS ARE CLASSIFIED BY THE SOIL SURVEY FOR CAMBERLAND COUNTY, MAINE BY THE SOIL CONSERVATION SERVICE (PG 40). THE SPECIFIC SOILS ARE:
    - DUB - DEERFIELD LOAMY SAND 3-8% SLOPES
    - BUB - BELLEVILLE VERY FINE SANDY LOAM 0-8% SLOPES
    - SB - SCHOTT BELT LOAM
    - SH2 - SUPPLEY BELT LOAM 20-45% SLOPES - ERODED
    - WMB - WOODBORO LOAMY SAND 0-8% SLOPES
    - W8 - WOLLE FINE SANDY LOAM 3-8% SLOPES
    - W9 - WOODBORO FINE SANDY LOAM 0-8% SLOPES
  - ORDINANCE STANDARDS:
    - COASTAL PROTECTION ZONE (CPZ) RESIDENTIAL DENSITY FACTOR: 1 UNIT PER 217,000 S.F. (5 ACRES)
    - NATURAL RESOURCE PROTECTION ZONE (NRPZ) RESIDENTIAL DENSITY FACTOR: 1 UNIT PER 217,000 S.F. (5 ACRES)
- OPEN SPACE DEVELOPMENTS - LOT REQUIREMENTS:**
- MIN. ROAD FRONTAGE ON PRIMARY ROADS: 200'
  - MIN. ROAD FRONTAGE ON SECONDARY ROADS: 100' (MAY BE REDUCED BY P.E. VIA WAIVER)
  - MIN. ROAD WIDTH FOR PRINCIPAL STRUCTURES: 30'
  - MIN. SIDE YARD: 10'
  - MIN. PROTECTED CONSERVATION LAND: 50'
- ABUTTING:**
- LOT 27 - MARY DECK
  - LOT 28 - HEIRS OF JULIA PENDER
  - LOT 13 - MICHAEL & BETTY ANN MANFULLY
  - LOT 18 - BRUNSWICK & TOPSHAM WATER DISTRICT
- LOT #6 DRIVEWAY ACCESS LOCATION TO WOODSIDE ROAD TO BE LOCATED AS SHOWN ON PLAN.**
- TEST FITS:** TEST FITS HAVE BEEN APPROXIMATELY LOCATED BY SITES AND WILL BE FIELD VERIFIED BY DRIBBO LAND SERVICES, INC. WHEN LOT PINS ARE SET. TEST FITS WERE COMPLETED BY BILL SHARP.

**NOTES:**

- TITLE REFERENCE FOR SURVEYED PARCEL:  
BK 13820, PG 285
- PLAN REFERENCES:  
a) "STANDARD BOUNDARY SURVEY OF LANDS LYING WITHIN THE TOWN OF BRUNSWICK" FOR BRUNSWICK & TOPSHAM WATER DISTRICT, BY MORTON & ROSE, DATED 8-4-86, APPARENTLY NOT RECORDED.  
b) "PROPERTY SURVEY FOR BRUNSWICK FEDERAL SAVINGS AND LOAN ASSN.", DATED 10-14-81, AND RECORDED IN PB 132, PG 38.  
c) FINAL PLAN OF LARRABEE FARMS SUBDIVISION BY OWEN HASKELL, INC., RECORDED IN PB 183, PG 12.
- AREA INFORMATION:  
AREA = 918,580 SQ FT OR 21.08 AC±.
- TAX MAP REFERENCE:  
TAX MAP 27, LOT 3
- BASE OF BEARINGS:  
BEARINGS ARE MAGNETIC (1998) AND ARE BASED ON HAND COMPILED BEARINGS ALONG RANDOM TRAVERSE LINES.
- ROAD INFORMATION:  
R/W WIDTH AND LOCATION FOR WOODSIDE ROAD IS BASED ON LARRABEE FARMS SUBDIVISION PLAN IN NOTE 2(c) ABOVE.
- SPECIAL NOTE:  
THERE IS NO FLOOD ZONE AFFECTING THIS PARCEL.
- ELEVATION REFERENCE MARK:  
ANY ELEVATIONS SHOWN REFER TO NOV 1928, AND ARE BASED ON THE WELL CAP SOUTH OF THE WOODBORO & BUNHAMAC INTERSECTION, WHICH WELL CAP IS REFERRED TO ON THE FEMA PANEL FOR THIS AREA.

**OWNER OF RECORD:**  
DANNY AND RACHEL NADEAU  
328 WOODSIDE ROAD  
BRUNSWICK, MAINE 04011

**GRAPHIC SCALE:**  
0' 100' 200'

**PLAN OF SUBDIVISION OF LAND OF DANNY AND RACHEL NADEAU**

328 WOODSIDE ROAD  
BRUNSWICK, MAINE (CAMBERLAND COUNTY)

DATED JUNE 23, 1998 SCALE: 1" = 100'

Prepared by: DRIBBO LAND SERVICES, INC.  
BRUCE W. MARTINSON, PRESIDENT  
8 CAMBERLAND STREET  
BRUNSWICK, ME 04011  
TEL: (207) 725-2500

Prepared in association with:  
**SITELINES**  
ENGINEERS-PLANNERS  
8 CAMBERLAND STREET  
BRUNSWICK, ME 04011  
(207) 725-1200  
FAX 725-1114  
EMAIL: sitelines@clinic.net

- LEGEND**
- MONUMENT FOUND
  - IRON MARKER FOUND
  - 5/8" REBAR TOPPED WITH AN ALUMINUM CAP READING "BRUCE W. MARTINSON - PLS 2137" TO BE SET
  - BOUNDARY LINE OF SURVEYED PARCEL
  - - - OTHER RELEVANT LINE (APPROX.)
  - == ROAD RIGHT OF WAY LINE (APPROX.)
  - ..... COMPUTATIONAL THE LINE
  - STONE WALL (APPROX.)
  - IFP IRON PIPE FOUND
  - IRP IRON ROD FOUND
  - ⊕ DH DRILL HOLE
  - ⊙ UTILITY POLE WITH NUMBER
  - UTILITY LINE
  - AC ACRES
  - ± MORE OR LESS
  - BK 8671, PG 194 DEED BOOK & PAGE IN THE CAMBERLAND COUNTY REGISTRY OF DEEDS
  - ▲ 4 ARBITRARY TRAVERSE POINT WITH NUMBER
  - 4, 101 ARBITRARY COMPUTATIONAL POINT NUMBER
  - R/W RIGHT OF WAY
  - N/F NOW OR FORMERLY HELD BY
  - EDGE OF TRAVELED WAY
  - PB 22, PG 77 PLAN BOOK & PAGE IN THE CAMBERLAND COUNTY REGISTRY OF DEEDS

**CERTIFICATION:**  
DRIBBO LAND SERVICES, INC. HEREBY CERTIFIES TO DANNY AND RACHEL NADEAU EXCLUSIVELY, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THIS SURVEY COMPIRES TO THE STANDARDS OF PRACTICE ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS FOR CATEGORY 1 (STANDARD BOUNDARY SURVEY).  
CONSENT IS GIVEN:  
1) NO SURVEY REPORT PREPARED FOR CLIENT'S RECORD.

DRIBBO LAND SERVICES, INC.  
BY BRUCE W. MARTINSON, PRESIDENT  
MAINE PROFESSIONAL LAND SURVEYOR #1137

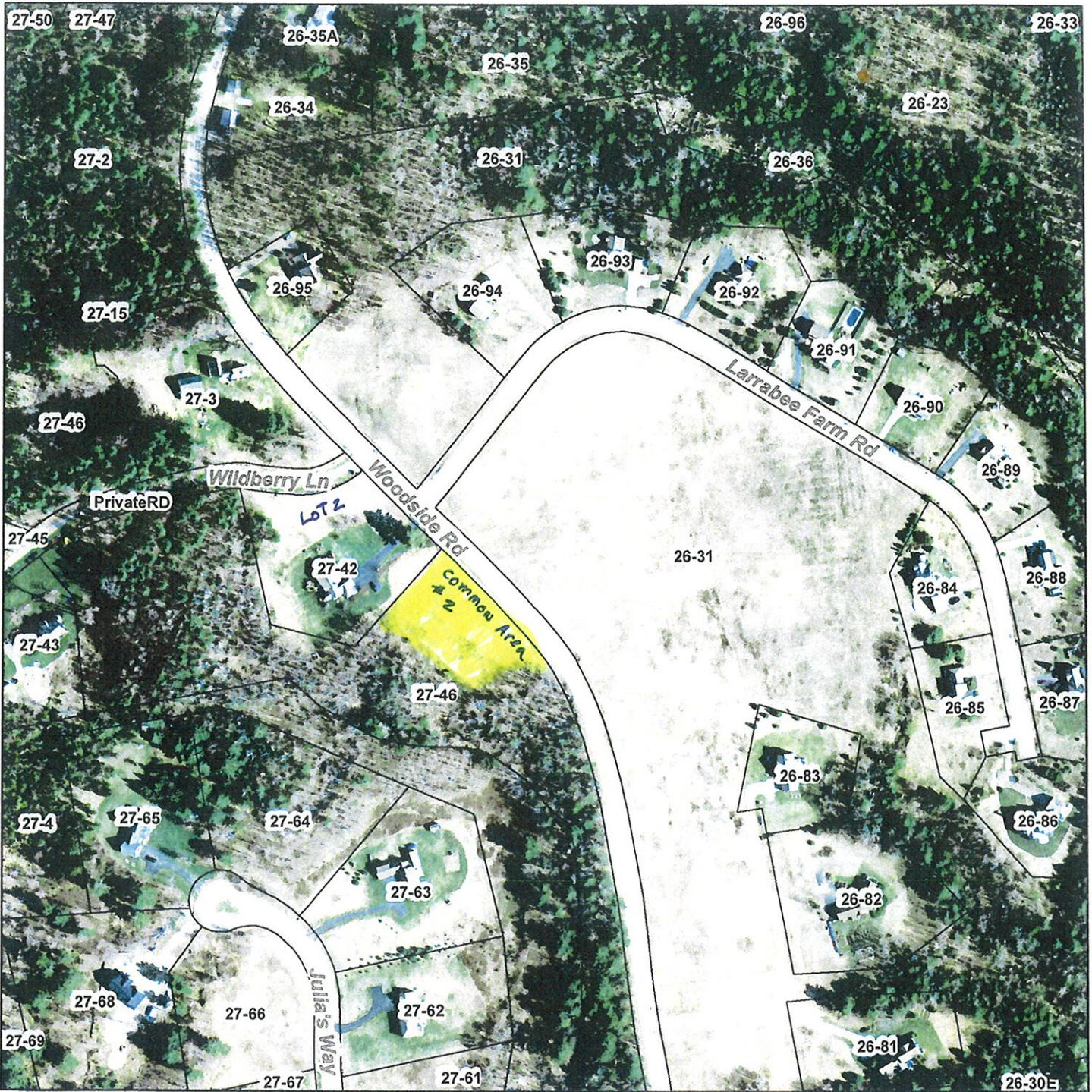
STATE OF MAINE, CAMBERLAND, SS  
REGISTRY OF DEEDS  
Received \_\_\_\_\_, 19\_\_\_\_  
at \_\_\_\_\_, m \_\_\_\_\_ and recorded in  
Plan Book \_\_\_\_\_, Page \_\_\_\_\_  
Attest: \_\_\_\_\_  
Register

From: **Rachel Nadeau** ranadeau4@comcast.net  
Subject: Photos from Dec 20, 2015  
Date: December 21, 2015 at 10:11 AM  
To: ranadeau4@comcast.net





title



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**AMENDMENT TO**  
**DECLARATION OF RESTRICTIONS FOR**  
**WILDBERRY LANE**  
**BRUNSWICK, MAINE**

**WHEREAS**, by instrument title “Declaration of Restrictions for Wildberry Lane”, dated December 29,1998, and recorded in the Cumberland County Registry of Deeds at Book 14448, Page 018, The Declarants (hereinafter referred to in the first person singular) Danny Nadeau and Rachel Nadeau did cause to subject a 5 lot subdivision known as Wildberry Lane, which lots are depicted on a plan of Subdivision of land of Danny & Rachel Nadeau, dated July 9, 1998, and recorded in the Cumberland County Registry of Deeds at Book 198, Page 342 to restrictions, reservations, servitudes, and covenants of said Declaration; and,

**WHEREAS**, all the 5 lots that make up the Subdivision have been sold and are under separate ownership; and,

**WHEREAS**, the owner of said lots are as follows:

Lot 1: John Chapman & Allison Chapman, recorded in the Cumberland County Registry of Deeds at Book 31262, Page 220;

Lot 2: Danny Nadeau & Rachel M. Nadeau, recorded in the Cumberland County Registry of Deeds at Book 13620, Page 265;

Lot 3: Shawn Casey & Kristen CAsey, recorded in the Cumberland County REgistry of Deeds at Book 14696, Page 81;

Lot 4: Euphoria Revocable Trust, Sean Callahan & Betsy Biemann, Trustees of, recorded in the Cumberland County Registry of Deeds at Book 22307, Page 106;

Lot #1 \_\_\_\_\_ John Chapman

\_\_\_\_\_ Allison Chapman

STATE OF MAINE

Cumberland,ss.

\_\_\_\_\_, 20\_\_\_\_

Then personally appeared before me the above-named John Chapman and Allison Chapman acknowledged the foregoing to be their free act and deed.

\_\_\_\_\_

Notary Public/ Attorney at Law

Lot #2 \_\_\_\_\_ Danny Nadeau

\_\_\_\_\_ Rachel Nadeau

STATE OF MAINE

Cumberland,ss. \_\_\_\_\_, 20\_\_

Then personally appeared before me the above-named Danny Nadeau and Rachel M. Nadeau and acknowledged the foregoing to be their free act and deed.

\_\_\_\_\_

Notary Public/ Attorney at Law

Lot #4 \_\_\_\_\_ Sean Callahan, Trustee  
Euphoria Revocable Trust  
\_\_\_\_\_ Betsy Biemann, Trustee  
Euphoria Revocable Trust

STATE OF MAINE

Cumberland,ss. \_\_\_\_\_, 20\_\_\_\_

Then personally appeared before me the above-named Sean Callahan and Betsy Biemann, and acknowledged the foregoing to be their free act and deed.

\_\_\_\_\_

Notary Public/ Attorney at Law

Lot #5 \_\_\_\_\_ Duke Albanese

\_\_\_\_\_ Nancy Albanese

Then personally appeared before me the above-named Duke Albanese and Nancy Albanese and acknowledged the foregoing to be their free act and deed.

\_\_\_\_\_

Notary Public/ Attorney at Law

original

BK 1448PG018

00710

DECLARATION OF RESTRICTIONS FOR  
WILDBERRY LANE  
BRUNSWICK, MAINE

COMPLIMENTS OF  
H & D TITLE  
&  
CLOSING SERVICES

A. Preamble

WHEREAS, The Declarants (hereinafter referred to in the first person singular) are the owners in fee of the real estate depicted on a plan of subdivision of land of Danny and Rachel Nadeau dated July 9, 1998 recorded in the Cumberland County Registry of Deeds at Plan Book 198, Page 342 and known as Wildberry Lane and the Declarant desires to provide for the improvements of Wildberry Lane Subdivision in accordance with a harmonious plan for the relative location of single family residences, garages, ancillary structures, rights of way, easements, roads, conservation areas and general land use, all for the purpose of assuring to purchasers of lots in Wildberry Subdivision, their heirs and assigns, that the use, benefit and enjoyment of the individual lots, conservation areas, facilities, easements and roads will not conflict with said harmonious plan; and,

WHEREAS, in order to effect the foregoing purpose the Declarant desires that the lots and common areas be subject to certain restrictions, reservations, servitudes, and covenants as hereinafter set forth;

NOW, THEREFORE, in consideration of the premises, the Declarant hereby covenants and agrees with purchasers of lots in Wildberry Lane Subdivision, their heirs and assigns, that the five lots depicted on said plan, and common areas, shall be conveyed subject to the restrictions, reservations, covenants, conditions, servitudes, easements and agreements set forth in the various clauses of this Declaration; it is hereby agreed and covenanted that said restrictions, covenants, conditions, servitudes, easements and agreements shall be binding upon the Declarant, his heirs and

8K 1448P6019

assigns, and the various purchasers of lots in Wildberry Lane Subdivision, their heirs and assigns, and shall be bind as hereinafter set forth, on all the land contained within Wildberry Lane Subdivision as depicted on said plan.

The restrictions and covenants contained herein shall be construed as running with the land at law as well as in equity and shall, as aforesaid, be binding upon and inure to the benefit of the heirs and assigns of the Declarant, and all present and future persons or entities owning or having an interest in any of said lots, common areas, or parts thereof.

**B. Residential Area Covenants**

The following covenants and restrictions shall apply to lots numbered 1 through 5 as depicted on said plan.

**B-1:** All numbered lots on said plan shall be used for residential purposes only, and no such lots may be subdivided. Home occupations shall be allowed as long as they conform with the existing applicable zoning laws of the Town of Brunswick.

**B-2:** Residential buildings with the exception of the structures in plan on Lot #1, shall contain at least 1000 square feet on the first floor exclusive of garage, deck, eels or patios. No structures of any kind shall be erected, nor any material change in existing structure made, without the prior written approval of the Declarant or his heirs and assigns. Plans and specifications in reasonable detail shall be submitted to lot owners to the Declarant or his successors in interest showing a plot plan, describing the elevation of the proposed structure or change with specifications as to color and material. Such approval shall not be unreasonably withheld and shall be exercised for the benefit of the owners of the lots in the subdivision to insure that no structure is permitted which is markedly conspicuous and not compatible with the development of the lots and their natural

BK 14486020

surroundings. After all lots in the subdivision are sold such approval should be made to the trustees of the Wildberry Lane Subdivision Association in accordance with its bylaws.

B-3: All buildings erected on lots shall have exterior siding, either painted or stained wood, vinyl siding or brick.

B-4: Except as provided in ¶ B-4(a) below, no duplex, garage apartment, boarding house, apartment house or multiple dwelling of any kind shall be rented or placed on any lot, and no buildings on any lot originally in compliance with the covenants and restrictions contained herein shall be altered or converted into a duplex, garage apartment, boarding house, apartment house or multiple dwelling of any kind.

(a) Accessory apartments shall be allowed for use by the children, parents or sibling of lot owners, provided that only one accessory apartment shall be allowed per lot, and further provided as follows:

- (i) No front facade shall be altered to construct an accessory apartment;
- (ii) The accessory apartment shall not be greater than 750 square feet or 35% of the gross floor area of the structure, whichever is greater;
- (iii) The accessory apartment shall be secondary, incidental and subordinate to the use of the structure as a single family residence or commercial structure.
- (iv) Such accessory apartment shall be in compliance with applicable municipal zoning ordinances without the necessity of obtaining an exception or variance.

B-5: No mobile homes, residential trailers, or camper trailers shall at any time be used on

any lot for human habitation, temporarily or permanently and no mobile home, either with or without wheels, shall be put on any lot.

**E-6:** All structures, including outbuildings and ancillary structures shall be placed within the setback requirements set forth on said plan of Wildberry Lane Subdivision, recorded at Plan Book 198, Page 342 of the Cumberland County Registry of Deeds.

**E-7:** No owner of a lot, his agents, or successors in interest, shall alter the natural course of surface water on such lot in a way which would alter the natural flow of such water across any other lot unless such alteration is approved by the Declarant, its successors and assigns.

**E-8:** Existing trees and natural cover shall be preserved, if practical, on all lots and may be enhanced by landscaping harmonious with the natural environment. Ten foot buffer strips along the side boundary lines of each lot, commencing at a point on said boundary lines located forty feet from the front of each lot, together with ten foot buffer strips along the rear lot boundary lines in their entirety, shall be left in their natural state except for the following:

- (a) pruning necessary for health, vegetative growth;
- (b) the augmentation or replacement of plant materials for the purpose of enhancing the appearance and effectiveness of the buffer; and
- (c) the installation of fencing provided that all practical measures are taken to minimize the effect of that installation on the appearance and vitality of the plant materials in the buffer.

**E-9:** No animals, livestock, or poultry of any kind shall be raised, or kept on any lot, except dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. However, Declarant reserve the right to keep **no more than two horses**

on lot #2 of said plan.

**E-10:** No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

**E-11:** Except for home occupation allowed under the Town of Brunswick Zoning Ordinance, no commercial activity, noxious or offensive activity shall be carried upon any lot, nor shall anything be done thereon which may be or may become an annoyance to other owners of lots.

**E-12:** No lot shall be used or maintained as a dumping ground for rubbish, nor shall rubbish be dumped in Wildberry Lane Subdivision. All trash, garbage and waste on lots shall be kept clean and stored in sanitary containers. No junk automobiles or unlicensed vehicles which do not have a valid Maine State inspection sticker and unlicensed construction equipment shall be kept or maintained or allowed on the lots.

**E-13:** All utilities running from the Wildberry Lane Subdivision shall be placed underground. Satellite dishes and other such receivers shall be installed in such a manner so as not to be visible from the subdivision main road.

**C. Common Areas - Rules and Covenants**

The Declarant covenants he shall not convey a deed to any lot in Wildberry Lane Subdivision without including in the deed to the grantee of such lot an easement in common with the Declarant and other lot owners to use and enjoy the common areas subject to the following rules:

**C-1:** All persons using said common areas shall abstain from the destruction of any natural facilities and will maintain cleanliness as the areas are used.

BK 1468PG023

C-2: No use of the common areas shall be permitted which in any way interferes with the natural drainage or flow of water, or which materially interferes with natural tree growth and vegetation.

C-3: The following rules shall apply to the use of the pond by Association members:

- (i) The pond currently located on that lot depicted on the plan as Common Area I, its natural environs and the tributaries thereto shall be maintained in their natural condition, insofar as the pond, its natural environs and tributaries are within the control of the Association.
- (ii) The natural flow of the tributaries of the pond shall be maintained as they now exist.
- (iii) The traffic and noise level on or about the pond shall be minimized insofar as possible.
- (iv) The environment of the pond and its environs for fish and wildlife, recreational uses and scenic and aesthetic beauty shall be maintained.
- (v) Fishing on the pond and in its tributary or tributaries shall be limited to the members of the Association and so many of their guests. Further, fishing shall not be to such an extent so as to endanger the level of fish population in the pond.
- (vi) No pesticides, fertilizers or chemicals which reduce or adversely affect the quality of the water shall be used on the pond or its natural environs.
- (vii) Boating, swimming, and skating on the pond shall be limited only to the members of the Association and so many of their guests. Power boats shall

BK 144876024

not be allowed on the pond. Storage of boats or canoes shall be stored on owners' property. Each member of the Association shall hold harmless and indemnify the other Association members and their guests from any and all claims arising out of use of the conservation areas including the pond, its tributaries or natural environs made by or on behalf of any guest or invitees of the first-mentioned party against the other party.

D. Roads and Easements

D-1: All roads shown on said plan shall be maintained by the grantees of lots 3-5 in Wildberry Lane Subdivision and said grantees shall be required to contribute a pro rata share of said maintenance costs on an annual basis, the contribution obligation of said grantees to commence upon the transfers of title from the Declarant to each grantee. Upon the sale of the lots in the Wildberry Lane Subdivision, the Declarant shall convey all roads to the Wildberry Lane Subdivision Association.

D-2: The Declarant represents that, upon the sale of any lot, it is his intent that said roads shall be dedicated to and open to the public for the purpose of serving the lots within the subdivision. The Declarant reserves the right, however, to reasonably limit the degree of vehicular tonnage allowed on said roads within the subdivision at such times of year and during such weather conditions as such vehicular tonnage might cause damage to said roads.

D-3: As used herein in connection with roads and easements, the term "maintenance" shall include improvement, snow removal, providing for proper drainage, maintaining easements shown on said plan, resurfacing and, in general, any act preserving the appearance and stability of such roads for safe passage on same by owners of lots 3, 4 and 5 in Wildberry Lane Subdivision and

BK 1448PG025

others who might use the roads.

D-4: The Declarant covenants that all deeds conveying lots 3, 4, and 5 on said plan shall contain a covenant whereby the grantee of said deed, by acceptance thereof, agrees to pay the pro rata obligation set forth in D-1 above. In no event shall said grantee be obligated to pay any cost of original road construction.

E. General Provisions

E-1: Association: Every owner of a lot shall be a member of the Wildberry Lane Subdivision Home Owners Association. Membership shall be appurtenant to and may not be separated from lot ownership. All Owners shall be entitled to one vote for each lot owned.

The Association shall perform and be responsible for any maintenance necessary on the common areas, the pond and the subdivision road pursuant to the terms of this declaration and the association by-laws.

E-2: By-Laws: Subsequent to the date of this Declaration and the recording thereof, Wildberry Lane Subdivision Home Owners Association, a non-profit and non-stock corporation, shall be duly organized under the laws of the State of Maine. The Association shall be the governing body for the Lot owners with respect to the administration, maintenance, repair and replacement of the property as provided in this Declaration and the By-Laws.

E-3: All covenants contained herein are to run with the land and shall be binding upon the parties and all parties claiming under them for a period of twenty-five (25) years from the date hereof, at which time the covenants shall be automatically extended for successive ten year periods unless by vote of a majority of the lot owners covered by the covenants it is agreed at the end of the

BK 1648PG026

first twenty-five year period or the end of a successive ten year period, to change said covenants in whole or in part. In no event shall these restrictions continue for more than fifty years from the date of recording of this Declaration.

E-4: If any covenant or provision in this Declaration, or any part thereof, shall be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof, which shall remain in full force and effect.

E-5: All assessments provided for hereunder for the maintenance of the roads, and easements described in D-1 above shall be a charge upon the lot against which such assessment is made, and upon written notice mailed to the owner of said lot, the said debt shall become delinquent if not paid within sixty days after the same becomes due. Upon delinquency, such debt together with all costs of collection including reasonable attorneys' fees shall become a continuing lien on said lot and building as an encumbrance until fully paid and shall be collectible at law by the Declarant, its successors and assigns.

E-6: Enforcement of all covenants and obligations herein shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover debts or damages. Individual lot owners shall have standing to enforce such covenants and obligations. In the event that any lot owners individually or as members of the Wildberry Lane Subdivision Association shall have standing to enforce such covenants and regulations and, in the event they prevail in any enforcement action, the offending lot owner shall be obligated to pay the moving party reasonable attorneys' fees and costs incurred in enforcing said obligation or covenants.

David R. Salvail and Jill Brady join in the execution of the Declaration of Restrictions for

BK 14448PG027

Wildberry Lane, Brunswick, Maine for the limited purpose of subjecting said Lot #5 of Wildberry Lane to the Restrictions and Covenants contained within.

IN WITNESS WHEREOF, the undersigned has hereunto executed this Declaration on the 29th day of December, 1998.

Witness:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Nadeau  
Danny Nadeau  
Rachel M. Nadeau  
Rachel M. Nadeau  
David R. Selvail  
David R. Selvail  
Jill Brady  
Jill Brady

STATE OF MAINE  
Cumberland, ss

December 29th, 1998

Then personally appeared before me the above-named Danny Nadeau and Rachel M. Nadeau and acknowledged the foregoing to be their free act and deed.

Susan M Conde  
Notary Public/Attorney at Law

SUSAN M. CONDE  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES SEPTEMBER 18, 2002

SEAL

STATE OF MAINE  
Cumberland, ss

December 23, 1998

SEAL

Then personally appeared before me the above-named David R. Selvail and Jill Brady and acknowledged the foregoing to be their free act and deed.

Susan M Conde  
Notary Public/Attorney at Law

SUSAN M. CONDE  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES SEPTEMBER 18, 2002

RECEIVED  
RECORDS DEPARTMENT OF DEEDS

1999 JAN -5 AM 10:42

CUMBERLAND COUNTY

John B. O'Brien

AFFIDAVIT REGARDING CONDITIONS  
OF APPROVAL FOR NADEAU SUBDIVISION

55174

STATE OF MAINE

CUMBERLAND, ss.

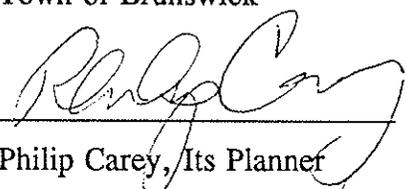
I, Philip Carey, being first duly sworn, depose and say:

1. I am Philip Carey of Brunswick, Maine. The statements contained herein are based upon my personal knowledge.
2. I am a Planner for the Town of Brunswick.
3. In my capacity as Planner for the Town of Brunswick, I am familiar with the Town records relating to the approval of Nadeau Subdivision. The approval was subject to conditions contained in Town records but which may or may not be contained in records filed with the Registry.
4. The purpose of this Affidavit is to place persons interested in Nadeau Subdivision on notice that the approval of the project carries the conditions of approval adopted by the Planning Board at its meeting of July 14, 1998 which are attached hereto as Exhibit A.
5. The owner of the property at the time of application was Dan & Rachel Nadeau.

Dated: 8/11, 1998

Town of Brunswick

By:

  
Philip Carey, Its Planner

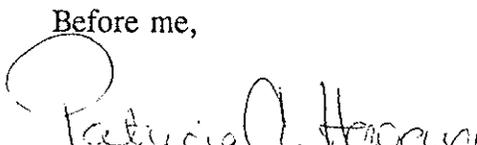
8/11, 1998

STATE OF MAINE

CUMBERLAND, ss

PERSONALLY APPEARED, the above-named Philip Carey in his capacity as Planner of the Town of Brunswick as a foresaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town.

Before me,

  
Notary Public/Attorney-at-Law

PATRICIA A. HOWARD  
NOTARY PUBLIC

MY COMMISSION EXPIRES FEBRUARY 7, 2001

SEAL

BRUNSWICK PLANNING BOARD  
FINAL CONDITIONS OF APPROVAL  
NADEAU SUBDIVISION  
7/14/98

That the Final Plan be approved with the following conditions:

- 1) That the Board's review and approval is based on the plans and other materials submitted by the applicant as well as the written and oral comments of the applicant, his representatives, reviewing officials and members of the public as reflected in the public record. Any change to the approved plan or materials not included 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 the proposed conservation easement be accepted by the Town Council subsequent to reconsideration by the Conservation Commission and that should the proposed conservation easement not be accepted by the Town Council, the applicant shall execute deed restrictions, satisfactory to the Director of Planning and Development, that reflect the same rights and restrictions on the various lot owners as are contained in the proposed conservation easement. Also, that any proposed amendments to those deed restrictions shall require approval as an amendment to the approved plan in accordance with the Brunswick Zoning Ordinance.
- 3) That the written recommendations of the Recreation Commission concerning this project shall be implemented and that any recreation impact fee included in those recommendation shall be paid.
- 4) That the Solid Waste Impact Fee of \$1034.24 shall be paid.
- 5) That the applicant submit four paper copies of a revised plan, satisfactory to the Planning Department, with the following changes:
  - a) Corrected approval date.
  - b) Street name satisfactory to the Town Assessor.

RECEIVED  
RECORDED REGISTRY OF DEEDS

1998 AUG 14 PM 1:40

CUMBERLAND COUNTY

*John B. O'Brien*

Town of Brunswick, Maine



CONSERVATION COMMISSION

28 FEDERAL STREET • BRUNSWICK, MAINE 04011-1583

Memorandum

To: Brunswick Planning Board

From: William Ferdinand, Jr., Chair  
Brunswick Conservation Commission

re: Nadeau Subdivision - Conservation Easement

Date: July 8, 1998

At the Commission's work session meeting of June 24, 1998, Charles Wiercynski, on behalf of Dan Nadeau, requested that the Conservation Commission make a recommendation on whether the Town of Brunswick should accept a conservation easement proposal as part of a subdivision plan that is pending before the Planning Board. At our regular scheduled July 7, 1998, The Commission reviewed this request. Dan Nadeau was in attendance during the discussion and answered questions of the Commission members.

Commission members Ferdinand, Smith, Benedikt, Curtis and Dillon along with Alan Houston, Natural Resources Planner, accompanied Dan Nadeau to the property. We inspected the locations of the existing and proposed structures and lots, as well as the natural resources on the site including the farm pond, intermittent streams, field and woodlands.

The Commission then reviewed the proposed easement under the criteria that the Town adopted as policy for deciding whether to accept a conservation easement. Based on these criteria, the Commission recommends by unanimous vote, that the Town not accept the proposed conservation easement for this subdivision.

The basis for this conclusion will be recited in the minutes of the meeting. Although there were some factors that weigh in favor of accepting the easement, the small size of the easement; the lack of significant rare or endangered wildlife habitat on the property; the layout of the road and lots which fragment the proposed open space were not favorable. Also, the proposed location of a residence in the open field; and the lack of public access and recreation value in the property did not add to the value of the easement. In summary, the Commission concluded that there is not enough public conservation value in the proposed open space to warrant the Town accepting the Conservation Easement.

cc: Brunswick Town Council  
Brunswick Planning Department

File  
98-083

# Town of Brunswick, Maine



## CONSERVATION COMMISSION

28 FEDERAL STREET • BRUNSWICK, MAINE 04011-1583

### Memorandum

To: Brunswick Town Council  
Brunswick Planning Board  
Brunswick Town Commons Committee

From: William Ferdinand, Jr., Chair  
Brunswick Conservation Commission

cc: Don Gerrish, Town Manager  
✓ Theo Holtwijk, Town Planner  
Charles Wiercynski, SiteLines, Inc.

re: Parkview Estates Subdivision - Proposed conservation easement

Date: July 14, 1998

Charles Wiercynski attended the conservation Commission work session on June 24, 1998 to request, on behalf of Frank Goodwin, that the Commission consider accepting a conservation easement as a donation. The proposed easement covers an 8 acre portion of the Parkview Estates Subdivision, including thirteen approved lots on Melden Drive and Cushnoc Lane. This area is noted as Phase 6B and includes lots 1 and 34 in Phase 6A. the parcel is contiguous to the Town Commons property which is owned by the Town.

We briefly discussed with Mr Wiercynski the possibility of donating fee title to the Town, rather than a conservation easement, and he said he would discuss this option with his client.

Commission members Ferdinand, Benedikt, Dillon, Curtis and Smith visited the site on Wednesday, July 8, 1998. The Commission members then discussed this proposal at our meeting after the site walk. The Commission voted unanimously to recommend that the Town should accept the fee title to this property rather than a conservation easement. The main reason for this recommendation being that the parcel abuts the Town Commons which is owned by the Town, and therefore can be managed in conjunction with this Town property.

If you have any further questions, please contact me.

**DRAFT Findings of Fact  
Site Plan Extension  
Final Subdivision Plan  
Tuesday, January 12, 2015**

**Project Name:** Site Plan Extension, Case #07-105: The Ledges Congregate Care Facility

**Case Number:** 15-054

**Tax Map:** Map 45, Lots 40 and 42

**Zoning District:** Business and Industry 3 (I3)

**Applicant:** Briarwood Partners  
31 Old Campus Drive  
Portland, Maine 04103

**Authorized Representative:** Curtis Neufeld, PE  
Sitelines, PA  
8 Cumberland Street  
Brunswick, Maine 04011

*Staff reviewed the application and has made a determination of completeness.*

## **CASE HISTORY**

The Ledges Congregate Care Facility includes a 37-unit congregate care facility approved by the Planning Board on February 12, 2008. The project was approved with two phases, but only Phase I is complete. Phase I includes a parking lot comprised of fifteen (15) parking spaces adjacent to Bath Road. Pursuant to Section 407.4.B, Site Plan approval expires two- years after Planning Board approval unless extended by the Planning Board.

The Planning Board granted three (3), two-year extensions to the Site Plan approval for Case #07-105 on January 26, 2010, January 24, 2012, and January 14, 2014, respectively. As part of most recent January 14, 2014 extension approval, the authorized representative for the applicant modified the approved Site Plan with a note stating that, “prior to commencement of Phase II, the applicant must obtain re-approval of the Special Permit associated with this project”. The note was added in response to staff recommendation. To date, the Special Permit for Phase II has not been approved, however, the requirement to obtain a Special Permit prior to commencement of Phase II remains in effect. Unless extended by the Planning Board, the expiration date for the Site Plan approval is January 14, 2016.

## **PROJECT SUMMARY**

Staff review is based on application material prepared by Sitelines, P.A. and dated December 22, 2015. Additionally, staff review considered the original Findings of Fact for Case #07-105, and the January 14, 2014 Planning Board meeting minutes regarding the existing Site Plan extension. A copy of the Approved Findings of Fact for Case #07-105, and the Planning Board meeting minutes are included with these Findings of Fact as Attachment 1 and Attachment 2, respectively. The application includes the approved site plans entitled, “Site Layout and Utility Plan” dated, December 27, 2007, and updated on

December 22, 2015. The updated site plan notes the following: “12/22/15 SUBMITTED FOR PERMIT EXTENSION”.

The proposal was reviewed by the Staff Review Committee on January 6, 2016. No objections were raised for the extension request; however, staff noted that a Special Permit for Phase II is required as stated on the Site Plan, and discussed in the Planning Board meeting minutes dated, January 14, 2014.

**DRAFT MOTIONS  
SITE PLAN EXTENSION, (CASE #07-105)  
THE LEDGES CONGREGATE CARE FACILITY  
CASE NUMBER  
15-015**

**Motion 1:** That the Site Plan Extension is deemed complete.

**Motion 2:** That the Site Plan Extension is approved with the following conditions:

1. That the Board’s review and approval does hereby refer to the 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.

**The Ledges Congregate Care Facility  
Approved Findings of Fact  
Review Date: February 12, 2008**

**Project Name:** The Ledges Congregate Care Facility

**Case Number:** 07-105

**Tax Map:** Map 45 Lots 40 and 42

**Applicant:** Briarwood Partners  
31 Old Campus Drive  
Portland, Maine 04103

**Authorized Representative:**  
Sitelines, Inc.  
8 Cumberland Street  
Brunswick, Maine 04011

**AGENDA SUMMARY**

**Case No. 07-105, The Ledges, Congregate Care Facility:** The Board will review and take action on a **Final Plan** application submitted by Briarwood Partners to develop a congregate care facility at 349 Bath Road (**Assessor's Map 45, Lot 40**) in the **Industrial 3 (I3) Zone**.

This application is for the development of a 37 unit congregate care facility on the north side of Bath Road (across from Sunnybrook Village). The development is on a 3.6 acre site adjacent to a pond with a 75-foot NRPZ setback from an adjacent pond (Thompson Pond). The development will include a 3-story building with a 19,200 sq. ft. footprint, parking for 73 vehicles and walking paths.

Although they expect to offer cross over services to residence housed in both communities, The Ledges will be operated as a separate facility from Sunnybrook. In addition to the cross-over services that will be provided at the two facilities, 15 of the 73 parking spaces will be shared with Sunnybrook, primarily for employees.

The Board did not approve the applicant's request to complete the project in two phases over a 5-year period. The initial construction would still include portions of the parking lot for 15 vehicles, the utilities and some of the landscaping. The parking would be used as overflow parking for Sunnybrook. The remainder of the parking lot and the building would be constructed once enough units are leased to warrant construction of the remaining portions of the project, which will need to be completed within 2 years of the final approval, per Section 407.4.

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

### **411.1 Ordinance Provisions**

The site is a 3.60 acre parcel located in the Industrial 3 (I3) Zone. The proposed site and building is designed to comply with these standards, including site layout, landscaping, building elevations and lighting. The plan received Special Permit approval in November, with the Board's finding that the proposed use and buildings are compatible to its surroundings. The I3 zone allows a maximum impervious area (lot coverage) of 80% with setbacks of 20 feet for the front and rear boundaries and 15 feet for the side boundary. The maximum building height is 60 feet. The proposed building and parking areas comply with these and other relevant Ordinance standards, including buffers and setbacks for the N.R.P.Z. *The Board finds that the provisions of Section 411.1 are satisfied.*

### **411.2 Preservation of Natural Features**

The site, which is currently a heavily wooded site, will be developed with a 19,200 sq. ft. three-story building and 42,000 sq. ft. of pavement for parking, driveway and walkways. The plan preserves the forested area within the 75-foot N.R.P.Z. buffer and on the north and west side boundaries. In addition, the plan includes a significant amount of new landscaping to supplement the natural forested areas. Additional parking lot plantings, street trees and other plantings will screen the building and parking areas from Bath Road. The Town Arborist and natural Resources Planner have reviewed the site plan and landscaping plan and concur with the approach taken by the applicant. *The Board finds that the provisions of Section 411.2 are satisfied.*

### **411.3 Surface Waters, Wetlands and Marine Resources**

Portions of the development are located in a shoreland zone and subject to the regulations in Section 211 of the Zoning Ordinance. The plan includes a 75-foot buffer for Thompson Pond and a 25-foot buffer for the wetland next to Bath Road, which complies with Town regulations and D.E.P. rules. The applicant has applied for a Tier 1 Wetland Alterations permit from the Maine D.E.P. and the Town's Natural Resources Planner has reviewed the plan and D.E.P. application and recommends approval. The plan submitted by the applicant will not adversely affect any water body or its shoreline and the development will not adversely affect water quality. *The Board finds that the provisions of Section 411.3 are satisfied, with the condition that the applicant provides the Town with a copy of the Maine D.E.P. Tier 1 Wetland Alterations permit.*

### **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 developed site will result in approximately 39% lot coverage relative to impervious area, or 61,200 sq. ft. of the 3.60 acre site. Stormwater will be collected in a catch basin system on the south side of the building where the runoff from the parking lot and other paved areas will be treated before being discharged into N.R.P.Z buffer and pond. Other

areas of the site will sheet flow directly into the buffer and pond. The use of the new stormwater infrastructure and the maintenance of existing stormwater flows will ensure that the new development will not result in adverse impacts downstream of the site compared to existing site conditions. The applicant will need to obtain a stormwater permit from the Maine D.E.P. for the stormwater management plan. *The Board finds that the provisions of Section 411.5 are satisfied, with the condition that the applicant receives approval from the Maine D.E.P. for stormwater management.*

#### **411.6 Groundwater**

The new development will maintain existing stormwater flows and will maintain temporary and permanent erosion control measures in accordance with the Maine Erosion and Sedimentation Control BMP's. The development will be served by public sewer and water via existing mains in Bath Road. Issues related to surface runoff have been addressed in Section 411.5. The development will not itself, or in conjunction with existing activities, adversely affect the quality or quantity of groundwater. *The Board finds that the provisions of Section 411.6 are satisfied.*

#### **411.7 Erosion and Sedimentation Control**

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 plan includes an erosion and sedimentation control plan meeting the requirements of the Ordinance and which has been approved by the Town Engineer. *The Board finds that the provisions of Section 411.7 are satisfied.*

#### **411.8 Sewage Disposal**

Sanitary sewer will be provided via a new sewer service from the existing public sewer main in Bath Road. The applicant has submitted plans to the Brunswick Sewer Department and anticipates receiving a letter from them to confirm the ability to serve the project. *The Board finds that the provisions of Section 411.9 are satisfied, with the condition that the applicant provide a letter from the Brunswick Sewer Department confirming the ability to serve the development.*

#### **411.9 Water Supply**

Water will be provided via a new water service from the existing public water main in Bath Road. The applicant has submitted plans to the Brunswick-Topsham Water District and anticipates receiving a letter from them to confirm the ability to serve the project. *The Board finds that the provisions of Section 411.9 are satisfied, with the condition that the applicant provide a letter from the Brunswick-Topsham Water District confirming the ability to serve the development.*

#### **411.10 Aesthetic, Cultural and Natural Values**

The scale and type of development is consistent with what currently exists in the Industrial 3 Zone on Bath Road. The applicant has submitted building elevations, a lighting plan and a landscaping plan that is acceptable to Town staff and the Planning Board. Existing forest areas that will remain will be enhanced with supplemental

plantings around the building, on the Bath Road frontage and in the parking lot. 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. *The Board finds that the provisions of Section 411.10 are satisfied.*

#### **411.11 Community Impact**

The project is for a congregate care facility for senior citizens as a residential facility. The facility is not designed for children and is not anticipated to have an impact on the schools. The facility will have low-impact recreational opportunities on-site for its residents in the form of walking trails and viewing areas adjacent to the pond. It is anticipated that the development will have minimal impact on community facilities. The Board finds that municipal resources are available to service the project, and any off-site impacts associated with the development of the project will be mitigated, as provided for in Sections 411.8, 411.9, 411.16 and 411.17. *The Board finds that the provisions of Section 411.11 are satisfied.*

#### **411.12 Traffic**

A traffic study has been completed for this project. Although the development is expected to generate a minimal amount of traffic, there are a few pedestrian safety issues discussed under Section 411.13. Staff concurs with the results of the traffic study, provided the pedestrian warning signs are installed and clarification is made by the traffic consultant on the recommendation for the raised center island in Bath Road, as discussed in Section 411.13. The Town Engineer also recommends that a sidewalk or additional shoulder paving with striping for pedestrian use could be added on both sides of Bath Road for added pedestrian safety. The Town Engineer has approved the calculation of the Bath Road impact fee in the amount of \$3,903.12. *The Board finds that the provisions of Section 411.12 are satisfied; with the condition that the W11-2 pedestrian warning signs be installed, and that the applicant pay a Bath Road impact fee, and that the Bath Road impact fee be paid to the Town.*

#### **411.13 Pedestrian and Bicycle Access and Safety**

The development is located on Bath Road where there is currently no sidewalk and very little existing improvements relative pedestrian and bicycle safety. A sidewalk is proposed for pedestrian access out to Bath Road and to Sunnybrook Village on the opposite side of Bath Road. The traffic study includes a recommendation for pedestrian warning signs to alert motorists of potential pedestrians in Bath Road. The only pedestrians expected to cross Bath Road would be employees of Sunnybrook who would use 15 spaces in the new parking lot at The Ledges. Residents and guests would be strongly discouraged from crossing Bath Road. Although the two facilities would operate as separate entities, a van or shuttle would be used by residents to get between the two facilities on an as needed basis. The shuttle would also be available to employees. The sight distances will exceed 550 feet in both directions, which exceeds the recommended sight distance of 450 feet, as represented in the traffic study. Staff has asked for clarification from the applicant's traffic consultant on when a raised center island would

be needed, as recommended in the traffic study. *The Board finds that the provisions of Section 411.13 are satisfied.*

#### **411.14 Development Patterns**

The development is located in an area that is zoned for large-scale business and institutional uses. The plan received Special Permit approval in November 2007, where the Board found that the development is compatible to its surroundings, in terms of size, mass and scale. Based on these findings, the development will be respectful of Brunswick's historic development patterns and not have any adverse impact on adjacent areas which are both residential and non-residential. *The Board finds that the provisions of Section 411.14 are satisfied.*

#### **411.15 Architectural Compatibility**

The building is designed to provide a structure with an architectural and visual character that is appropriate for the proposed use and consistent with adjacent land uses. The three-story structure with two wings has been sited to accommodate setbacks and buffers and to have the most minimal impact on surrounding properties. The building will be screened by existing forest that will remain, as well as new landscaped areas. The Board finds that the development will be compatible with its surroundings in terms of size, scale, mass and design. *The Board finds that the provisions of Section 411.15 are satisfied.*

#### **411.16 Municipal Solid Waste Disposal**

The project is for the development of a 37 unit, 19,200 sq. ft. congregate care facility. The estimated solid waste was based on NSWMA Technical Bulletin #85-8, which estimates 5 pounds of solid waste per person per day in a nursing home. It is expected that a congregate care facility will generate a similar amount of solid waste. With a maximum potential for 74 residents at this facility, it is estimated that the project will generate approximately 67.5 tons of solid waste per year. Based on a rate of \$258.56 per ton, a fee of \$17,452.80 will be assessed for this project. Solid waste will be collected in an enclosed dumpster with fencing and landscaping for screening. The Town Engineer has approved the calculations for the solid waste impact fee. The Board finds that 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 the applicant pay a solid waste impact fee in the amount approved by the Town Engineer.*

#### **411.17 Recreation Needs**

The development is for residential senior housing that will not cause an unreasonable burden on the municipality's ability to provide recreational services, provided the plan complies with Section 519 of the Zoning ordinance. As a residential congregate care facility, the project is subject to a recreation impact fee in accordance with Section 519.1. The applicant has proposed 1,300 sq. ft. of conservation land per residential unit, for a total of 48,100 sq. ft. (1.1 acres), in lieu of a recreation impact fee. The plan is to have a developed area with buildings, pavement and other impervious areas of 2.1 acres, with the remaining 1.5 acres preserved for conservation land, landscaping, walking paths and sitting areas. The open space lies mostly within the Natural Resource Protection Zone and

the use by residents will be of a low impact nature in accordance with Section 211. An additional area on the west side boundary would be part of the area reserved for conservation. The applicant will need to get a determination from the Director of Parks and Recreation on whether the conservation land in lieu of payment of a recreation impact fee is acceptable. *The Board finds that the provisions of Section 411.17 are satisfied, with the condition that area reserved for conservation meets the requirements of the Director of Parks and Recreation, in lieu of the recreation impact fee, in accordance with Section 519.3.*

**411.18 Access for Persons with Disabilities**

The development will comply with the *Americans with Disabilities Act*, in a manner which is compatible with Brunswick's building code standards. The development is for congregate care facility/senior housing. The parking, pedestrian areas and the building will be handicap accessible to the extent required by law, which will be determined during the review for the building permit, by the Brunswick Code Enforcement Office and the State Fire Marshall's Office. *The Board finds that the provisions of Section 411.18 are satisfied.*

**411.19 Financial Capacity and Maintenance**

There are no off-site public improvements that will be required for this project and the developer will submit a letter from Briarwood Partners to indicate its commitment to finance the project. Based on testimony of the applicant, the Board finds that the developer has adequate financial and technical capacity to complete the project, provided that a letter from a qualified financial institution is submitted to show adequate financial capacity and commitment to complete the project. *The Board finds that the provisions of Section 411.19 are satisfied; with the condition that the applicant provide proof of financial capacity.*

**411.20 Noise and Dust**

The development will not contribute to unreasonable noise and dust, both during construction and after the development has been completed. 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 109.4 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 submitted a warranty deed for leasing the lot, demonstrating sufficient right, title and interest in the subject property. *The Board finds that the provisions of Section 411.21 are satisfied.*

**411.22 Payment of Application Fees**

The applicant has paid all applicable development review and application fees. *The Board finds that the provisions of Section 411.22 are satisfied.*

**PLANNING BOARD  
CONDITIONS OF APPROVAL  
THE LEDGES CONGREGATE CARE FACILITY  
CASE NUMBER 07-105**

**February 12, 2008**

That the Board waives the following submission requirements:

- 412.2B.8 Plan, Profile and Cross Section of Streets
- 412.2B.14 Plan, Profile and Cross Section of Sanitary Sewer Mains
- 412.2B.16 Class A High Intensity Soil Survey
- 412.2B.19 Location of Existing Sidewalks

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 commencing site work for the building and second phase of the parking lot, the applicant shall submit a letter from a qualified financial institution to show adequate financial capacity and commitment to complete the project.
3. That prior to commencing site work, the applicant shall provide the Town with a copy of the Maine D.E.P. Tier 1 Wetland Alterations permit.
4. That prior to commencing site work, the applicant shall receive approval from the Maine D.E.P. for stormwater management.
5. That prior to issuing a building permit, the applicant shall provide a letter from the Brunswick Sewer Department confirming the ability to serve the development.
6. That prior to issuing a building permit, the applicant shall provide a letter from the Brunswick-Topsham Water District confirming the ability to serve the development.

7. That prior to commencing site work for the building and second phase of the parking lot, the applicant shall design a pedestrian crossing that meets with the approval of the Director of Planning and Development and follows the recommendations of the Planning Board; and that the applicant shall pay a Bath Road impact fee of \$3,903.12.
8. That prior to receiving a certificate of occupancy, the applicant shall pay a solid waste impact fee of \$17,452.80.
9. That prior to issuing a building permit, the applicant shall pay a recreation impact fee of \$82,800.00, or set aside conservation or recreation land that is acceptable to the Recreation Commission, in lieu of the recreation impact fee.

**BRUNSWICK PLANNING BOARD  
JANUARY 14, 2014**

**MEMBERS PRESENT PLANNING BOARD:** Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Dale King, Richard Visser

**MEMBERS ABSENT:** Dann Lewis, Excused

**MOTION BY BILL DANA TO EXCUSE THE ABSENCE OF DANN LEWIS.  
SECONDED BY DALE KING, APPROVED BY CHARLIE FRIZZLE, BILL DANA,  
DALE KING AND RICHARD VISSER. OPPOSED BY MARGARET WILSON.**

**STAFF PRESENT:** Anna Breinich and Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, January 14, 2014 at the Morrell Meeting Room in Curtis Memorial Library, 23 Pleasant Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**Case # 07-105, Request for Site Plan Approval Extension, The Ledges Congregate Care Facility:** Pursuant to Section 407.4.B of the Zoning Ordinance, Briarwood Partners is requesting a site plan approval extension from the Planning Board, for the development of a congregate care facility at 349 Bath Road (**Assessor's Map 45, Lot 40**) in the **Industrial 3 (I3) Zone**.

Anna Breinich began by handing out and reviewing the Planning Board minutes of 1/26/2010 and 1/24/2012 and stated that this is the third site plan extension for The Ledges Congregate Care Facility. Anna stated that the project for the congregate care facility was first approved on 2/12/2008 with extensions in 2010 and 2012. Anna noted that the only question by the applicant was whether or not the Special Permit for the designated *use* in the original approval was reapproved in the subsequent extensions; the Special Permit was not extended and it is recommended by staff that this be placed as a Condition of Approval. Anna stated that there have been no other changes to the plan, or Findings of Fact. Charlie Frizzle noted that staff has added to the conditions of approval that "prior to commencement of Phase II, the applicant must obtain re-approval of the Special Permit associated with this project". Curtis Neufeld, of Sitelines, stated that he had modified plans which they have added two status blocks to indicate the dates of approval and re-approval and that prior to obtaining a building permit, the applicant will need to obtain the Special Permit and receive a new NRPZ Act Permit for the wetlands.

Margaret Wilson asked about the staff recommendation to add the Special Permit to the Conditions of Approval and Charlie Frizzle replied that they do not need to do this as this has been added to the plan per Curtis Neufeld in the status block.

Charlie Frizzle opened the public hearing and noted that no public was present. The public hearing was closed.

Margaret Wilson asked if it is believed that the applicant will build. Curtis Neufeld replied that the market has not been great and that the investors have not been interested in investing the money for the facility if it will be vacant. Curtis stated that since the last extension, they have had a positive change in management and they are seeing a better change in the market. Margaret asked for clarification on congregate care and Mike Parsons, representative, replied that congregate care is elderly independent living with minimal services and meals. Mike stated that there is a significant investment being held up in the project and they would like to build the facility. Mike stated that the past few years have been rough but that they are seeing a return to normal in occupancy levels in Sunnybrook Village located across the street.

**MOTION BY BILL DANA TO APPROVE THE SITE PLAN EXTENSION FOR THE LEDGES CONGREGATE CARE FACILITY FOR TWO YEARS. SECONDED BY MARGARET WILSON AND APPROVED BY CHARLIE FRIZZLE, MARGARET WILSON, BILL DANA AND DALE KING. RICHARD VISSER ABSTAINED.**

### **Zoning Ordinance Rewrite Update**

Additional public engagement meetings be held on 1/21 and 1/22 with Don Elliot of Clarion Associates.

Tentative Dates, Times and locations

- 1/21 at 4:00 PM in Morrell Meeting Room or the Hawthorne Meeting Room. Second Developer and designer meeting asking for feedback on the annotated outline.
- 1/22 at 7:30 AM, Charlie Frizzle, Anna Breinich and Don Elliot will be on WCME Radio.
- 1/22 at 1:30 PM, meeting between ZORC and the School Department.
- 1/22 at 3:30 PM, next ZORC meeting.
- 1/22 at 6:00 PM, Morrell Meeting Room public forum focused on feedback on the annotated outline.
- 2/4 at 7:00 PM, feedback with College Use abutters (approximately 100).

### **Minutes**

**MOTION BY DALE KING TO APPROVE THE MINUTES OF OCTOBER 7, 2013. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

**MOTION BY BILL DANA TO APPROVE THE MINUTES OF NOVEMBER 5, 2013. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

### **Other Business**

- 1/28 Public hearing to amend Section 216 of the Zoning Ordinance.

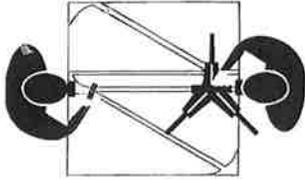
### **Adjourned**

This meeting was adjourned at 7:25 P.M.

Attest

A handwritten signature in blue ink that reads "Tonya D. Jenusaitis". The signature is written in a cursive style with a large initial 'T'.

Tonya D. Jenusaitis  
Recording Secretary



December 22, 2015

1315.01-7

Mr. Jared Woolston, Town Planner  
Town of Brunswick  
28 Federal Street  
Brunswick, Maine 04011

**Re: Request for Permit Approval Extensions  
The Ledges, Old Bath Road, Brunswick, ME  
Tax Map 45, Lot 40**

Dear Jared:

On behalf of Briarwood Partners, this letter serves as a Request for Permit Approval Extensions for The Ledges project on Bath Road in Brunswick, ME. This project involved the creation of a 37 unit congregate care facility at 349 Bath Road on an approximately 3.6 acre parcel identified as Tax Map 45, Lot 40. This project previously received final approval from the Planning Board on February 12, 2008. An extension to the site plan approval was requested and approved in January 2010, January 2012 and in 2014. Please reference the attached approved Site Plan (identified as Revision 6, dated 1-26-10) for this project.

This project was approved with a scope of work identified as Phase I and Phase II. Phase I included the construction of approximately 15 parking spaces to provide shared parking with the abutting Sunnybrook Village facility. This work was completed in Summer 2008. Phase II was identified as the remaining work shown on the approval drawings, including the congregate care facility, remaining parking areas, stormwater, and associated features. Due to poor economic conditions since the approval, Briarwood Partners has not proceeded with the Phase II work and wishes to extend the project approvals with the intention of completing the project as previously approved. A two year extension to the approval is again requested anticipating the local need for housing will establish the demand for this congregate care use.

This request for extension addresses two permit approvals as follows:

- Major Development Review Approval: The Findings of Fact for this approval were dated February 12, 2008 and have been extended such that they expire on January 14, 2016. Per Section 407.4, A., an extension is allowed and a two year extension is requested.

## **SITELINES, PA**

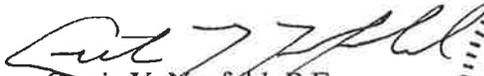
ENGINEERS ■ PLANNERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS  
8 Cumberland Street ■ Brunswick, ME 04011 ■ TEL 207-725-1200 ■ FAX 207-725-1114 ■ [www.sitelinespa.com](http://www.sitelinespa.com)

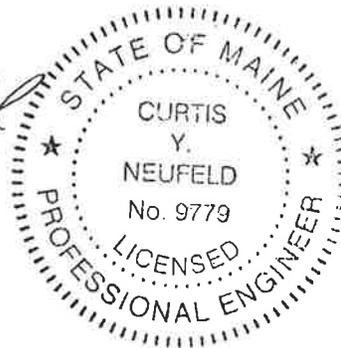
- **Special Permit Approval:** This approval was necessary as the project is located in the I3 (East Bath-Harding Plant Area) District and the proposed congregate care use requires a special permit. There is no provision in Section 407.4, D. or 701.4 providing for an extension of a Special Permit approval. As discussed, this project required a Special Permit due to use only and the Major Development Review approval demonstrates the Town's acknowledgement that a congregate care use is appropriate in this location. Although not specifically identified in the ordinance, the Planning Board has approved extensions of the Special Permit concurrent with site plan approval extensions in the past. We requested that the Special Permit Approval be extended for the same two year period as the Major Development Review extension.

This project also received a Stormwater Permit from the Department of Environmental Protection and an extension application of this permit was submitted to the DEP and approved. Correspondence has been enclosed supporting the DEP extension.

We trust that this information is adequate to warrant granting the permit extensions as requested. This request is forwarded with the intention of being heard at the Tuesday, January 12, 2016 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 additional information, please do not hesitate to call. Thank you for your assistance with this project.

Very truly yours,

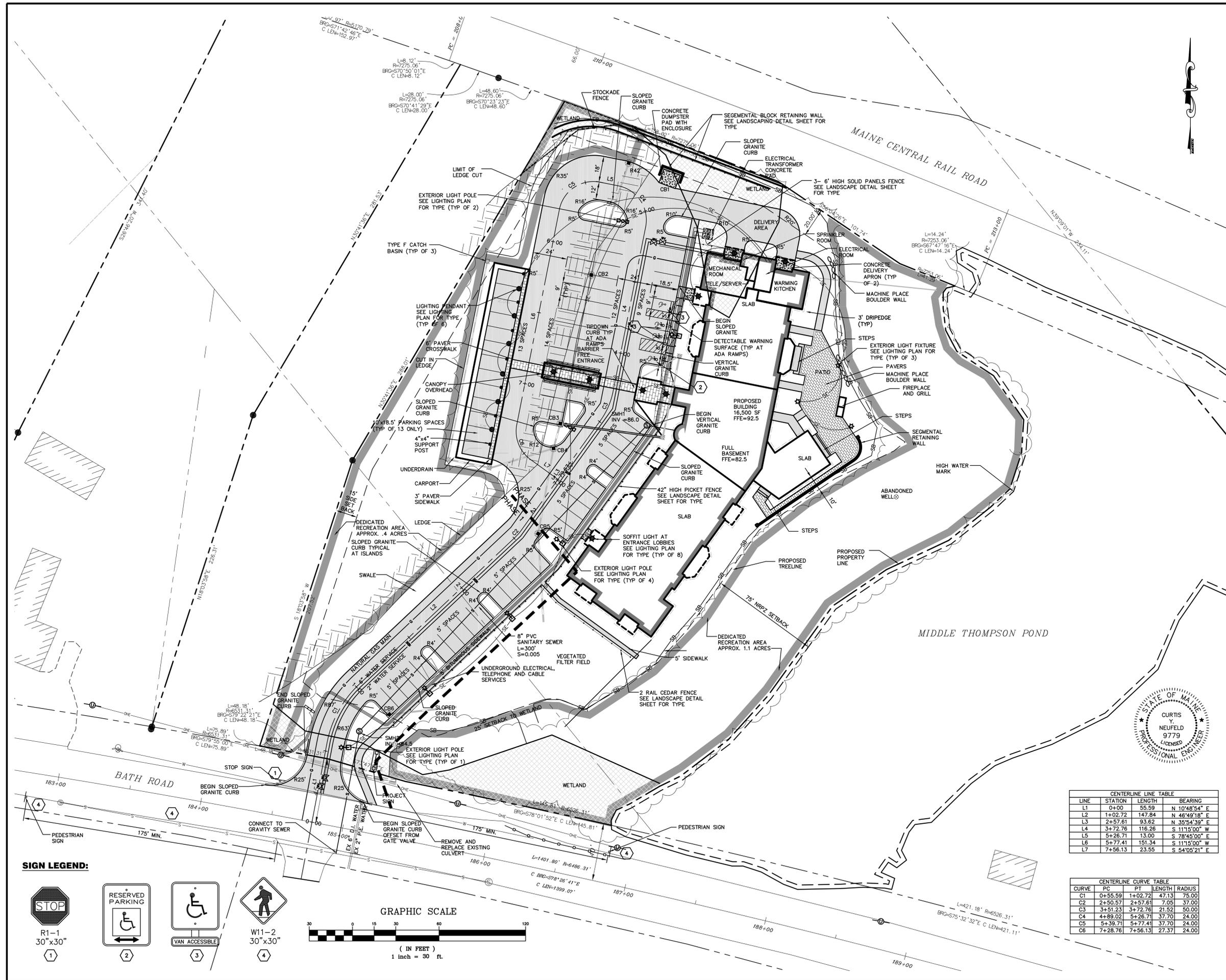
  
Curtis Y. Neufeld, P.E.  
Vice President



Enclosure

cc: Mike Payson, Briarwood Partners





LOCATION MAP  
NOT TO SCALE

PLAN REFERENCE:

1. "PLAN OF STANDARD BOUNDARY SURVEY & REVISED PARCEL LAYOUT" LAND OF LOUISE P. COULOMBE BATH ROAD BRUNSWICK MAINE FOR JOHN SLOAN DATED JULY 31, 2007 PREPARED BY BRIAN SMITH SURVEYING, INC. OF BOWDOINHAM, MAINE.

GENERAL NOTES:

- THE SITE IS OWNED BY LOUISE COULOMBE, INC (TAX MAP 45 LOTS 40 AND 42).
- WETLANDS DELINEATED BY SWEET ASSOCIATES
- ZONING REQUIREMENTS:  
ZONE: EAST BATH ROAD HARDING PLANT (I3)  
CRITERIA REQUIRED PROVIDED  
MIN. LOT SIZE 20,000 S.F. 3.60 ACRES  
MIN. FRONTAGE 100 FT. 205.05 FT.  
MIN. FRONT YARD SETBACK 20 FT. 20 FT.  
MIN. SIDE YARD SETBACK 15 FT. 15 FT.  
MIN. REAR YARD SETBACK 20 FT. 20 FT.  
MAXIMUM BLDG HEIGHT\* 60 FT. FT.  
MAXIMUM LOT COVERAGE 80% 39%  
PARKING REQUIREMENTS 1 SPACE/DWELLING 73 SPACES

APPROVAL  
TOWN OF BRUNSWICK PLANNING BOARD

DATE: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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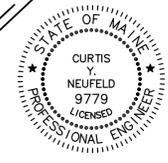
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THIS PLAN RECEIVED APPROVAL WITH CONDITIONS, FROM THE BRUNSWICK PLANNING BOARD ON JANUARY 14, 2014.

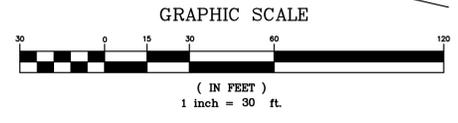
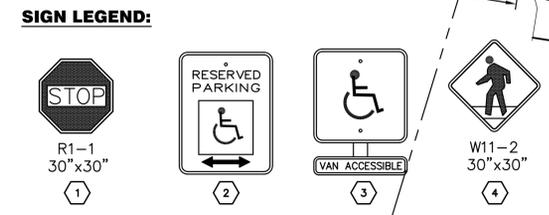
CONDITIONS OF APPROVAL:

- THE APPLICANT SHALL OBTAIN A NATURAL RESOURCES PROTECT ACT PERMIT FOR WETLAND DISTURBANCE PRIOR TO OBTAINING A BUILDING PERMIT.
- THE APPLICANT SHALL OBTAIN SPECIAL PERMIT APPROVAL FROM THE TOWN OF BRUNSWICK PLANNING BOARD PRIOR TO OBTAINING A BUILDING PERMIT.
- 12/22/15 SUBMITTED FOR PERMIT EXTENSION CYN
- 12/31/13 SUBMITTED FOR PERMIT EXTENSION CYN
- 01/15/12 SUBMITTED FOR PERMIT EXTENSION CYN
- 01/26/10 SUBMITTED FOR PERMIT EXTENSION RPL
- 05/20/08 MODIFIED TRAFFIC SIGNAGE RPL
- 03/10/08 DEDICATED RECREATION AREAS ADDED PER CONDITIONS OF APPROVAL DEP RESPONSE TO COMMENTS RPL
- 3/06/08 RPL
- 2/06/08 ADDED CONSTRUCTION PHASE AND TRAFFIC SIGNS REVISED WATER LINES REH
- 1/22/08 DEP STORMWATER SUBMISSION RPL



LINE	STATION	LENGTH	BEARING
L1	0+00	55.59	N 10°48'54" E
L2	1+02.72	147.84	N 46°49'18" E
L3	2+50.57	93.62	N 35°54'39" E
L4	3+44.19	116.26	S 11°15'00" W
L5	5+26.71	13.00	S 78°45'00" E
L6	5+77.41	151.34	S 11°15'00" W
L7	7+28.76	23.55	S 54°05'21" E

CURVE	PC	PT	LENGTH	RADIUS
C1	0+55.59	1+02.72	47.13	75.00
C2	2+50.57	2+57.61	7.05	37.00
C3	3+44.19	3+72.76	21.57	50.00
C4	4+89.02	5+26.71	37.70	24.00
C5	5+39.71	5+77.41	37.70	24.00
C6	7+28.76	7+56.13	27.37	24.00



SITE LAYOUT  
AND UTILITY PLAN

THE LEDGES - CONGREGATE CARE FACILITY  
BATH ROAD, BRUNSWICK

PREPARED FOR:  
BRIARWOOD PARTNERS, PORTLAND, MAINE

**SITELINES P.A.**  
ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
8 CUMBERLAND STREET, BRUNSWICK, ME 04011  
Phone: (207) 725-1200 Fax: (207) 725-1114

FIELD WK:	SCALE:	SHEET:
DRN BY: R.LERETTE	JOB #: 1315	<b>C3</b>
CH'D BY: JTA/FAC	SS:	
DATE: 12-27-07	FILE: 1315LANDSCAPE	

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
OCTOBER 13, 2015**

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

**STAFF PRESENT:** Director of Planning and Development, Anna Breinich; Town Planner, Jared Woolston

A meeting of the Brunswick Planning Board was held on Tuesday, October 13, 2015, in Town Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**1. Case # 15-045, Meadow Rose Farm Subdivision:** The Board will review and take action regarding an Amendment to the Approved Final Plan, submitted by Two Clarks, LLC, for the creation of an additional two lots and revision to the conditions of approval. The subdivision is accessed from Church Road, located on a 71.4 acre lot in the Rural Brunswick Smart Growth Overlay District, within the Coastal Protection 2 (CP2) Zoning District. Assessor's Map 17, Lot 126.

Margaret Wilson recused herself from this project as she is a member of the Brunswick Topsham Land Trust who will likely be taking over the conservation land included in this project.

Jared Woolston introduced the application for an amendment to the Approved Final Plan for the creation of 2 lots and revisions to the conditions of approval for Meadow Rose Farm Subdivision. Jared stated that this approval is for the creation of a new lot, extension for sewer service to Lot 5 and a revision to condition #8.

Kevin Clark, of Sitelines, reviewed a PowerPoint presentation regarding revisions to condition #8, division of the first two lots into three and revise the plan so that the method of sewage to the first five lots along Rugosa Way will be public sewer. Kevin provided a project overview and reviewed the revised two lots into three. Richard Visser asked about a pond that was not showing up on the plans per a letter the Board received from Thomas Carney. Kevin replied that the pond is shown in the stormwater engineer's design, but not on the subdivision plan and noted that the pond is not on the subdivision property. Charlie Frizzle asked that the applicant add this pond to the subdivision plan so that it is not overlooked.

**MOTION BY BILL DANA THAT THE AMENDED SUBDIVISION APPLICATION IS DEEMED COMPLETE. MOTION SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY.**

Chair Charlie Frizzle opened the meeting to public comment. No public comments were made and the public comment period was closed.

**MOTION BY JEREMY EVANS THAT ALL APPLICABLE PRIOR FINDINGS OF FACT AND CONDITIONS OF APPROVAL RELATING TO THIS AMENDMENT**

**REMAIN IN EFFECT, IN ADDITION TO THE REPLACEMENT OF PRIOR CONDITION #8 WHICH IS REVISED AS FOLLOWS IN CONDITION #1 AND NEW CONDITION #2 CONTAINED HEREIN:**

1. That prior to the issuance of a building permit the applicant shall record the proposed conservation parcel in the Cumberland County Registry of Deeds and provide a copy of the recorded conveyance to the Director of Planning and Development.
2. That prior to the recording of the final plan the pond on Map 17, Lot 26 is depicted on the final site plan as approved by the Department of Planning and Development.

**MOTION SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

**MOTION BY BILL DANA THAT THE AMENDED 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.

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

**2. Case # 15-027, Spruce Meadow Subdivision:** The Board will review and take action regarding a Final Plan Major Development Review Subdivision Application submitted by William Moore, for a proposed 33-lot open space residential subdivision. (Original Assessor's Map 13, Lot 34, 66-78) in the Mixed Use 5 (MU5) Zoning District).  
*Removed from agenda on 9/30/15; to be rescheduled.*

**3. Case # 15-040 Bangor Savings Bank:** The Board will review and take action regarding a combined Major Development Review application submitted by CJ Properties, Inc. for the construction of a new 3,700 square foot Bangor Savings Bank facility, including two drive-up windows, pocket park and parking lot. The project is located on a 19,641 square foot parcel at the NE corner of Maine and Mason Streets, in the Town Center 1 (TC1) Zoning District and Village Review Overlay Zone. (Assessor's Map U14, Lots 163 and 165. *Added to agenda on 10/2/15.*

Margaret Wilson returned to the meeting.

Jared Woolston introduced the application for the construction of a new 3,700 sq. ft. Bangor Savings Bank to be located on the corner of Maine Street and Mason Street. The construction will include a 15-space landscaped parking lot with a rear facing 2-car drive thru. Anna Breinich stated that the Village Review Board approved the Certificates of Appropriateness for the demolition of 11 Mason Street and the new construction of the combined lots; the outstanding

new construction design lot Condition of Approval by the VRB was completed on 10/13/15. Anna said that the Planning Board has the approved VRB design in their materials.

David Latulippe, applicant representative, presented a PowerPoint presentation and reviewed the roofline design, current and proposed view from Maine Street, building features, and the landscape plan. Margaret Wilson asked why they chose to circulate the traffic clockwise instead of counter clockwise. David replied that they have a stop bar and stated that they want the left hand to get to the teller in the drive thru. Margaret noted that it is difficult to parallel park on Maine Street. David replied that he is willing to work with the Town and suggested instead of 3 parking spaces, there be 2 longer parking spaces.

**MOTION BY SOXNA DICE THAT THE MAJOR DEVELOPMENT REVIEW COMBINED SKETCH/FINAL SITE PLAN APPLICATION IS DEEMED COMPLETE. MOTION SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

Chair Charlie Frizzle opened the meeting to public comment. No public comment was made and the comment period was closed.

**MOTION BY BILL DANA THAT THE MAJOR DEVELOPMENT REVIEW COMBINED SKETCH/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, the Town Arborist shall approve the landscaping plan.
3. Prior to issuance of a building permit, the Department of Public Works shall approve a Street Opening Permit.
4. Prior to issuance of a building permit, the Town Engineer shall approve the lighting photometric plan.
5. Prior to issuance of a building permit, the proposed sidewalk width shall be increased to five (5) feet wide as approved by the Town Engineer.

**MOTION SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.**

**4. Report on Staff Review Committee Minor Development Plan Approvals:** Anna Breinich said that there have been no approvals.

**5. Zoning Ordinance Rewrite Committee (ZORC) Update:** Staff continues to work on the rewrite.

**6. Approval of Minutes**

**MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF JULY 14, 2015. MOTION SECONDED BY SOXNA DICE, MOTION APPROVED UNANIMOUSLY.**

**MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF AUGUST 4, 2015. MOTION SECONDED BY BILL DANA, APPROVED AMONG THOSE PRESENT.**

**7. Other Business**

**Adjourn**

This meeting was adjourned at 7:42 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary